

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(i) The text or substance of the order which the petitioner seeks to have reconsidered and repealed;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

Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to

enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations

may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period January 1, 1995 and March 31, 1995, unless otherwise indicated.

Alfred F. Bridgman, Jr.,

Acting Executive Secretary, Marine Safety Council.

QUARTERLY REPORT

Docket No.	Location	Type	Effective date
Baltimore 95-001	Quantico, VA	Safety Zone ...	2/26/95
Charleston 94-136	Cooper River, Charleston, SC	Safety Zone ...	1/5/95
Jacksonville 95-002	St. Johns River, FL	Safety Zone ...	2/11/95
LA/Long Beach 95-002	San Pedro Bay, CA	Safety Zone ...	3/14/95
Louisville 95-001	Ohio River M. 468.5 to 473.0	Safety Zone ...	1/18/95
San Francisco Bay 95-001	Monterey Bay, CA	Safety Zone ...	2/15/95
Wilmington 95-001	Atlantic ICW, Carolina Beach, NC	Safety Zone ...	2/15/95
01-95-005	Boston, MA	Safety Zone ...	1/31/95
01-95-015	Kennebec River, Bath, ME	Safety Zone ...	2/18/95
01-95-018	Sandy Hook Channel, NJ	Safety Zone ...	2/10/95
07-95-003	Hillsborough Bay, Tampa, FL	Special Local ..	2/4/95
07-95-005	Augusta, GA	Special Local ..	3/23/95
07-95-012	San Juan Bay, PR	Special Local ..	3/26/95
13-94-048	Seattle, WA	Safety Zone ...	1/3/95
13-95-001	Bremerton to Queets, WA	Safety Zone ...	3/1/95
13-95-005	Queets to Port of Benton, WA	Safety Zone ...	3/2/95
13-95-006	Queets to Port of Benton, WA	Safety Zone ...	3/29/95
13-95-012	Bremerton to Queets, WA	Safety Zone ...	3/28/95

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33 CFR Part 100

[CGD01-95-033]

Special Local Regulation: 1995 Special Olympics World Games, Long Island Sound, New Haven, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for the 1995 Special Olympics World Games. Maritime activities held as a part of the Special Olympics World Games will take place in the waters of Long Island Sound approaching New Haven, Connecticut. The dates for these maritime activities are July 1-July 10, 1995. This regulation is needed to allow the Special Olympics World Games Committee to hold the various maritime activities associated with the 1995 Special Olympics World

Games without undue interference from public boating activity, and to protect boaters, spectators, and participants from the potential hazards associated with these events.

EFFECTIVE DATES: This regulation is effective from July 1-July 10, 1995, at times prescribed in paragraph (c) of § 100.35 T01-033.

FOR FURTHER INFORMATION CONTACT:

Lieutenant (Junior Grade) Benjamin M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223-8311.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this temporary final rule are Lieutenant (Junior Grade) Benjamin M. Algeo, Project Manager, Chief, First Coast Guard District Boating Affairs Branch, and Captain William A. Cassels, Project Counsel, First Coast Guard District Legal Office.

Background and Purpose

The 1995 Special Olympics World Games are scheduled to be held in New Haven, Connecticut, from July 1-July 10, 1995. As part of the schedule of events, various maritime activities are planned for the participants and the public. The Special Olympics World Games Committee has submitted three marine event permit applications to the U.S. Coast Guard for approval. The maritime activities for which permits have been requested are to be held in the waters of Long Island Sound approaching New Haven, Connecticut. The activities include sailboat races, a Parade of Sail, and fireworks displays. Due to the inherent dangers of fireworks displays and the need for vessel control during the various races and the Parade of Sail, vessel traffic will be temporarily restricted to provide for the safety of the spectators and participants through the establishment of a regulated area in New Haven Harbor and Long Island Sound.

The Coast Guard is issuing an Operational Order (OPORD) to provide