

pursuant to § 585.201, as long as the bankers acceptances or the deferred payment undertakings were accepted prior to the effective date.

\* \* \* \* \*

19. The section heading and paragraphs (a) and (b) of § 585.506 are revised to read as follows:

**§ 585.506 Payments of obligations to persons within the United States authorized.**

(a) The transfer of funds after the effective date by, through, or to any U.S. financial institution or other U.S. person not blocked pursuant to this chapter solely for the purpose of payment of obligations of a person whose property or interests in property are blocked pursuant to § 585.201 to persons or accounts within the United States is authorized, provided that the obligation arose prior to the effective date, and the payment requires no debit to a blocked account. Property is not blocked by virtue of being transferred or received pursuant to this section.

(b) A person receiving payment under this section may distribute all or part of that payment to any person, provided that any such payment to a person whose property or interests in property are blocked pursuant to § 585.201 must be to a blocked account in a U.S. financial institution.

\* \* \* \* \*

**§ 585.512 [Amended]**

20. Paragraph (c) of § 585.512 is amended by removing “, or to engage in transactions, while traveling in the FRY (S&M),” and by adding “in the FRY (S&M) in connection with any transactions authorized by this section.” in its place.

**§ 585.524 [Amended]**

21. The section heading of § 585.524 is amended by removing “Serb-controlled areas of Bosnia-Herzegovina” and adding “those areas of the Republic of Bosnia and Herzegovina controlled by Bosnian Serb forces” in its place. Paragraphs (a) and (b) of § 585.524 are amended by removing “Bosnia-Herzegovina” wherever it appears and adding “Bosnia and Herzegovina” in its place.

Dated: June 23, 1995.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: June 23, 1995.

**John P. Simpson,**

*Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).*

[FR Doc. 95-16122 Filed 6-28-95; 9:20 am]

BILLING CODE 4810-25-F

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Parts 1, 23, and 177**

[CGD 95-057]

RIN 2115-AF20

**Clarification of Coast Guard Rulemaking Procedures**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is revising the regulations describing its rulemaking procedures to accurately reflect the rulemaking procedures currently in use. This revision clarifies delegations of authority and removes references to hearing officers, which the Coast Guard no longer uses in its regulatory process. It also clarifies who is designated to receive service of process and requests to testify on behalf of members and employees of the Coast Guard.

**DATES:** This rule is effective on June 30, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington D.C. 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** LT R. Goldberg, Staff Attorney, Regulations and Administrative Law Division, Office of Chief Counsel, U.S. Coast Guard Headquarters, (202) 267-6004.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The principal persons involved in drafting this document are LT R. Goldberg, Project Manager, Office of Chief Counsel, and CDR T. Cahill, Project Counsel, Office of Chief Counsel.

**Background and Purpose**

The Coast Guard recently completed an extensive review of its regulatory process. That review, which included a public meeting on September 20, 1993, resulted in a number of changes. Among these changes is greater Coast Guard emphasis on providing increased opportunities for public involvement in rulemaking and a greater emphasis on internal Coast Guard accountability. These changes are reflected in a new Coast Guard Headquarters Instruction

which was recently signed by the Chief Counsel.

The provisions of 33 CFR subpart 1.05, describing the Coast Guard's rulemaking procedures, have not been revised since 1976 and do not reflect current Coast Guard rulemaking practices and procedures. For example, the current § 1.05-15 provides that public hearings are conducted by a “hearing officer or panel of officers”. This procedure is no longer used. This type of outmoded provision in Subpart 1.05 may mislead the public.

The subpart is reorganized and revised to provide guidance to the public regarding a variety of Coast Guard procedures including delegations of rulemaking authority by office, submissions of petitions for rulemaking, and internal rulemaking procedures. Additionally, as part of the revision and reorganization, provisions that are currently in subpart 1.05 but properly belong in other areas, are moved.

