

shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

**§ 539.705 Administrative collection; referral to United States Department of Justice.**

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

**Subpart H—Procedures**

**§ 539.801 Procedures.**

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart D, of this chapter.

**§ 539.802 Delegation by the Secretary of the Treasury.**

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 12938 of November 14, 1994 (59 FR 59099, 3 CFR, 1994 Comp., p. 950), as amended by Executive Order 13094 of July 28, 1998 (63 FR 40803, July 30, 1998), and any further Executive orders relating to the national emergency declared in Executive Order 12938 may be taken by the Director of the Office of Foreign

Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

**Subpart I—Paperwork Reduction Act**

**§ 539.901 Paperwork Reduction Act notice.**

For approval by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

**Appendix I to Part 539—Designated Foreign Persons**

The following foreign persons have been determined by the Secretary of State to have materially contributed or attempted to contribute materially to the efforts of a foreign country, project, or entity of proliferation concern to use, acquire, design, develop, produce, or stockpile weapons of mass destruction or missiles capable of delivering such weapons, for purposes of section 4(a) of Executive Order 12938, as amended by section 1(a) of Executive Order 13094, and to be subject to import measures authorized in Executive Orders 12938 and 13094. They, and any entities owned or controlled by them, unless indicated otherwise, are designated foreign persons for purposes of this part. The applicable effective date and citation to the **Federal Register** for each such person is given in brackets after that person's name and identifying information:

1. Baltic State Technical University, including at 1/21, 1-ya Krasnoarmeiskaya Ul., 198005 St. Petersburg, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
2. Europalace 2000, including at Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
3. Glavkosmos, including at 9 Krasno proletarskaya St., 103030 Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
4. Grafit, also known as (“aka”) State Scientific Research Institute of Graphite or NIIGRAFIT, including at 2 Ulitsa Elektrodnyaya, 111524 Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
5. INOR Scientific Center, including at Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].

6. MOSO Company, including at Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
7. Polyus Scientific Production Association, including at 3 Ulitsa Vvedenskogo, 117342 Moscow, Russia [July 30, 1998; 63 FR 42089, August 6, 1998].
8. D. Mendeleev University of Chemical Technology of Russia, including at 9 Miusskaya Sq., Moscow 125047, Russia [January 8, 1999; 64 FR 2935, January 19, 1999].
9. Moscow Aviation Institute (MAI), including at 4 Volokolamskoye Shosse, Moscow 125871, Russia [January 8, 1999; 64 FR 2935, January 19, 1999].
10. The Scientific Research and Design Institute of Power Technology, aka NIKIET, Research and Development Institute of Power Engineering [RDIPE], and ENTEK, including at 101000, P.O. Box 788, Moscow, Russia [January 8, 1999; 64 FR 2935, January 19, 1999].

Dated: February 1, 1999.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: February 9, 1999.

**Elisabeth A. Bresee,**

*Assistant Secretary (Enforcement), Department of the Treasury.*

[FR Doc. 99-4328 Filed 2-18-99; 11:37 am]

BILLING CODE 4810-25-F

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD08-96-053]

RIN 2115-AE47

**Drawbridge Operation Regulation; Chef Menteur Pass, LA**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is changing the regulation governing the operation of the U.S. Highway 90 swing span bridge across Chef Menteur Pass, mile 2.8 at Lake Catherine, Orleans Parish, Louisiana. This rule permits the draw to remain closed to navigation from 5:30 a.m. to 7:30 a.m., Monday through Friday, except Federal holidays. This change will provide for the uninterrupted flow of vehicular traffic for commuters en route to work during this period, while still providing for the reasonable needs of navigation.

**DATES:** This regulation becomes effective on March 25, 1999.

**ADDRESSES:** Unless otherwise indicated documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch,

Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On November 18, 1998, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (63 FR 64022). The Coast Guard received two letters in response to the NPRM. No public hearing was requested and none was held.

**Background and Purpose**

The U.S. Highway 90 bridge is a swing span structure which provides a vertical clearance of 11 feet above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position and a horizontal clearance of 97 feet between fenders. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational craft. Vehicular traffic crossing the bridge during peak rush hour traffic periods has increased significantly during recent years. This is the only route available for motorists, who live in the Lake Catherine area and commute to work at the Almonaster Development District.

