

specifically designated person, agency, or instrumentality.

(7) *Address.* License applications, reports, and inquiries should be addressed to the appropriate section or individual within the Office of Foreign Assets Control, or to its Director, at the following address: Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW—Annex, Washington, DC 20220.

#### **§ 536.802 Decisions.**

The Office of Foreign Assets Control will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

#### **§ 536.803 Amendment, modification, or revocation.**

The provisions of this part and any rulings, licenses, whether general or specific, authorizations, instructions, orders, or forms issued hereunder may be amended, modified, or revoked at any time.

#### **§ 536.804 Rulemaking.**

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control. In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States, and for that reason is exempt from the requirements under the Administrative Procedure Act (5 U.S.C. 553) for notice of proposed rulemaking, opportunity for public comment, and delay in effective date. Wherever possible, however, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment, or repeal of any rule.

#### **§ 536.805 Delegation by the Secretary of the Treasury.**

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 12978 or any further executive orders relating to the national emergency declared in Executive Order 12978 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.

#### **§ 536.806 Rules governing availability of information.**

(a) The records of the Office of Foreign Assets Control required by the Freedom of Information Act (5 U.S.C. 552) to be made available to the public shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the regulations on the Disclosure of Records of the Departmental Offices and of other bureaus and offices of the Department of the Treasury issued under 5 U.S.C. 552 and published at 31 CFR part 1.

(b) The records of the Office of Foreign Assets Control required by the Privacy Act (5 U.S.C. 552a) to be made available to an individual shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the regulations on the Disclosure of Records of the Departmental Offices and of other bureaus and offices of the Department of the Treasury issued under 5 U.S.C. 552a and published at 31 CFR part 1.

(c) Any form issued for use in connection with the Narcotics Trafficking Sanctions Regulations may be obtained in person or by writing to the Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW—Annex, Washington, D.C. 20220, or by calling 202/622-2520.

#### **Subpart I—Paperwork Reduction Act**

##### **§ 536.901 Paperwork Reduction Act notice.**

The information collection requirements in §§ 536.503, 536.504, subpart F, and § 536.801 have been approved by the Office of Management and Budget under the Paperwork Reduction Act and assigned control number 1505-0163.

Dated: February 7, 1997.

R. Richard Newcomb,  
*Director, Office of Foreign Assets Control.*

Approved: February 18, 1997.

James E. Johnson,  
*Assistant Secretary (Enforcement).*  
[FR Doc. 97-5299 Filed 2-28-97; 12:34 pm]  
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## **DEPARTMENT OF DEFENSE**

### **Corps of Engineers; Department of the Army**

#### **33 CFR Part 334**

#### **Danger Zones and Restricted Areas, National Guard Training Center, Sea Girt, NJ**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Corps is revoking the regulations which establish a danger zone in the waters of the Atlantic Ocean at the New Jersey National Guard Training Center, Sea Girt, New Jersey. According to the State of New Jersey, the danger zone is no longer needed due to the improvements made at the small arms firing range located at Sea Girt. The danger zone was established to protect the public from the hazards associated with the possibility of an errant round or ricochet from the range impacting into the waters offshore. The revocation of the danger zone is essential to allow a beach nourishment project to proceed and formalize full public use of the water areas offshore of the National Guard Training Center. The revocation of the danger zone regulations will not affect any other Federal, State, or local regulations in that area.

**EFFECTIVE DATE:** March 20, 1997.

**ADDRESSES:** HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or Mr. Richard Tomer of the New York District at (212) 264-9053.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR Part 334.90. The National Guard Training Center is located adjacent to the federally authorized shore protection project identified as "Ashbury Park to Manasquan South Reach". One entire borrow area and a portion of another borrow area are that are designated to be used as a source of sand for part of the beach restoration and storm damage protection that will be provided to this area located within the limits of the danger zone. The danger zone regulations in 33 CFR 334.90 prohibits entry by vessels into the danger zone during operation of the range. The State

of New Jersey Department of Military and Veterans Affairs and the State of New Jersey Department of Environmental Protection have requested that the danger zone at the National Guard Training Center at Sea Girt, New Jersey, established by the Corps on January 10, 1969, be disestablished. According to the State, the danger zone is no longer needed to protect the public using the waters offshore of the National Guard Training Center, because of improvements previously made at the small arms firing range. Accordingly, we are hereby removing the regulations which establish the danger zone. We have determined that notice of proposed rulemaking and public procedures thereto are unnecessary since the revocation of the danger zones removes a restriction on public use of the offshore.