Subpart 1.05 is being revised to more accurately reflect and provide better guidance to the public on current Coast Guard rulemaking procedures. As part of this revision, all references to hearing officers are deleted as the Coast Guard no longer follows this procedure for rulemaking. Section 1.05-1 is amended to clarify rulemaking delegations to Coast Guard District Commanders, office chiefs at Coast Guard Headquarters, and Captains of the Port. The changes also clarify that, in addition to the authorities previously listed in § 1.05-1, both the Chief, Office of Navigation Safety and Waterway Services, and the Chief, Office of Marine Safety, Security, and Environmental Protection may make certifications under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605) for the rules that they issue. References to the delegations of authority given to office chiefs, Coast Guard Headquarters, the delegation to District Commanders to establish special local regulations, and the delegation to District Commanders and Captains of the Port to establish safety and security zones, have been added.

Delegations that do not involve rulemaking authority are moved to more appropriate parts of the Code of Federal Regulations. The reference to the delegation of authority to the Chief, Office of Navigation Safety and Waterway Services to grant exemptions from the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act, previously in § 1.05-1(c)(1), is moved to 33 CFR part 26, Vessel Bridge-to-Bridge Radiotelephone Regulations. The reference to the delegation of authority to each Coast Guard District

Commander to issue orders that a specific boat is unsafe for a specific voyage and the provisions which must be contained within these orders is moved from § 1.05-1(d)-(f) to 33 CFR part 177, Correction of Especially Hazardous Conditions. In both moves, no substantive changes are made.

A number of new sections clarify the procedures for public involvement in the Coast Guard's rulemaking procedures. Section 1.05-5 is added to clarify the role of the Coast Guard's Marine Safety Council in the rulemaking process. A new § 1.05-10 provides an overview of the Coast Guard's regulatory process, and a new § 1.05-15 outlines the Coast Guard's policy on public participation in the rulemaking process. A new section, § 1.05-20, is added to outline the procedures for the public to petition the Coast Guard to initiate a rulemaking. New sections also clarify the Coast Guard's policies on the maintenance of a public docket (§ 1.05-25), the publication of supplemental notices of proposed rulemaking (§ 1.05-40), the publication of interim rules (§ 1.05-45), and the option to formulate rules through the use of negotiated rulemaking (§ 1.05-60).

In addition, the Coast Guard is clarifying 33 CFR subpart 1.20, "Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings," to identify who is designated by the Chief Counsel of the Coast Guard to receive service of process and requests to testify on behalf of members and employees of the Coast Guard. The changes in designated officials are necessary to provide a clear definition of who is deemed "agency counsel" under the Department of Transportation's recently amended rules found at 49 CFR part 9, "Testimony of Employees of the Department and Production of Records in Legal Proceedings". The Coast Guard is issuing these amendments due to recent changes in Coast Guard organization and recent modifications to the procedures for the testimony of employees of the Department of Transportation and production of records in legal proceedings.

### Regulatory Information

This rule is being published as a final rule without a prior notice of proposed rulemaking. This rulemaking merely clarifies and updates the Coast Guard's internal rulemaking procedures and delegations of authority and will not impose any substantive requirements on the public. Therefore, the Coast Guard, for good cause finds, under 5 U.S.C. 553 (b) and (d), that notice and public

procedure on the notice are unnecessary, and that the rule may be made effective upon publication.

### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. As this rule involves internal agency practices and procedures, it will not impose any costs on the public.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. The Coast Guard has evaluated this rule under the Regulatory Flexibility Act. This rule involves internal Coast Guard rulemaking procedures and will not have substantive impact on the public. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B

(as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation as a regulation of a procedural nature. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects

#### 33 CFR Part 1

Administrative practice and procedures, Authority delegations (Government agencies), Coast Guard, Freedom of information, Penalties.

#### 33 CFR Part 26

Coast Guard, Communications equipment, Vessels.