Data provided by the Louisiana Department of Transportation and Development shows that from July 6, 1998 through July 20, 1998, from 5:30 a.m. to 7:30 a.m. weekdays, excluding Federal holidays, the average number of vehicles which crossed the bridge was 150. Of that average, 127 vehicles were west bound and 23 were east bound. This indicates that the majority of the vehicular traffic is westbound from the Lake Catherine area toward the Almonaster Development District during this time frame. Information taken from bridge tender logs shows that from July, 1997 through June 1998, the number of vessels that passed the bridge and required openings of the draw averaged one vessel daily, during the 5:30 a.m. to 7:30 a.m. closure period on weekdays, excluding Federal holidays. This rule, which allows the draw of the bridge to remain closed to navigation Monday through Friday from 5:30 a.m. until 7:30 a.m. except Federal holidays,

will facilitate the free flow of vehicular traffic during a congested rush hour period without disrupting the reasonable needs of navigation.

This final rule necessitates the redesignation of § 117.435 as § 117.434; § 117.436 as § 117.435; and a new § 117.436 to be added as Chef Menteur Pass. All redesignations are administrative in nature and do not substantively affect existing operating regulations.

**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 cost 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels impaired during the closed-to-navigation period is minimal. Commercial fishing vessels still have ample opportunity to transit this waterway before and after the peak vehicular traffic periods.

**Discussion of Comments**

Two letters were received in reference to the change. The U.S. National Marine Fisheries Service stated that the change to drawbridge operating regulations would not adversely impact marine fishery resources. The Lake Pontchartrain Basin Maritime Museum, Inc. stated that they had no objection to the regulation change.

**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 small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.

This rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will continue to be able to pass the bridge in the early morning, prior to 5:30 a.m. and at any time during the day after 7:30

a.m., as well as 24 hours per day on weekends and Federal holidays. Additionally, an alternate route is available by transiting Rigolets Pass, approximately 20 miles east of Chef Menteur Pass, via the Intracoastal Waterway. Thus, the economic impact is expected to be minimal. There is no indication that other waterway users would suffer any type of economic hardship by being precluded from transiting the waterway during the two hours per day that the draw is scheduled to remain in the closed-to-navigation position. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule does 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**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over the navigable waters of the U.S. belongs to the Coast Guard by Federal statutes.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 117**

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

**§§ 117.435 and 117.436 [Redesignated]**

2. § 117.435 is redesignated as § 117.434; § 117.436 is redesignated as § 117.435; and a new § 117.436 is added to read as follows:

**§ 117.436 Chef Menteur Pass.**

The draw of the U.S. Highway 90 bridge, mile 2.8, at Lake Catherine, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need not open for the passage of vessels. The draw shall open at any time for a vessel in distress.

Dated: February 2, 1999.

**Paul J. Pluta,**

*RADM, USCG Commander, 8th CG District.*

[FR Doc. 99-4432 Filed 2-22-99; 8:45 am]

BILLING CODE 4910-15-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[CGD01-99-004]

RIN 2115-AA97

**Safety Zone: Scharfman Batmitzvah Fireworks, East River, Newtown Creek, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Scharfman Batmitzvah Fireworks program located on the East River, Newtown Creek, New York. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on a portion of the East River.

**DATES:** This rule is effective from 10:15 p.m. until 11:45 p.m., on Saturday, April 10, 1999. There is no rain date for this event.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4193.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not

published for this regulation. Good cause exists for not publishing an NPRM in the **Federal Register**. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display.

**Background and Purpose**

On January 18, 1999, Bay Fireworks submitted an application to hold a fireworks program on the waters of the East River. The fireworks program is being sponsored by Shiela Scharfman. This regulation establishes a safety zone in those waters of the East River within a 250-yard radius of the fireworks barge located in approximate position 40°44'24"N 073°57'57"W (NAD 1983), approximately 300 yards from shore near Newton Creek, New York. The safety zone is in effect from 10:15 p.m. until 11:45 p.m. on Saturday, April 10, 1999. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 350 yards of the 900-yard-wide East River during the event. The Captain of the Port does not anticipate any negative impact on commercial and recreational traffic due to this event. Public notifications will be made prior to the event via local notice to mariners, and marine information broadcasts.

**Regulatory Evaluation**

This final 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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the area, that vessels may safely transit to the west of the zone, and extensive advance notifications which will be made.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

**Federalism**

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

**Unfunded Mandates**

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that, from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

**Environment**

The Coast Guard has considered the environmental impact of this final rule and concluded that under Figure 2-1, paragraph 34(g), of Commandant