#### Procedural Requirements

##### *A. Review Under Executive Order 12866*

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

##### *B. Review Under the Regulatory Flexibility Act*

These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small Governments). The Corps expects that the economic impact of the removal of the danger zone at the National Guard Training Center at Sea Girt, New Jersey would have no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this rule will have no significant economic impact on small entities.

##### *C. Review Under the National Environmental Policy Act*

We have concluded that this amendment to the danger zone regulations which removes a restriction on the public's use of a water area will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required.

##### *D. Unfunded Mandates Act*

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section

202 of 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

##### *E. Submission to Congress and the GAO*

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office. This rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

##### List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger zones.

For the reasons set out in the preamble, we are amending 33 CFR Part 334, as follows:

#### **PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

##### **§ 334.90 [Removed]**

2. Section 334.90 is removed.

Dated: February 23, 1997.

Russell L. Fuhrman,  
Major General, United States Army, Director  
of Civil Works.

[FR Doc. 97-5049 Filed 3-4-97; 8:45 am]

BILLING CODE 3710-92-M

#### **DEPARTMENT OF VETERANS AFFAIRS**

##### **38 CFR Part 1**

**RIN 2900-AI33**

##### **Rulemaking Procedures; Public Participation**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** This document amends the "General Provisions" regulations of the Department of Veterans Affairs (VA) by eliminating a policy statement concerning prior notice-and-comment for rulemaking. We believe that there is no need to retain this policy statement. Furthermore, this action is warranted to prevent confusion concerning VA policy.

**EFFECTIVE DATE:** April 4, 1997.

##### **FOR FURTHER INFORMATION CONTACT:**

Thomas O. Gessel, Director, Office of Regulations Management (02D), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8605.

**SUPPLEMENTARY INFORMATION:** In a document published in the Federal Register on March 20, 1996 (61 FR 11309), we amended the "General Provisions" regulations in 38 CFR Part 1 by removing § 1.12 captioned "Public participation in regulatory development." Subsequently, judicial review was sought on the basis that the removal did not comply with notice-and-comment provisions. Accordingly, to avoid unnecessary litigation, we reestablished § 1.12 in a document published in the Federal Register on July 1, 1996 (61 FR 33850). In addition, in a companion document also published in the Federal Register on July 1, 1996 (61 FR 33878), we proposed to remove § 1.12 and requested comments on the proposal. Accordingly, this document relates to the proposal to remove § 1.12.

The comment period ended August 30, 1996. We received four comments. Three were submitted by veterans' service organizations and one was submitted by a law school professor. The commenters argued in favor of retaining § 1.12.

The provisions of the Administrative Procedure Act (APA) at 5 U.S.C. 553 set forth notice-and-comment requirements for rulemaking and include exemptions from the notice-and-comment requirements for rulemaking concerning public property, loans, grants, benefits, or contracts.

The regulatory history of § 1.12 indicates that this section was established for the purpose of adopting a recommendation of the 1969 Administrative Conference of the United States, i.e., that agencies adopt a policy stating that they would not exempt rulemaking from notice-and-comment provisions solely because the rulemaking concerned public property, loans, grants, benefits, or contracts (see 37 FR 3552, February 17, 1972; 37 FR 7157, April 11, 1972).

Subsequent to the initial promulgation of § 1.12, statutory provisions were established that specifically apply the notice-and-comment provisions of 5 U.S.C. 553 to VA rulemaking concerning loans, grants, or benefits (see 38 U.S.C. 501(d)). Also, subsequent to the initial promulgation of § 1.12, statutory provisions were established that specifically apply notice-and-comment