#### 33 CFR Part 177

Coast Guard, Marine safety. For the reasons set out in the preamble, the Coast Guard amends subparts 1.05 and 1.20 of part 1, part 26 and part 177 of title 33, Code of Federal Regulations as follows:

### PART 1—GENERAL PROVISIONS

1. Subpart 1.05 is revised to read as follows:

#### Subpart 1.05—Rulemaking

- Sec.
- 1.05-1 Delegation of rulemaking authority.
  - 1.05-5 Marine Safety Council.
  - 1.05-10 Regulatory process overview.
  - 1.05-15 Public participation.
  - 1.05-20 Petitions for rulemaking.
  - 1.05-25 Public docket.
  - 1.05-30 Advance notice of proposed rulemaking (ANPRM).
  - 1.05-35 Notice of proposed rulemaking (NPRM).
  - 1.05-40 Supplemental notice of proposed rulemaking (SNPRM).
  - 1.05-45 Interim rule.
  - 1.05-50 Final rule.
  - 1.05-60 Negotiated rulemaking.

**Authority:** 5 U.S.C. 552, 553, App. 2; 14 U.S.C. 2, 631, 632, and 633; 33 U.S.C. 471, 499; 49 U.S.C. 101, 322; 49 CFR 1.4(b), 1.45(b), and 1.46.

#### Subpart 1.05—Rulemaking

##### § 1.05-1 Delegation of rulemaking authority.

(a) The Secretary of Transportation is empowered by various statutes to issue regulations regarding the functions, powers and duties of the Coast Guard.

(b) The Secretary of Transportation has delegated much of this authority to the Commandant, U.S. Coast Guard, including authority to issue regulations regarding the functions of the Coast Guard and the authority to redelegate and authorize successive redelegations of that authority within the Coast Guard.

These delegations are reflected in 49 CFR 1.45 and 1.46.

(c) The Commandant has reserved the authority to issue any rules and regulations determined to be significant under Executive Order 12866, Regulatory Planning and Review.

(d) The Commandant has redelegated to the various office chiefs at U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to develop and issue regulations necessary to implement laws, treaties, or Executive Orders associated with their assigned programs; issue amendments to existing regulations as necessary; and submit regulatory proposals for Marine Safety Council consideration.

(e)(1) The Commandant has redelegated to Coast Guard District Commanders, with the reservation that this authority shall not be further redelegated, the authority to issue regulations pertaining to the following:

(i) Anchorage grounds and special anchorage areas.

(ii) The designation of lightering zones.

(iii) The operation of drawbridges.

(iv) The establishment of Regulated Navigation Areas.

(v) The establishment of safety and security zones.

(vi) The establishment of special local regulations.

(2) This delegation does not extend to those matters specified in paragraph (c) of this section or rules and regulations which have been shown to raise substantial issues or to generate controversy.

(f) Except for those matters specified in paragraph (c) of this section, the Commandant has redelegated to Coast Guard Captains of the Port, with the reservation that this authority shall not be further redelegated, the authority to establish safety and security zones.

(g) The Commandant has redelegated to Coast Guard District Commanders, Captains of the Port, the Chief, Office of Navigation Safety and Waterway Services, and the Chief, Office of Marine Safety, Security, and Environmental Protection the authority to make the certification required by section 605(b) of the Regulatory Flexibility Act (Sec. 605(b), Pub. L. 96-354, 94 Stat. 1168 (5 U.S.C. 605)) for rules that they issue.

#### § 1.05-5 Marine Safety Council.

The Marine Safety Council, composed of senior Coast Guard officials, acts as policy advisor to the Commandant and is the focal point of the Coast Guard regulatory system. The Marine Safety Council provides oversight, review, and

guidance for all Coast Guard regulatory activity.

#### § 1.05-10 Regulatory process overview.

(a) Most rules of local applicability are issued by District Commanders and Captains of the Port, while rules of wider applicability are issued by senior Coast Guard officials at Coast Guard Headquarters. For both significant rulemaking (defined by Executive Order 12866, Regulatory Planning and Review and Department of Transportation Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations) and non-significant rulemaking, other than those areas delegated to District Commanders and Captains of the Port, the regulatory process begins when an office chief with program responsibilities identifies a possible need for a new regulation or for changes to an existing regulation. The need may arise due to statutory changes, or be based on internal review or public input. Early public involvement is strongly encouraged.

(b) After a tentative regulatory approach is developed, a regulatory project proposal is submitted to the Marine Safety Council for approval. The proposal describes the scope of the proposed regulation, alternatives considered, and potential cost and benefits, including possible environmental impacts. All regulatory projects require Marine Safety Council approval.

