

of advisers that were no longer in business, and we delegated this authority to the staff.⁵ The Improvement Act amended Section 203(h) and gave us additional authority to cancel the registration of investment advisers that are "prohibited from registering as an investment adviser under section 203A. * * *"⁶ Today, we are delegating this authority to the staff as well.

We expect the staff periodically to identify advisers whose registration should be canceled because they are not eligible for Commission registration. The staff may submit matters to the Commission for consideration as it deems appropriate. Before the staff cancels the registration of any adviser, the staff will notify the adviser and provide an opportunity to dispute the basis for the proposed cancellation, and any investment adviser whose registration is canceled by the staff may appeal that decision directly to the Commission.⁷

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedure Act, that this amendment relates solely to agency organization, procedure, or practice, and does not relate to a substantive rule.⁸ Accordingly, notice and opportunity for public comment are unnecessary, and publication of the amendment 30 days before its effective date is also unnecessary.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for part 200 continues to read in part as follows:

Authority: 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a-37, 80b-11, unless otherwise noted.

* * * * *

2. Section 200.30-5 is amended by revising paragraph (e)(2) to read as follows:

⁵ We have delegated this authority to the Division of Investment Management (17 CFR 200.30-5(e)(2)), the Office of Filings and Information Services (17 CFR 200.30-11(b)(2)(i)), and the Office of Compliance, Inspections and Examinations (17 CFR 200.30-18(h)(1)).

⁶ 15 U.S.C. 80b-3(h).

⁷ 17 CFR 201.430.

⁸ 5 U.S.C. 553(b)(3)(A).

§ 200.30-5 Delegation of authority to Director of Division of Investment Management.

* * * * *

(e) * * *

(2) Pursuant to section 203(h) of the Act (15 U.S.C. 80b-3(h)), to authorize the issuance of orders canceling registration of investment advisers, or applications for registration, if such investment advisers or applicants for registration are no longer in existence, not engaged in business as investment advisers, or are prohibited from registering as investment advisers under Section 203A of the Act (15 U.S.C. 80b-3a).

* * * * *

Dated: June 22, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-16316 Filed 6-25-99; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 20

46 CFR Part 5

[USCG-1998-3472]

RIN 2115-AF59

Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim rule.

SUMMARY: This document corrects the interim rule (USCG-1998-3472) as published on May 24, 1999. The rule revises the rules for Practice, Procedure, and Evidence for Administrative Proceedings.

EFFECTIVE DATE: This correction is effective June 28, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility (USCG-1998-3472), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. They are also available over the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call George J. Jordan, Attorney-Advisor, Office of the Chief Administrative Law Judge, telephone 202-267-0006. For questions on viewing, or submitting material to the docket, call Dorothy Walker, Chief,

Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking was necessary as part of a Coast Guard effort to improve both (1) the administrative efficiency of Coast Guard adjudicative procedures in general and (2) proceedings against merchant mariners' credentials in particular. It follows an overall Coast Guard initiative to streamline its resources, yet maintain effectiveness in all affected areas.

The Coast Guard maintains two separate sets of procedural rules that govern administrative adjudication. 46 CFR part 5 contains the rules for Suspension and Revocation (S&R). These rules have their basis in criminal procedure. 33 CFR part 20 contains the rules for class II civil penalties. These rules have their basis in the Model Rules of Administrative Procedure and in other modern rules for civil procedures. Both sets of rules, however, contain outdated and inefficient procedures, many of which are not effective in the adjudication of Coast Guard actions.

This rulemaking consolidates both sets of rules in 33 CFR part 20. It removes those procedures that impede the efficient handling of cases. In addition, it revises those rules that are not consistent with relevant legal standards and practices.

Need for Correction

As published, the interim rule contained both a table that may prove to be misleading and a misnumbering. In the table, the acceptable methods of service did not correspond unambiguously to the types of filed documents. The misnumbering employed a roman numeral instead of an Arabic one.

Correction of Publication

Accordingly, correct the interim rule as published on May 24, 1999 (USCG-1998-3472), which is the subject of FR Doc. 99-12750, to read as follows:

§ 20.304 [Corrected]

1. On pages 28064 and 28065, correct TABLE 20.304(D) to read as follows:

* * * * *

TABLE 20.304 (D).—HOW TO SERVE FILED DOCUMENTS

Type of filed document	Acceptable methods of service
(1) Complaint.	(i) Certified mail, return receipt requested.

TABLE 20.304 (D).—HOW TO SERVE FILED DOCUMENTS—Continued

Type of filed document	Acceptable methods of service
(2) Default Motion.	(ii) Personal delivery. (iii) Express-courier service that has receipt capability.
(3) Answer.	(i) Mail. (ii) Personal delivery. (iii) Express-courier service. (iv) Fax.
(4) Any other filed document.	(i) Mail. (ii) Personal delivery. (iii) Express-courier service. (iv) Fax. (v) Other electronic means (at the discretion of the ALJ).

§ 20.304 [Corrected]

2. On page 28065, correct paragraph "(e)(i)" to read "(e)(1)".

* * * * *

Dated: June 22, 1999.

J E Shkor,

Chief Counsel.

[FR Doc. 99-16358 Filed 6-25-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD07 99-036]

RIN 2115-AE47

Special Local Regulations: Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary Special Local Regulations are being adopted for the Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC. The event will be held from 9 p.m. to 9:30 p.m. Eastern Daylight Time (EDT) on July 4, 1999 in Calibogue Sound, Hilton Head, SC. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 8:30 p.m. and terminate at 9:30 p.m. AST on July 4, 1999.

FOR FURTHER INFORMATION CONTACT: LTJG Angela Cooper at (843) 720-7748.

SUPPLEMENTARY INFORMATION:

Background and Purpose

These regulations are required to provide for the safety of life on navigable waters because of the inherent danger of fireworks that will be

exploded during the Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC. In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication, as information concerning the exact date and times of the event were only recently received.

Regulatory Evaluation

This regulation 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)(f) of that order. The Office of Management and Budget has exempted it from review 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 regulated policies and procedures of DOT is unnecessary. The regulated area only encompasses a 1000 foot radius around the fireworks barge in approximate position of 32°08'2"N, 080°49'2"W. Further, the regulations will be in effect for only one hour.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this rulemaking will have a significant economic impact on a substantial number of small entities. Small entities include small business, 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.

Therefore, the Coast Guard certifies under 5 U.S.C. 6705(b) that this rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect for approximately 1 hour in a limited area of Calibogue Sound.

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.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Add temporary § 100.35T-07-036 to read as follows:

§ 100.35T-07-036 Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC.

(a) *Regulated Area.* A regulated area is established for the waters in Calibogue Sound, Hilton Head, SC, encompassing an area within a 1000 foot radius of the fireworks barge in position 32°08'2"N, 080°49'2"W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Group Charleston, SC.

(c) *Special Local Regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft are required to remain in a spectator area to be established by the event sponsor, The Club Group, LTD.

(d) *Dates.* These regulations become effective at 8:30 p.m. and terminate at 9:30 p.m. EDT on July 4, 1999.

Dated: June 16, 1999.

Norman T. Saunders,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 99-16359 Filed 6-25-99; 8:45 am]

BILLING CODE 4910-15-M