(5) The digital conversion and compression of photographic and video imagery are authorized.

(6) Photographic and video post-production enhancement, including animation, digital simulation, graphics, and special effects, used for dramatic or narrative effect in education, recruiting, safety and training illustrations, publications, or productions is authorized under either of the following conditions:

(a) the enhancement does not misrepresent the subject of the original image, or;

(b) it is clearly and readily apparent from the context or from the content of the image or accompanying text that the enhanced image is not intended to be an accurate representation of any actual event.

b. Official Defense imagery includes all photographic and video images, regardless of the medium in which they are acquired, stored, or displayed, that are recorded or produced by persons acting for or on behalf of Department of Defense activities, functions, or missions.

My intent with the above policy is to ensure the absolute credibility of official DoD photographic and video imagery within and outside the Department of Defense.

This memorandum is effective immediately. A DoD Directive incorporating the substance of this memorandum shall be issued within 90 days.

John Deutsch

Dated: March 30, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–8239 Filed 4–7–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09–95–008]

Drawbridge Operation Regulations; Chicago River, IL

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent to form a negotiated rulemaking committee; request for public comment and membership.

SUMMARY: The Coast Guard intends to form a negotiated rulemaking committee to develop regulations governing the operation of drawbridges over the Chicago River in Chicago, Illinois for the passage of recreational vessels. The Coast Guard will establish the committee under the provisions of the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act.

DATES: Comments and nominations for membership must be received on or before May 8, 1995.

ADDRESSES: Comments and nominations for membership should be sent to Mr. Robert Bloom, Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio, or may be delivered to room 2083D at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 522–3993. Comments will become part of the docket and will be available for inspection or copying at room 2083D, at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal person involved in drafting this document are Mr. Robert Bloom, Chief, Bridge Branch, and Commander James M. Collin, District Legal Officer, Ninth Coast Guard District, Cleveland, Ohio.

Background

On April 18, 1994 (59 FR 18298), the Coast Guard issued an amendment to its regulation for drawbridge operations on the Chicago River (33 CFR 117.391). The amendment replaced on-demand drawbridge openings for recreational vessels, except during rush hour periods, with significant restrictions on openings, flotilla specifications and advance notice requirements. Prior temporary deviations to the regulations, permitted under 33 CFR 117.43, also had restricted drawbridge openings.

On September 26, 1994, the Coast Guard's action was rescinded by the United States District Court for the District of Columbia in the Court's order in the case of *Crowley's Yacht Yard, Inc. Plaintiff* v. *Federico Peńa, Secretary, United States Department of Transportation, Defendant* (C.A. No. 94–1152 SSH), which also reinstated the previous regulation.

In response to the Court's action and to obtain data for a new regulatory initiative, the District Commander issued a temporary deviation to the regulations for the period from October 11, 1994 to December 5, 1994 and received public comments through January 15, 1995. The deviation also permitted only limited weekday openings, required advance notice for openings, and included flotilla specifications.

On February 10, 1995, the District Commander authorized a 90 day deviation for the period for April 15, 1995 through July 14, 1995, request written comments, and scheduled a public hearing (60 FR 8941, February 16, 1995). That deviation, described in the **Federal Register** notice, would have required twenty-four hour notice for all openings, but did not restrict the timing of openings, except to exclude the rush hour periods recognized in the regulations currently in force. Based on all information available, including the written comments received to date and the presentations made at the public hearing held on March 9, 1995 in Chicago, the District Commander has revised the deviation and a notice of the revisions is published in this issue of the Federal Register. This revised deviation authorizes limited openings on specified weekdays with advance notice, as well as weekend openings.

The traditional notice and comment rulemaking process, augmented by the procedures for deviations, has not generated a permenant and acceptable resolution to the issue of drawbridge openings on the Chicago River. Therefore, the Coast Guard intends to form a negotiated rulemaking committee as an alternative process to produce an acceptable and enduring amendment to 33 CFR 117.391. Negotiated rulemaking does not guarantee success. If, for any reason, the Coast Guard is unable to convene a negotiated rulemaking committee, or if the committee is unable to reach a consensus on the content of a proposed rule, the Coast Guard will taken action to publish a Notice of Proposed Rulemaking (NPRM) to initiate a traditional notice and comment rulemaking. The Coast Guard's goal is to publish a NPRM in July and a final rule by September 14, 1995.

Regulatory Negotiation

In 1990, Congress passed the Negotiated Rulemaking Act of 1990 (Pub. L. 101–648) (Reg-Neg Act) to establish a framework under which federal agencies could conduct negotiated rulemaking. Negotiated rulemaking is an adjunct to, and not a substitute for, the traditional notice and comment procedure described in the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) for developing regulations. The Reg-Neg Act encourages federal agencies to consider bringing together representatives of all affected interests to resolve issues through negotiation. Negotiated rulemaking allows participants to focus less on individual positions and enables them to cooperate to develop a regulation that best incorporates all interests.