(c) Significant rulemaking projects must also be approved by the Commandant of the Coast Guard.

(d) If the project is approved, the necessary documents are drafted, including documents to be published in the **Federal Register**. These may include regulatory evaluations, environmental analyses, requests for comments, announcements of public meetings, notices of proposed rulemakings, and final rules.

#### § 1.05-15 Public participation.

The Coast Guard considers public participation essential to effective rulemaking, and encourages the public to participate in its rulemaking process. Coast Guard policy is to provide opportunities for public participation early in potential rulemaking projects. Generally, the Coast Guard will solicit public input by publishing a notice of public meeting or request for comments in the **Federal Register**. Advance Notices of Proposed Rulemaking, Notices of Proposed Rulemaking, Supplemental Notices of Proposed Rulemaking, and Interim Rules will usually provide 90 days, or more if possible, after publication for

submission of comments. This time period is intended to allow interested persons the opportunity to participate in the rulemaking process through the submission of written data and views. However, certain cases and circumstances may make it necessary to provide a shorter comment period. Public meetings may also be held to provide an opportunity for oral presentations. The Coast Guard will consider the comments received and, in subsequent rulemaking documents, will incorporate a concise general statement of the comments received and identify changes from a proposed rule based on the comments.

#### § 1.05-20 Petitions for rulemaking.

(a) Any member of the public may petition the Coast Guard to undertake a rulemaking action. There is no prescribed form for a petition for rulemaking, but the document should provide some supporting information as to why the petitioner believes the proposed rulemaking is necessary and the document should clearly indicate that it is a petition for rulemaking. Petitions should be addressed to the Executive Secretary, Marine Safety Council (G-LRA/3406), United States Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(b) The petitioner will be notified of the Coast Guard's decision whether to initiate a rulemaking or not. If the Coast Guard decides not to pursue a rulemaking, the petitioner will be notified of the reasons why. If the Coast Guard decides to initiate rulemaking, it will follow the procedure outlined in this subpart. The Coast Guard may publish a notice acknowledging receipt of a petition for rulemaking in the **Federal Register**.

(c) Any petition for rulemaking and any reply to the petition will be kept in a public file open for inspection.

#### § 1.05-25 Public docket.

(a) A public file is maintained for each petition for rulemaking and each Coast Guard regulation and notice published in the **Federal Register**. Each file contains copies of every rulemaking document published for the project, public comments received, summaries of public meetings or hearings, regulatory assessments, and other publicly-available information. Members of the public may inspect the public docket and copy any documents in the file. Each rulemaking document will identify where the public file for that rulemaking is maintained.

(b) The public dockets for Coast Guard rulemaking activity initiated by

Coast Guard District Commanders are available for public inspection at the appropriate Coast Guard District office.

(c) The public dockets for Coast Guard rulemaking activity initiated by Captains of the Port are available for inspection at the appropriate Captain of the Port office.

**§ 1.05-30 Advance notice of proposed rulemaking (ANPRM).**

An advance notice of proposed rulemaking may be used to alert the affected public about a new regulatory project, or when the Coast Guard needs more information about what form proposed regulations should take, the actual need for a regulation, the cost of a proposal, or any other information. The ANPRM may solicit general information or ask the public to respond to specific questions.

**§ 1.05-35 Notice of proposed rulemaking (NPRM).**

Under the Administrative Procedure Act (APA), 5 U.S.C. 553, an NPRM is generally published in the **Federal Register** for Coast Guard rulemakings. The NPRM normally contains a preamble statement in sufficient detail to explain the proposal, its background, basis, and purpose, and the various issues involved. It also contains a discussion of any comments received in response to prior notices, a citation of legal authority for the rule, and the text of the proposed rule.

**§ 1.05-40 Supplemental notice of proposed rulemaking (SNPRM).**

An SNPRM may be issued if a proposed rule has been substantially changed from the original notice of proposed rulemaking. The supplemental notice advises the public of the revised proposal and provides an opportunity for additional comment. To give the public a reasonable opportunity to become reacquainted with a rulemaking, a supplemental notice may also be issued if considerable time has elapsed since publication of a notice of proposed rulemaking. An SNPRM contains the same type of information generally included in an NPRM.

