

comment is anticipated and that the rule would become effective not less than 60 days after publication unless written adverse comment or written intent to submit adverse comment is received within a specified time, usually not less than 30 days. This procedure would ensure that, as required by the APA, the public will be given notice of Coast Guard rulemaking actions and will have an opportunity to participate in the rulemaking by submitting comments.

If no written adverse comment or written notice of intent to submit an adverse comment is received in response to the publication of a direct final rule, the Coast Guard would then publish a notice in the **Federal Register** stating that no adverse comment was received and confirming that the rule will become effective as scheduled. However, if the Coast Guard receives any written adverse comment or any written notice of intent to submit an adverse comment, then the Coast Guard would publish a notice in the final rule section of the **Federal Register** to announce withdrawal of the direct final rule. If adverse comments clearly apply to only part of a rule, and that part is severable from the remaining portions, as for example, a rule that deletes several unrelated regulations, the Coast Guard may adopt as final those parts of the rule on which no adverse comments were received. The part of the rule that was the subject of adverse comment would be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) would be published, unless an exception to the APA requirement for notice and comment applies.

A comment would be considered "adverse" if it objects to the rule as written. A comment submitted in support of a rule would obviously not be considered adverse. Additionally, a comment suggesting that the policy or requirements of the rule should or should not be extended to other Coast Guard programs outside the scope of the rule would not be considered as adverse.

Rules for which the Coast Guard believes that the direct final rulemaking procedures may be appropriate include, but are not limited to, noncontroversial rules that (1) affect internal procedures of the Coast Guard, (2) are nonsubstantive clarifications or corrections to existing rules, (3) govern the internal organization of the Coast Guard, such as spheres of responsibilities, organizational structure, lines of authority and delegation of powers and duties, (6)

make changes to the rules implementing the Privacy Act, (7) adopt technical standards set by outside organizations, (8) are statements of Coast Guard policy, (9) waive navigation and vessel inspection laws and regulations, (10) implement Bridge to Bridge Radiotelephone regulations, (11) govern the regulations of aids to navigation, (12) set out international or inland navigation rules, (13) govern individual regattas and marine parades, (14) regulate or describe anchorage areas, (15) regulate or prescribe shipping safety fairways, (16) regulate or describe offshore traffic separation schemes, (17) delete unnecessary and obsolete regulations, (18) set boundary lines of Coast Guard authority, (19) regulate the compatibility of cargoes, and (20) describe or regulate safety or security zones.

### Regulatory Evaluation

This proposal 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedure of DOT is unnecessary. The proposed change in procedure will not impose any costs on the public. In cases where the rule would result in cost savings, the cost savings would occur sooner with the use of direct final rule procedure.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, 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 proposal under the Regulatory Flexibility Act. If adopted, this proposal will not have substantive impact on the public. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant

economic impact on a substantial number of small entities.

### Collection of Information

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

### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this proposal 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 in 33 CFR Part 1

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

For the reasons set out in the preamble, the Coast Guard proposes to amend Subpart 1.05 of Part 1 of Title 33, Code of Federal Regulations follows:

## PART 1—GENERAL REVISIONS

### Subpart 1.05—[Amended]

1. The authority citation for Subpart 1.05 is revised to read as follows:

**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.

2. Section 1.05–35 is added to read as follows:

#### § 1.05–35 Direct final rule.

(a) A direct final rule may be issued to allow speedier finalization of noncontroversial rules that are unlikely to result in adverse public comment.

(b) A direct final rule will be published in the **Federal Register** with an effective date that is generally at least 60 days after the date of publication.

(c) The public will usually be given at least 30 days from the date of publication in which to submit adverse comments or a notice of intent to submit