The Coast Guard and other administrations in the Department of Transportation has used negotiated rulemaking successfully. These prior experiences demonstrate that interested parties working together indeed are able

to identify major issues, gauge the importance of issues to interested parties, identify information and data important to resolving issues, and develop a proposal that is acceptable to all affected interests. Consequently, this approach results in practical regulations that accommodate the needs of all affected parties to the extent practicable.

One of the recommendations of The National Performance Review (REG 03) was that federal agencies should use negotiated rulemaking more frequently. In a March 4, 1995 memorandum, President Clinton directed the heads of executive agencies to use negotiated rulemaking as one of the important tools for streamlining and improving the regulatory process.

Procedures and Guidelines

Subject to appropriate changes which may be made either as a result of comments received in response to this notice or during the negotiation process, the following proposed procedures and guidelines will apply to the negotiated rulemaking discussed in this notice. The Coast Guard is taking the necessary preliminary steps to charter a negotiated rulemaking committee and secure the services of a facilitator, the neutral party who would chair the committee and assist the negotiating process.

1. Notice of Intent to Establish a Negotiated Rulemaking Committee and Request for Comment

When an agency of the federal government establishes or uses a group of people in the interest of obtaining advice or recommendations, it must charter the group as a federal advisory committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) (FACA). Public notice of formation of an advisory committee is addressed as well by the Reg-Neg Act. This **Federal Register** notice indicates the Coast Guard's intent to charter the Chicago Drawbridge Negotiated Rulemaking Committee (committee) and—

a. Identifies the issues involved in the rulemaking;

b. Identifies the affected interests;

c. Solicits public comment on the use of regulatory negotiation for the rulemaking and on the identified issues, parties, and guidelines.

2. Issue for Negotiation

The committee would attempt to reach consensus on amendments to 33 CFR 117.391, the regulation governing the opening of City of Chicago-owned bridges over the Chicago River, as it applies to recreational vessels.

3. Participants

The number of participants in the committee would not exceed 12 to ensure effective communications and consensus building. The Coast Guard is making inquiries among identified interests to determine if it is possible to agree on representatives of those interests and on the scope of the issues to be addressed. The Coast Guard believes that negotiation has the best prospects for successful resolution of the issues.

One purpose of this notice is to assist the Coast Guard in determining whether there are other interests that may be affected substantially by the negotiations but would not be represented by the affected interests listed later in the notice. It is not necessary for each potentially affected individual or organization to have its own representative. Rather each interest should be represented adequately by the selected parties, and the committee should be balanced fairly. Individuals and organizations who are not members of the committee may attend the negotiating sessions and confer with committee members.

4. Requests for Representation

Persons or organizations who believe they would be impacted significantly by any proposed amendment to 33 CFR 117.391 and who believe their interests would not be represented adequately by any of the potential participants specified later in this notice may apply for, or nominate another person for, membership on the committee. The application or nomination must include: (1) the name of the applicant or nominee and a brief description of the interest the person represents; (2) evidence that the applicant or nominee is authorized to represent parties related to the interest the person proposes to represent; (3) a written commitment that the applicant or nominee would participate in good faith; and (4) the reason that the interests specified in this notice do not represent adequately the interests of the applicant or nominee. Such applications should be submitted to the contact person at the address provided at the beginning of the notice by the deadline indicated.

If other persons or interests request membership in the negotiations, the Coast Guard will determine whether those interest would be affected substantially and whether they would be represented adequately by an identified interest. After reviewing the comments, the Coast Guard will issue a notice announcing the establishment of the committee, unless it determines that regulatory negotiation is not practicable. Negotiations will begin soon after a committee is chartered and a notice is published in the **Federal Register**.

5. Good Faith

Participants must be willing to negotiate in good faith. In this regard, it is important that each interest group, including the Coast Guard, designate senior personnel to represent its members. The Coast Guard expects the representatives to inform their respective interest groups of the progress of the negotiations during the process. If the negotiations are to be successful, the interest groups should be willing to accept the product of the committee.

6. Facilitator

The Coast Guard will use a neutral facilitator to conduct the negotiations in an efficient manner. The facilitator is not involved with the substantive development of enforcement of the regulation. The facilitator serves as chair of the committee and may confer with and offer suggestions to the other members on reaching consensus. This person also may request the parties to present additional material or to reconsider their positions. As a neutral party, a facilitator is able to make objective decisions about negotiating particular issues and identifying particular interests.

7. Administrative Support and Meetings

The Ninth Coast Guard District would provide support services to the committee for conducting its meetings and drafting its proposal. The meetings of the committee would take place in Chicago. If regulatory negotiation is chosen, it is the Coast Guard's goal to convene the committee on or about June 5, 1995 for an information, orientation, and administrative procedure session. Negotiation would commence on or about June 12, 1995 after the majority of the Spring breakout season has passed. Negotiations would continue on a weekly basis, with the committee meeting perhaps daily at some times, in order to reach consensus by July 7, 1995. A short schedule for the committee is essential if the Coast Guard is to meet its goal of publishing a NPRM in July and a final rule by September 14, 1995 in order for new regulations to be effective for the Fall return of vessels to the boatyards. The date and location of the first meeting would be announced in the **Federal Register**. Because of the anticipated compressed schedule of meetings, the Coast Guard would develop a procedure, such as a call-in number or

electronic bulletin board, to provide up-to-date information on scheduled meetings.

It is anticipated that following the close of the public comment period, the committee would meet briefly to consider the comments received and prepare its final report on any desired modifications in the final rule.

8. Consensus

The goal of the negotiating process is consensus. Generally, consensus means that each interest should concur in the result. The facilitator would mediate the negotiation process.

9. Record of Meetings

In accordance with the FACA requirements, the Coast Guard would keep a record of all committee meetings. The minutes would be placed in the public docket for the rulemaking (CGD09–95–004). Committee meetings would be open to the public, subject to space availability.

10. Committee Protocols

Under the general guidance of the facilitator, and subject to applicable legal requirements, the committee would establish protocols for its meetings.

11. Agency Action on Committee Proposal

The Commander, Ninth Coast Guard District would publish any proposal on which the committee reaches consensus as a NPRM, providing the proposal is consistent with the Coast Guard's statutory authority and Executive Order 12866. If the committee's proposal is modified in any manner, the NPRM would identify the modifications so that the public could distinguish the modifications from the committee's proposal. If the committee does not reach consensus, it shall report on those areas on which agreement was reached.

12. Final Committee Report

The committee will be furnished copies of any comments received on the NPRM and will have an opportunity to meet and consider modifications to its recommendations based on those comments. If consensus can be reached, the committee's final report would recommend a final rule. Commander, Ninth Coast Guard District would then issue the rule amending 33 CFR 117.391, providing it is consistent with Coast Guard authority and Executive Order 12866.

13. Termination

The committee would terminate on the date indicated in its charter (September 30, 1995) or when it submits its final report to the Coast Guard, whichever is earlier.

14. Failure of the Committee to Reach Consensus

In the event that the committee is unable to reach consensus, the Coast Guard will develop a NPRM or final rule, as appropriate, and publish it in the **Federal Register**. As stated previously, the Coast Guard's goal is to publish a NPRM in July and a final rule by September 14, 1995.

Potential Participants

The committee members should have expertise in the issues under negotiation and should be able to represent adequately their affected interests. The Coast Guard has identified the following as interests affected by the rulemaking: the City of Chicago; boatyards; boaters; and the U.S. Coast Guard. In addition, Chicago business groups and public interest organizations have expressed concern over the operation of the Chicago River bridges. The Coast Guard has initiated discussions with representatives of potential members of the committee, and will continue those overtures, to explain the Reg-Neg process and to determine the likelihood of being able to convene a successful Reg-Neg committee. The Coast Guard is pleased that officials of the City of Chicago have indicated their willingness to participate.

Formation of the committee will allow representatives of all affected interests to participate directly in the rulemaking process. The Coast Guard welcomes comment on the appropriateness of these interests for participation in the negotiation. Suggestions for other potential participants are encouraged, but it is not necessary for every concerned organization to be represented, providing that all affected interests are represented adequately. Further, negotiating sessions will be open to the public who may communicate with committee members. The Coast Guard will ensure that the committee is balanced with respect to the interests represented.

Dated: April 5, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 95–8759 Filed 4–6–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD13–95–008]

Safety Zone Regulations; Bellingham Bay, Bellingham, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to adopt permanent safety zone regulations for the annual Fourth of July Blast Over Bellingham Fireworks Display in Bellingham, Washington. This event is held each year on the Fourth of July on the waters of Bellingham Bay. In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during this event. However, because the event recures annually, the Coast Guard is proposing to adopt a permanent description of the event and permanent regulations to better inform the boating public.

DATES: Comments must be received on or before June 9, 1995.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Group Seattle, 1519 Alaskan Way So., Seattle, WA 98134. The comments and other materials referenced in this notice will be available for inspection and copying at the above address in Building One, Room 130, Operations Division. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Susan Workman, Assistant Operations Officer, U.S. Coast Guard Group Seattle, (Telephone: (206) 217–6009).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, and arguments. Persons submitting comments should include their names and addresses, identify this notice, specify the section of this notice to which each comment applies, and give the reason for each comment. Two copies of each comment should be provided in an unbound format. All comments should be on paper no larger than 8½ by 11 inches and should be suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of their comments should enclose stamped, self-addressed postcards or envelops.

The proposed regulations may be changed in light of comments received.