**§ 1.05-45 Interim rule.**

(a) An interim rule may be issued when it is in the public interest to promulgate an effective rule while keeping the rulemaking open for further refinement. For example, an interim rule may be issued in instances when normal procedures for notice and comment prior to issuing an effective rule are not required, minor changes to the final rule may be necessary after the interim rule has been in place for some time, or the interim rule only

implements portions of a proposed rule, while other portions of the proposed rule are still under development.

(b) An interim rule will be published in the **Federal Register** with an effective date that will generally be at least 30 days after the date of publication. After the effective date, an interim rule is enforceable and is codified in the next annual revision of the appropriate title of the Code of Federal Regulations.

**§ 1.05-50 Final rule.**

In some instances, a final rule may be issued without prior notice and comment. When notice and comment procedures have been used, and after all comments received have been considered, a final rule is issued. A final rule document contains a preamble that discusses comments received, responses to comments and changes made from the proposed or interim rule, a citation of legal authority, and the text of the rule.

**§ 1.05-60 Negotiated rulemaking.**

(a) The Coast Guard may establish a negotiated rulemaking committee under the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) when it is in the public interest.

(b) Generally, the Coast Guard will consider negotiated rulemaking when:

- (1) There is a need for a rule;
- (2) There are a limited number of representatives for identifiable parties affected by the rule;

(3) There is a reasonable chance that balanced representation can be reached in the negotiated rulemaking committee and that the committee members will negotiate in good faith;

(4) There is a likelihood of a committee consensus in a fixed time period;

(5) The negotiated rulemaking process will not unreasonably delay the rule;

(6) The Coast Guard has resources to do negotiated rulemaking; and

(7) The Coast Guard can use the consensus of the committee in formulating the NPRM and final rule.

**Subpart 1.20—[Amended]**

2. The authority citation for subpart 1.20 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 14 U.S.C. 632, 633, 49 U.S.C. 322; 49 CFR 1.46 and part 9.

3. In § 1.20-1, paragraphs (b) and (c) are revised to read as follows:

**§ 1.20-1 Testimony by Coast Guard personnel and production of records in legal proceedings.**

\* \* \* \* \*

(b) Except for the acceptance of service of process or pleadings under

paragraph (d) of this section and 49 CFR 9.19, the Legal Officer of each Maintenance and Logistics Command, each District Legal Officer, and the Legal Officer assigned to any other Coast Guard unit or command, for matters involving personnel assigned to their command, are delegated the functions of "agency counsel" described in 49 CFR part 9.

(c) A request for a member or employee of the Coast Guard to testify, or for permission to interview such a member or employee, should be made to the Legal officer serving the command to which that member or employee is assigned, or, if the member or employee is serving at Coast Guard Headquarters, or with a command receiving legal services from the Chief counsel, U.S. Coast Guard, to the Chief, Claims and Litigation Division. Should the member or employee no longer be employed by the Coast Guard, and the testimony or information sought falls within the provisions of 49 CFR part 9, the request should be made to the District Legal Officer serving the geographic area where the former member or employee resides or, if no District Legal Officer has geographic responsibility, to the Chief, Claims and Litigation Division.

\* \* \* \* \*

**PART 26—[AMENDED]**

4. The authority citation for part 26 is revised to read as follows:

**Authority:** 14 U.S.C. 2; 33 U.S.C. 1201-1208; 49 CFR 1.45(b), 1.46; Rule 1, International Regulations for the Prevention of Collisions at Sea.

5. In § 26.08, paragraphs (a) and (b) are redesignated as paragraphs (b) and (c) and a new paragraph (a) is added to read as follows:

**§ 26.08 Exemption procedures.**

(a) The Commandant has redelegated to the Chief, Office of Navigation Safety and Waterway Services, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

\* \* \* \* \*

**PART 177—[AMENDED]**

6. The authority citation for part 177 is revised to read as follows:

**Authority:** 46 U.S.C. 4302; 49 CFR 1.45(b), 1.46.

7. Section 177.04 is added to read as follows:

**§ 177.04 Order of unsafe condition.**

(a) The Commandant has redelegated to Coast Guard District Commanders, with the reservation that this authority shall not be further redelegated, the authority, under 46 U.S.C. 4308, to issue orders applicable to a specific boat within the District Commander's jurisdiction designating that boat unsafe for a specific voyage on a specific body of water when it is determined, under the provisions of § 177.07(g), that an unsafe condition exists.

(b) Each order issued by a Coast Guard District Commander under the provisions of paragraph (a) of this section will contain:

(1) Notice that the person upon whom the order is served has the right under the Administrative Procedure Act (5 U.S.C. 553(e)), to petition for reconsideration and repeal of the order;

(2) Full title and address of the Coast Guard District Commander to whom the petition is to be submitted; and

(3) Notice that the petition should contain:

(i) The text or substance of the order which the petitioner seeks to have reconsidered and repealed;

(ii) A statement of the action sought by the petitioner;

(iii) Whatever arguments or data that are available to the petitioner to support the action sought; and

(iv) An advisement that if the petitioner desires reconsideration and repeal of the rule before a specific date, the petition should so state and give reasons why action by that date is necessary.

(c) If a Coast Guard District Commander determines that a petition submitted under the provisions of paragraph (b) of this section contains adequate justification, the District Commander will initiate prompt action to repeal the order. If the District Commander determines that repeal of the order is not justified, the District Commander will issue prompt written notice of denial to the petitioner.

8. In § 177.07, paragraph (g)(3) is revised to read as follows:

**§ 177.07 Other unsafe conditions.**

\* \* \* \* \*

(g) \* \* \*

(3) Improper or inadequate operational or safety equipment, and set forth in an order issued by a District Commander according to the provisions of § 177.04.

Dated: June 27, 1995.

**R. B. Helsel,**

*Acting Chief Counsel.*

[FR Doc. 95-16146 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 100**

[CGD 05-95-035]

RIN 2115-AE46

**Special Local Regulations for Marine Events; Pony Penning Swim, Assateague Channel, Chincoteague, VA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.519.

**SUMMARY:** This notice implements 33 CFR 100.519 for the Pony Penning Swim, an annual event to be held in the Assateague Channel in Chincoteague, Virginia. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

**EFFECTIVE DATE:** The regulations in 33 CFR 100.519 are effective from 7 a.m. to 2 p.m., July 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, (804) 398-6204, or Commander, Coast Guard Group Eastern Shore (804) 336-2891.

Drafting Information. The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Fifth Coast Guard District, and CDR C.A. Abel, project attorney, Fifth Coast Guard District Legal Staff.

**Discussion of Regulation**

The Chincoteague Volunteer Fire-Company submitted an application to hold this year's Pony Penning Swim on July 26, 1995, in the Assateague Channel. Since this event is of the type contemplated by these regulations and the safety of the participants and spectators viewing this event will be enhanced, the regulations in 33 CFR 100.519 are implemented. The swim is an annual event held the last Wednesday in July. Ponies swim across Assateague Channel to Chincoteague, Virginia, and the following Friday swim back across the channel to Assateague Island. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will

restrict vessel movement in the regulated area during the time the ponies are in the water.

Date: June 15, 1995.

**W.J. Ecker,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 95-16153 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Parts 100 and 165**

[CGD 95-051]

**Safety Zones, Security Zones, and Special Local Regulations**

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

**SUMMARY:** This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between January 1, 1995 and March 31, 1995, which were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the **Federal Register** was not possible.

**DATES:** This notice lists temporary Coast Guard regulations that became effective and were terminated between January 1, 1995 and March 31, 1995, as well as several regulations which were not included in the previous quarterly list.

**ADDRESSES:** The complete text of these temporary regulations may be examined at, and is available on request, from executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Stephen J. Darmody, Executive Secretary, Marine Safety Council at (202) 267-1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

**SUPPLEMENTARY INFORMATION:** District Commanders and Captains of the Port (COTP) must be immediately responsible to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage.