

the community and volunteer organizations who are working together to bring about a safer America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 3, 1993, as Fire Prevention Week. I call upon the people of the United States to plan and actively participate in fire prevention activities not only this week, but throughout the year. I also ask all Americans to pay tribute to those firefighters who have made the ultimate sacrifice for our safety.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

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Part VII

Department of Transportation

Coast Guard

33 CFR Parts 2 and 3 Captain of the Port Zone Boundaries; Final Rule

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Parts 2 and 3**

[CGD 93-020]

Captain of the Port Zone Boundaries**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: The Coast Guard is revising the descriptions of its Captain of the Port (COTP) zones. Most of the changes are related to extending the boundaries to the seaward limit of the Exclusive Economic Zone (EEZ). Additionally, changes are made to the onshore boundaries of several COTP zones. The purpose of establishing these boundaries is to define the areas of responsibility of the COTPs. The changes update the regulations to reflect current Coast Guard organization.

EFFECTIVE DATE: November 3, 1993.

ADDRESSES: Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: CDR Robert Pond, Marine Environmental Protection Division, (202) 267-6860, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principal person involved in drafting this document is Mary-Jo Cooney Spottswood, Project Manager and Project Counsel, Oil Pollution Act (OPA 90) Staff.

Background and Purpose

Among the subject areas covered by 33 CFR part 3 are the onshore and nearshore geographical boundaries of the 47 COTP zones established by the Coast Guard. However, the current boundaries do not extend to the seaward limit of the EEZ. Because various treaties, laws, and regulations administered by the Coast Guard apply out to the seaward limit of the EEZ, it is necessary to define the boundaries of the COTP zones to include the waters of the EEZ. The regulations amend 33 CFR part 2 to define the EEZ and 33 CFR part 3 to revise the boundaries of the COTP

zones. These boundaries are established for Coast Guard organizational purposes to define the area of responsibility of each COTP.

The Coast Guard is proceeding directly to a final rule under section 553(b)(3)(A) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), which excludes rulemakings relating to agency organization, procedure, or practice from the requirements of public notice and comment.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rulemaking to be so minimal that a Regulatory Evaluation is unnecessary. The rule relates only to internal Coast Guard organization and imposes no new costs on the maritime industry.

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 independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). This rule imposes no costs on the maritime industry. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will 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

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

Environment

The Coast Guard has considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

The rule is administrative in nature and relates only to internal Coast Guard organization. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects**33 CFR Part 2**

Administrative practice and procedure, Law enforcement.

33 CFR Part 3

Organization and functions (Government agencies).

For the reasons set out in the preamble, the Coast Guard amends 33 CFR parts 2 and 3 as follows:

PART 2—JURISDICTION

1. The authority citation for part 2 is revised to read as follows:

Authority: 14 U.S.C. 633, 80 Stat. 931 (49 U.S.C. 1655(b)); 49 CFR 1.4(b), 1.46(b).

2. Section 2.05-35 is added to read as follows:

§ 2.05-35 Exclusive Economic Zone.

The Exclusive Economic Zone (EEZ) of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and the United States overseas territories and possessions. The EEZ extends to a distance 200 nautical miles from the baseline from which the maritime boundary with a neighboring State remains to be determined, the boundary of the EEZ will be determined by the United States and the other State concerned in accordance with equitable principles.

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

3. The authority citation for part 3 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

4. In § 3.01-1, paragraph (f) is amended by adding a new sentence to the end of the paragraph to read as follows:

§ 3.01-1 General description.

* * * * *
(f) * * * Each Captain of the Port Zone and each Marine Inspection Zone described in this part also includes the Exclusive Economic Zone (EEZ)

adjacent to the area for the purpose of enforcing or acting pursuant to a statute effective in the EEZ.

5. In § 3.05-10, paragraph (b) is revised to read as follows:

§ 3.05-10 Boston Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Boston Marine Inspection Zone and Captain of the Port Zone starts at the boundary of the Massachusetts and New Hampshire coasts at 42°52.3' N. latitude, 70°49.0' W. longitude and proceeds seaward on a line bearing 90° T to the outermost extent of the EEZ; thence southeast along the outermost extent of the EEZ to 42°08' N. latitude; thence west to 42°08' N. latitude, 70°15' W. longitude; thence southwest to the Massachusetts coast at Manomet Point at 41°55' N. latitude, 70°33' W. longitude; thence northwest to 42°04' N. latitude, 71°06' W. longitude; thence to the Massachusetts and Rhode Island boundaries at 42°01.5' N. latitude, 71°28.0' W. longitude; thence west along the southern boundary of Massachusetts, except the waters of Congamond Lakes; thence north along the Massachusetts-New York boundary to the intersection of the Massachusetts-New York-Vermont boundaries; thence east along the Massachusetts-Vermont boundary and the Massachusetts-New Hampshire boundary to the point of origin.

6. In § 3.05-15, paragraph (b) is revised to read as follows:

§ 3.05-15 Portland, Maine, Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Portland, Maine, Marine Inspection Zone and Captain of the Port Zone starts at the boundary of the Massachusetts and New Hampshire coasts at 42°52.3' N. latitude, 70°49.0' W. longitude and proceeds seaward on a line bearing 90° T to the outermost extent of the EEZ; thence northerly and westerly along the outermost extent of the EEZ and the Canadian border to the western boundary of Essex County in Vermont; thence south along the westernmost Vermont county boundaries of Essex, Caledonia, Lamoille, Washington, Orange, Windsor, and Bennington to the intersection of the Vermont-New York-Massachusetts boundaries; thence east along the Vermont-Massachusetts and New Hampshire-Massachusetts boundaries to the point of origin.

7. In § 3.05-20, paragraph (b) is revised to read as follows:

§ 3.05-20 Providence Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port Zone starts on the Massachusetts coast at Manomet Point at 41°55' N. latitude, 70°33' W. longitude and proceeds northeast to 42°08' N. latitude 70°15' W. longitude; thence east along 42°08' N. latitude to the outermost extent of the EEZ; thence southerly along the outermost extent of the EEZ to a line bearing 132° T from Watch Hill Light, Rhode Island; thence northwest along a line bearing 132° T from Watch Hill Light, Rhode Island, to Watch Hill Light; thence northeast to 41°21' N. latitude, 71°48.5' W. longitude at Westerly, Rhode Island; thence north to 41°25' N. latitude, 71°48' W. longitude; thence north along the Connecticut-Rhode Island boundary, including the waters of Beach Pond, to the Massachusetts boundary; thence east along the Massachusetts-Rhode Island boundary to 42°01.5' N. latitude, 71°28.0' W. longitude; thence east to 42°04' N. latitude, 71°06' W. longitude; thence southeasterly to the point of origin.

8. Section 3.05-25 is revised to read as follows:

§ 3.05-25 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is located in New York, New York.

(b) The boundary of the New York Marine Inspection Zone encompasses the geographical areas delineated in §§ 3.05-30 and 3.05-35.

9. Section 3.05-30 is revised to read as follows:

§ 3.05-30 New York Captain of the Port Zone.

(a) The New York Captain of the Port Office is located in New York, New York.

(b) The boundary of the New York Captain of the Port Zone starts on the south shore of Long Island at 40°35.4' N. latitude, 73°46.6' W. longitude and proceeds southeasterly along a line bearing 135° T to 38°28' N. latitude, 71°00' W. longitude; thence northwesterly along a line bearing 122° T from the New Jersey coast at 39°57' N. latitude; thence west along 39°57' N. latitude to 74°27' W. longitude; thence northeast to the Pennsylvania boundary; thence northeasterly along the Pennsylvania-New Jersey boundary to the intersection of the New York-New Jersey-Pennsylvania boundaries at Tristate; thence northwesterly along the east bank of the Delaware River to

42°00' N. latitude; thence east to 74°39' W. latitude; thence north to the Canadian border; thence easterly along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland Counties to the Vermont-New York boundary; thence southerly along the New York boundary to 41°01.5' N. latitude, 73°40' W. longitude; thence southerly to the southern shore of Manursing Island at 40°58' N. latitude, 73°40' W. longitude; thence southeasterly to 40°52.5' N. latitude, 73°37.2' W. longitude; thence southerly to 40°40' N. latitude, 73°40' W. longitude; thence southwesterly to the point of origin.

10. In § 3.05-35, paragraph (b) is revised to read as follows:

§ 3.05-35 Long Island Sound Captain of the Port Zone.

(b) The boundary of the Long Island Sound Captain of the Port Zone starts at 40°35.4' N. latitude, 73°46.6' W. longitude; thence proceeds along a line northwesterly to 40°40' N. latitude, 73°40' W. longitude; thence to 40°52.5' N. latitude, 73°37.2' W. longitude; thence northeast to the south shore of Manursing Island at 40°58' N. latitude, 73°40' W. longitude; thence northerly to the Connecticut-New York boundary at 41°01' N. latitude, 73°40' W. longitude; thence north along the western boundary of Connecticut to the Massachusetts-Connecticut boundary; thence east along the southern boundary of Massachusetts, including the waters of the Congamond Lakes, to the Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°24' N. latitude, 71°48' W. longitude; thence southerly to 41°21' N. latitude, 71°48.5' W. longitude at Westerly, Rhode Island; thence southwesterly to Watch Hill Light, Rhode Island. The northern offshore boundary is a line bearing 132° T from Watch Hill Light to the outermost extent of the EEZ. The southern offshore boundary extends along a line bearing 135° T from the south shore of Long Island at 40°35.4' N. latitude, 73°46.6' W. longitude to 38°28' N. latitude, 71°00' W. longitude; thence easterly to the outermost extent of the EEZ; thence northerly along the outermost extent of the EEZ to the intersection of the northern boundary.

11. In § 3.10-10, paragraph (b) is revised to read as follows:

§ 3.10-10 St. Louis Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The St. Louis Marine Inspection Zone and Captain of the Port Zone are comprised of all of Wyoming except for Sweetwater County; Colorado; North Dakota; South Dakota; Kansas; Nebraska; in Arkansas, Boone, Marion, Baxter, and Fulton Counties; all of Missouri except for Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, and those parts of Cape Girardeau and Bollinger Counties south of a line drawn from the southeast corner of Madison County eastward to the point of intersection of the upper Mississippi River (Mile 55.3) and Union and Alexander Counties (in Illinois); Iowa; that part of Minnesota south of 46°20' N. latitude; that part of Wisconsin south of 46°20' N. latitude and west of 90° W. longitude; that part of Illinois north of Alexander, Pulaski, and Johnson Counties, and west of Johnson, Saline, Hamilton, Wayne, Clay, Jasper, Cumberland, Coles, Douglas, Champaign, and Ford Counties and south of 41° N. latitude; and that part of Illinois west of 90° W. longitude and north of 41° N. latitude.

12. In § 3.25-05, paragraph (b) is revised to read as follows:

§ 3.25-05 Philadelphia Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Philadelphia Marine Inspection zone and Captain of the Port Zone starts at the New Jersey coast at 39°57' N. latitude, thence proceeds westward to 39°57' N. latitude, 74°27' W. longitude; thence north-northwesterly to the intersection of the New York-New Jersey-Pennsylvania boundaries at Tristate; thence north following the course of and including the waters of the Delaware River until it meets the New York boundary; thence west along the New York-Pennsylvania boundary to 78°55' W. longitude; thence south to 41°00' N. latitude; thence west to 79°00' W. longitude; thence south to the Pennsylvania-Maryland boundary; thence east to the intersection of the Maryland-Delaware boundary; thence south and east along the Maryland-Delaware boundary to the sea, including Fenwick Island Light, but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal. The offshore boundary of the Philadelphia Captain of the Port Zone starts at Fenwick Island Light and proceeds east along 38°28' N. latitude, to 71°00' W. longitude; thence northwesterly along a line bearing 122° T from the New Jersey coast at 39°57' N. latitude.

13. In § 3.25-10, paragraph (b) is revised to read as follows:

§ 3.25-10 Hampton Roads Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Hampton Roads Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the Virginia-Maryland boundary and the coast and proceeds along the Virginia-Maryland boundary to a point 37°57.2' N. latitude, 76°03' W. longitude on Chesapeake Bay; thence to a point 37°56.5' N. latitude, 76°10.5' W. longitude; thence to a point 37°55' N. latitude, 76°16.8' W. longitude; thence to a point 37°55' N. latitude, 76°28.2' W. longitude; thence to a point 38°19.5' N. latitude, 77°25.2' W. longitude; thence to a point 39°06' N. latitude, 78°30' W. longitude on the Virginia-West Virginia boundary; thence southerly along the Virginia-West Virginia boundary and the Virginia-Kentucky boundary to the Tennessee boundary; thence eastward along the Virginia-Tennessee boundary to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to Kerr (Buggs Island) Lake; thence along the shore of Kerr Lake in North Carolina back to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to the west bank of the Chowan River; thence southerly along the west bank of the Chowan River to a point 36°00' N. latitude, 76°41' W. longitude; thence generally southerly and easterly along the western boundaries of Washington, and Hyde Counties to a point 35°37' N. latitude, 76°32' W. longitude; thence easterly to a point 35°37' N. latitude, 76°00.5' W. longitude; thence generally southwesterly to a point 35°01.5' N. latitude, 76°20' W. longitude; thence easterly to the sea at 34°59.8' N. latitude, 76°07.8' W. longitude. The offshore boundary starts from the coast at 37°55' N. latitude and proceeds and 37°55' N. latitude to the outermost extent of the EEZ; thence southerly along the outermost extent of the EEZ to 34°59.8' N. latitude; and thence westerly along 34°59.8' N. latitude to the coast at 76°07.8' W. longitude.

14. In § 3.25-15, paragraph (b) is revised to read as follows:

§ 3.25-15 Baltimore Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Baltimore Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the Delaware-Maryland boundary and the coast and proceeds along the

Delaware-Maryland boundary west and north to the Pennsylvania boundary, including the Chesapeake and Delaware Canal and the reaches of the Nanticoke River; thence west along the Pennsylvania-Maryland boundary to the West Virginia boundary; thence southerly and easterly along the Maryland-West Virginia boundary to the Virginia boundary; thence southwesterly along the Virginia-West Virginia boundary to a point 39°06' N. latitude, 78°30' W. longitude; thence to a point 38°19.5' N. latitude, 77°25.2' W. longitude thence to a point 37°55' N. latitude, 76°28.2' W. longitude; thence to a point 37°55' N. latitude, 76°16.8' W. longitude; thence to a point 37°55' N. latitude, 76°10.5' W. longitude; thence to a point 37°57.2' N. latitude, 76°03' W. longitude on Chesapeake Bay; thence along the Maryland-Virginia boundary to the sea. The offshore boundary starts at the intersection of the Delaware-Maryland boundary and the coast and proceeds east to 38°28' N. latitude, 71°00' W. longitude; thence southeasterly on a line bearing 122° T to the outermost extent of the EEZ; thence westerly along 37°55' N. latitude to the coast.

15. In § 3.25-20, paragraph (b) is revised to read as follows:

§ 3.25-20 Wilmington Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Wilmington Marine Inspection Zone and Captain of the Port Zone starts at the sea at 34°59.8' N. latitude, 76°07.8' W. longitude, and proceeds along a line northwesterly to a point 35°01.5' N. latitude, 76°10' W. longitude; thence westerly to a point 35°01.5' N. latitude, 76°20' W. longitude; thence westerly to a point 35°01.5' N. latitude, 76°10' W. longitude; thence westerly to a point 35°01.5' N. latitude, 76°20' W. longitude; thence westerly to a point 35°37' N. latitude, 76°32' W. longitude; thence northerly and westerly along the western boundaries of Hyde and Washington Counties to a point 36°00' N. latitude, 76°41' W. longitude; thence northerly along the west bank of the Chowan River to the North Carolina-Virginia boundary; thence westerly along the North Carolina-Virginia boundary to Kerr (Buggs Island) Lake; thence along the shore of Kerr Lake in North Carolina to the North Carolina-Virginia boundary; thence westerly along the North Carolina-Virginia boundary to the Tennessee boundary; thence southwesterly along the North Carolina-Tennessee boundary to the Georgia boundary; thence easterly along the North Carolina-Georgia boundary to

the South Carolina boundary; thence easterly along the South Carolina-North Carolina boundary to the sea. The offshore boundary of the Wilmington Captain of the Port Zone starts at the coast at 34°59.8' N. latitude; thence proceeds easterly to the outermost extent of the EEZ; thence southerly along the outermost extent of the EEZ to a line bearing 122° T from the intersection of the South Carolina-North Carolina boundary and the sea to the outermost extent of the EEZ; thence westerly along a line bearing 122° T to the coast.

16. In § 3.35-10, paragraph (b) is revised to read as follows:

§ 3.35-10 Miami Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Miami Marine Inspection Zone and Captain of the Port Zone starts at the eastern Florida coast at 28°00' N. latitude; thence proceeds west to 28°00' N. latitude, 81°30' W. longitude; thence south to 26°00' N. latitude, 81°30' W. longitude; thence southwesterly to the southern tip of Cape Romano, Florida. The offshore area of the Miami Captain of the Port Zone includes that portion of the western North Atlantic Ocean area bounded on the north by 28°00' N. latitude from the coast to the outermost extent of the EEZ and bounded on the east and south by the outermost extent of the EEZ; and that portion of the eastern Gulf of Mexico and the Florida Bay bounded on the north by a line bearing 227° T from the southern tip of Cape Romano to the outermost extent of the EEZ and bounded on the west and south by the outermost extent of the EEZ.

17. In § 3.35-15, paragraph (b) is revised to read as follows:

§ 3.35-15 Charleston Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Charleston Marine Inspection Zone and Captain of the Port Zone starts at the sea at the intersection of the North Carolina-South Carolina boundary; thence proceeds westerly along the North Carolina-South Carolina boundary to the intersection of the North Carolina-South Carolina-Georgia boundaries; thence southerly along the South Carolina-Georgia boundary to the intersection with the Federal dam at the southern end of Hartwell Reservoir; thence southerly along the eastern bank of the Savannah River to 32°30' N. latitude; thence easterly to the eastern bank of the Edisto River at 32°41' N. latitude; thence southerly along the eastern bank of the

Edisto River to the southern tip of Bay Point, Edisto Island, South Carolina. The offshore boundary starts at a line bearing 122° T from the intersection of the South Carolina-North Carolina boundary and the sea to the outermost extent of the EEZ; thence southerly along the outermost extent of the EEZ to 30°50' N. latitude; thence east along 30°50' N. latitude to a line bearing 122° T from the southern tip of Bay Point, Edisto Island, South Carolina; thence easterly along a line bearing 122° T to the coast.

18. In § 3.35-20, paragraph (b) is revised to read as follows:

§ 3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Jacksonville Marine Inspection Zone and Captain of the Port Zone starts at the Georgia coast at 30°50' N. latitude; thence proceeds west to 30°50' N. latitude, 82°15' W. longitude; thence south to the intersection of the Florida-Georgia boundary at 82°15' W. longitude; thence westerly along the Florida-Georgia boundary to 83°00' W. longitude; thence southeasterly to 28°00' N. latitude, 81°30' W. longitude; thence east to the sea at 28°00' N. latitude. The offshore boundary starts at the coast at 30°50' N. latitude; thence proceeds easterly to the outermost extent of the EEZ; thence southerly along the outermost extent of the EEZ to 28°00' N. latitude; thence westerly along 28°00' N. latitude to the coast.

19. In § 3.35-25, paragraph (b) is revised to read as follows:

§ 3.35-25 San Juan Marine Inspection Zone and Captain of the Port Zone.

(b) The San Juan Marine Inspection Zone and Captain of the Port Zone are comprised of both the Commonwealth of Puerto Rico and the Territory of the Virgin Islands and the adjacent waters to the outermost extent of the EEZ.

20. In § 3.35-30, paragraph (b) is revised to read as follows:

§ 3.35-30 Savannah Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Savannah Marine Inspection Zone and Captain of the Port Zone starts at the southern tip of Bay Point, Edisto Island, South Carolina; thence proceeds northerly along the eastern bank of the Edisto River to 32°41' N. latitude; thence westerly to the eastern bank of the Savannah River at 32°30' N. latitude; thence northerly along the eastern bank of the Savannah River to the intersection of the South Carolina-

Georgia boundary with the Federal dam at the southern end of Hartwell Reservoir; thence northerly along the South Carolina-Georgia boundary to the intersection of the North Carolina-South Carolina-Georgia boundaries; thence westerly along the Georgia-North Carolina boundary and continuing westerly along the Georgia-Tennessee boundary to the intersection of the Georgia-Tennessee-Alabama boundaries; thence southerly along the Georgia-Alabama boundary to 32°53' N. latitude; thence southeasterly to the eastern bank of the Flint River at 32°20' N. latitude; thence southerly along the eastern bank of the Flint River and continuing southerly along the southeastern shore of Jim Woodruff Reservoir to 84°45' W. longitude; thence southerly to the intersection of the Florida-Georgia boundary; thence easterly along the Florida-Georgia boundary to 82°15' W. longitude; thence north to 30°50' N. latitude, 82°15' W. longitude; thence east to the sea at 30°50' N. latitude. The offshore boundary starts at a line bearing 122° T from the southern tip of Bay Point, Edisto Island, South Carolina to the intersection with 30°50' N. latitude; thence proceeds westerly along 30°50' N. latitude to the coast.

21. In § 3.35-35, paragraph (b) is revised to read as follows:

§ 3.35-35 Tampa Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Tampa Marine Inspection Zone and Captain of the Port Zone starts at the Florida coast at 83°50' W. longitude; thence proceeds north to 30°15' N. latitude, 83°50' W. longitude; thence west to 30°15' N. latitude, 84°45' W. longitude; thence north to the Florida-Georgia boundary at 84°45' W. longitude; thence easterly along the Florida-Georgia boundary to 83°00' W. longitude; thence southeasterly to 28°00' N. latitude, 81°30' W. longitude; thence south to 26°00' N. latitude, 81°30' W. longitude; thence southwesterly to the southern tip of Cape Romano, Florida; thence southwesterly along a line bearing 227° T to the outermost extent of the EEZ; thence westerly along the outermost extent of the EEZ to the intersection with a line bearing 199° T from the intersection of the Florida coast at 83°50' W. longitude; thence easterly along a line bearing 199° T to the coast.

22. In § 3.40-10, paragraph (b) is revised to read as follows:

§ 3.40-10 Mobile Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port Zone starts at the Florida coast at 83°50' W. longitude; thence proceeds north to 30°15' N. latitude, 83°50' W. longitude; thence west to 30°15' N. latitude, 84°45' W. longitude; thence north to the southern shore of the Jim Woodruff Reservoir at 84°45' W. longitude; thence northeasterly along the eastern shore of Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to 32°20' N. latitude, 84°02' W. longitude; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°53' N. latitude; thence northerly along the Georgia-Alabama boundary to 34°00' N. latitude; thence west to the Alabama-Mississippi boundary at 34°00' N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Mississippi; thence westerly and southerly along the southern boundaries of Tishomingo and Prentiss Counties, Mississippi, including that area of the Tennessee-Tombigby Waterway south of the Bay Springs Lock and Dam; thence southerly and westerly along the eastern and southern boundaries of Lee, Chickasaw, and Calhoun Counties, Mississippi; thence southerly along the western boundaries of Webster, Choctaw, Winston, Neshoba, Newton, Jasper, Jones, Forrest and Stone Counties, Mississippi; thence easterly along the northern boundary of Harrison County, Mississippi, to 89°10' W. longitude; thence south to the Mississippi coast; thence southeasterly to 29°10' N. latitude, 88°00' W. longitude; thence south to the outermost extent of the EEZ; thence easterly along the outermost extent of the EEZ to the intersection with a line bearing 199° T from the intersection of the Florida coast at 83°50' W. longitude; thence northeasterly along a line bearing 199° T from the Florida coast at 83°50' W. longitude to the coast.

23. In § 3.40-15, paragraph (b) is revised to read as follows:

§ 3.40-15 New Orleans Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the New Orleans Marine Inspection Zone and Captain of the Port Zone starts at 28°50' N. latitude, 88°00' W. longitude; thence proceeds north to 29°10' N. latitude, 88°00' W. latitude; thence northwesterly to the Mississippi coast at 89°10' N. latitude; thence north to the northern Harrison County Boundary; thence westerly along the northern Harrison County boundary; thence northerly along the western boundaries of Stone, Forrest, Jones,

Jasper, Newton, Neshoba, Winston, Choctaw, and Webster Counties to the Eighth Coast Guard District line; thence west along the Eighth Coast Guard District line to the Texas-Louisiana boundary; thence south along the Texas-Louisiana boundary to the northern DeSoto Parish boundary; thence easterly along the northern and eastern boundaries of DeSoto, Sabine, Vernon, and Allen Parishes; thence east along the northern boundaries of Acadia, Lafayette, St. Martin, Iberia, Assumption, and Lafourche Parishes to 29°18' N. latitude, 90°00' W. longitude; thence southeast to 28°50' N. latitude, 89°27'06" W. longitude; thence east to 88°00' W. longitude.

24. In § 3.40-17, paragraph (b) is revised to read as follows:

§ 3.40-17 Morgan City Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Morgan City Marine Inspection Zone and the Captain of the Port Zone starts at 28°50' N. latitude, 88°00' W. longitude; thence proceeds west to 28°50' N. latitude, 89°27'06" W. longitude; thence northwesterly to 29°18' N. latitude, 90°00' W. longitude; thence northwesterly along the northern boundaries of Lafourche, Assumption, Iberia, and St. Martin Parishes; thence northwesterly along the northern boundary of Lafayette and Acadia Parishes to 92°23' W. longitude; thence south along 92°23' W. longitude to the outermost extent of the EEZ; thence easterly along the outermost extent of the EEZ to 88°00' W. longitude; thence north to 28°50' N. latitude, 88°00' W. longitude.

25. In § 3.40-20, paragraph (b) is revised to read as follows:

§ 3.40-20 Port Arthur Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Port Arthur Marine Inspection Zone and the Captain of the Port Zone starts at the intersection of the sea and 92°23' W. longitude; thence proceeds north along 92°23' W. longitude to the northern boundary of Acadia Parish, thence westerly along the northern boundary of Acadia Parish; thence northwesterly along the northeastern boundaries of Allen, Vernon, Sabine, and De Soto Parishes; thence westerly along the northern boundary of De Soto Parish to the Louisiana-Texas boundary; thence northerly along the Louisiana-Texas boundary to the Texas-Arkansas-Louisiana boundaries; thence westerly along the Texas-Arkansas boundary and the Texas-Oklahoma boundary to 97°00'

W. longitude; thence south along 97°00' W. longitude to the southern boundary of Dallas County, Texas; thence easterly along the southern boundary of Dallas County, Texas, to the east bank of the Trinity River; thence southeasterly along the east bank of the Trinity River; thence southeasterly along the east shore of Lake Livingston; thence southerly along the east bank of the Trinity River to 30°00' N. latitude, 93°55' W. longitude; thence east along 30°00' N. latitude to 94°23' W. longitude; thence south along 94°23' W. longitude to the sea; thence seaward to 29°24' N. latitude, 94°20' W. longitude; thence easterly following a line 10.3 nautical miles from the coast to 29°30' N. latitude, 93°48' W. longitude; thence southeasterly to 27°49' N. latitude, 93°25' W. longitude; thence south along 93°25' W. longitude to the outermost extent of the EEZ; thence east along the outermost extent of the EEZ to 92°23' W. longitude; thence north along 92°23' W. longitude to the point or origin.

26. In § 3.40-30, paragraph (b) is revised to read as follows:

§ 3.40-30 Galveston Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Galveston Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the sea and 94°23' W. longitude; thence proceeds north along 94°23' W. longitude to 30°00' N. latitude; thence west along 30°00' N. latitude to 94°55' W. longitude; thence south to 29°35' N. latitude, 94°55' W. longitude; thence southwesterly to the east bank of the Colorado River at 29°18' N. latitude, 96°07' W. longitude; thence southerly along the east bank of the Colorado River to the sea; thence along a line bearing 140° T to the outermost extent of the EEZ; thence easterly along the outermost extent of the EEZ to 93°25' W. longitude; thence north to 27°49' N. latitude, 93°25' W. longitude; thence northwesterly to 29°30' N. latitude, 93°48' W. longitude; thence westward following a line 10.3 nautical miles from the coast to 29°24' N. latitude, 94°20' W. longitude; thence northwesterly to the coast at 94°23' W. longitude.

27. In § 3.40-35, paragraph (b) is revised to read as follows:

§ 3.40-35 Corpus Christi Marine Inspection Zone and Captain of the Port Zone.

(b) The boundary of the Corpus Christi Marine Inspection Zone and Captain of the Port Zone starts at the junction of the sea and the east bank of the Colorado River; thence proceeds

northerly along the east bank of the Colorado River to 29°18' N. latitude, 96°07' W. longitude; thence northwesterly to the southeast corner of New Mexico at 32°00' N. latitude; thence westerly along the Texas-New Mexico boundary; thence southeasterly along the Mexican border to the sea. The offshore area includes all waters and islands contained therein of the EEZ that are south and west of a line bearing 140° T from the junction of the sea and the east bank of the Colorado River to the outermost extent of the EEZ.

28. In § 3.55-10, paragraph (b) is revised to read as follows:

§ 3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone comprise the land masses and waters of California south of Monterey, Kings, Tulare, and Inyo Counties except San Diego and Imperial Counties. The offshore boundary starts at a line bearing 240° T from the intersection of the Monterey-San Luis Obispo County line (approximately 35°47.5' N. latitude) and the California coast to the outermost extent of the EEZ; thence proceeds southerly along the outermost extent of the EEZ to a line bearing 255° T from the intersection of the Orange-San Diego County lines (approximately 33°22.5' N. latitude) and the California coast; thence easterly along this line to the coast.

29. In § 3.55-15, paragraph (b) is revised to read as follows:

§ 3.55-15 San Diego Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The San Diego Marine Inspection Zone and Captain of the Port Zone comprise the land masses and waters of Arizona; in Utah, Washington, Kane, San Juan, and Garfield Counties; in Nevada, Clark County; and in California, San Diego and Imperial Counties. It includes all ocean waters and islands contained therein of the EEZ south of a line bearing 255° T from the intersection of the Orange-San Diego County line (approximately 33°22.5' N. latitude) and the California coast to the outermost extent of the EEZ; thence north along the Mexican border and east along the outermost extent of the EEZ.

30. Section 3.55-20 is revised to read as follows:

§ 3.55-20 San Francisco Bay Marine Inspection Zone and Captain of the Port Zone.

(a) The San Francisco Bay Marine Inspection Zone and Captain of the Port

Office are located in Alameda, California.

(b) The San Francisco Bay Marine Inspection Zone and Captain of the Port Zone comprise the land masses and waters of Wyoming within the boundaries of Sweetwater County; Utah, except for Washington, Kane, San Juan, and Garfield Counties; Nevada, except for Clark County; and California, north of San Luis Obispo, Kern, and San Bernardino Counties. It also includes all ocean waters and islands contained therein of the EEZ bounded on the north by the northern boundary of the Eleventh Coast Guard District which is described in § 3.55-1; and on the south by a line bearing 240° T from the intersection of the Monterey-San Luis Obispo County lines (approximately 35°47.5' N. latitude) and the California coast to the outermost extent of the EEZ; and on the west by the outermost extent of the EEZ.

31. In § 3.65-10, paragraph (b) is revised to read as follows:

§ 3.65-10 Puget Sound Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Puget Sound Marine Inspection Zone and Captain of the Port Zone starts at 48°29'35" N. latitude, 124°43'45" W. longitude and proceeds along the Canadian border eastward to the Montana-North Dakota boundary; thence southerly along this boundary to the Wyoming State line; thence westerly and southerly along the Montana-Wyoming boundary to the Idaho State line; thence northwesterly along the Montana-Idaho boundary to 46°55' N. latitude; thence westerly along 46°55' N. latitude to 123°18' W. longitude; thence northerly to a point 47°32' N. latitude, 123°18' W. longitude; thence westerly along 47°32' N. latitude to the outermost extent of the EEZ; thence northeasterly along the outermost extent of the EEZ to the Canadian border; thence easterly along the Canadian border to the point of origin.

32. In § 3.65-15, paragraph (b) is revised to read as follows:

§ 3.65-15 Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone

* * * * *

(b) The boundary of the Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone starts at the Washington coast at 47°32' N. latitude and proceeds along this latitude easterly to a point 47°32' N. latitude, 123°18' W. longitude; thence southerly to 46°55' N. latitude; thence easterly along this latitude to the eastern Idaho State line;

thence southeasterly along the Idaho State line to the intersection of the Idaho-Wyoming boundary; thence southerly along the Idaho-Wyoming boundary to the intersection of the Idaho-Utah-Wyoming boundaries; thence westerly along the 42°00' N. latitude to the sea. The offshore boundary starts at the coast at 42°00' N. latitude; thence proceeds westerly from the coast to the outermost extent of the EEZ; thence northerly along the outermost extent of the EEZ to 47°32' N. latitude; thence easterly along 47°32' N. latitude to the coast.

33. In § 3.70-10, paragraphs (b) and (c) are revised and paragraph (d) is added to read as follows:

§ 3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundaries of the Honolulu Marine Inspection Zone coincide with the boundaries of the Fourteenth Coast Guard District, excluding portions surrounding the territory of Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands covered in § 3.70-15(b).

(c) The Honolulu Captain of the Port Zone comprises:

(1) The State of Hawaii, including all the islands and atolls of the Hawaiian Chain and the adjacent waters of the EEZ.

(2) American Samoa and the adjacent waters of the EEZ.

(3) Johnston Atoll and the adjacent waters of the EEZ.

(4) Palmyra Atoll and Kingman Reef and the adjacent waters of the EEZ.

(5) Wake Island and the adjacent waters of the EEZ.

(6) Jarvis Island and the adjacent waters of the EEZ.

(7) Howland and Baker Islands and the adjacent waters of the EEZ.

(d) In American Samoa, required notifications to the Officer in Charge, Marine Inspection and the Captain of the Port, Honolulu, may be made to: Supervisor, United States Coast Guard, Marine Safety Detachment, P.O. Box 249, Pago Pago, American Samoa 96799-0249.

34. Section 3.70-15 is revised to read as follows:

§ 3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

(a) The Guam Marine Inspection Office and Captain of the Port Office are located in Piti, Guam.

(b) The Guam Marine Inspection Zone and Captain of the Port Zone comprise:

(1) The Territory of Guam and the adjacent waters of the EEZ.

(2) The Commonwealth of the Northern Mariana Islands and the adjacent waters of the EEZ.

(3) The Trust Territory of the Pacific Islands and the adjacent waters of the territorial sea and the Palau Marine Fishery Conservation Zone.

(c) In Commonwealth of the Northern Mariana Islands, required notifications to the Officer in Charge, Marine Inspection and the Captain of the Port, Guam, may be made to: Supervisor, United States Coast Guard, Marine Safety Detachment, Emergency Operations Center, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands 96950-5000.

35. In § 3.85-10, paragraph (b) is revised to read as follows:

§ 3.85-10 Southeast Alaska Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The Southeast Alaska Marine Inspection Zone and Captain of the Port Zone comprise the area within the boundary which starts at 60°01.3' N. latitude, 142°00' W. longitude; thence proceeds northeasterly to the Canadian border at 60°18.7' N. latitude, 141°00'

W. longitude; thence southerly and easterly along the United States-Canadian shoreside boundary to 54°40' N. latitude; thence westerly along the United States-Canadian maritime boundary to the outermost extent of the EEZ; thence northerly along the outer boundary of the EEZ to 142°00' W longitude; thence due north to the point of origin.

36. In § 3.85-15, paragraph (b) is revised to read as follows:

§ 3.85-15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The Western Alaska Marine Inspection Zone and Captain of the Port Zone comprise that portion of the State of Alaska and the adjacent waters to the outermost extent of the EEZ, except for those sections of Alaska covered in §§ 3.85-10(b) and 3.85-20(b).

37. In § 3.85-20, paragraph (b) is revised to read as follows:

§ 3.85-20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The Prince William Sound Marine Inspection Zone and Captain of the Port Zone comprise the area within the boundary which starts at Cape Puget at 148°26' W. longitude, 59°56.06' N. latitude, and proceeds northerly to 61°30' N. latitude; thence easterly to the United States-Canadian boundary; thence southerly along the United States-Canadian boundary to 60°18.7' N. latitude; thence southwesterly to the sea at 60°01.3' N. latitude, 142°00' W. longitude; thence southerly along 142°00' W. longitude to the outermost boundary of the EEZ; thence along the outermost boundary of the EEZ to 148°26' N. longitude; thence northerly along 148°26' W. longitude to the place of origin at Cape Puget at 59°56.06' N. latitude.

Dated: September 27, 1993.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

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Federal Register

Part VIII

The President

Executive Order 12866—Regulatory
Planning and Review

Presidential Documents

Title 3—

Executive Order 12866 of September 30, 1993

The President

Regulatory Planning and Review

The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a regulatory system today.

With this Executive order, the Federal Government begins a program to reform and make more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public. In pursuing these objectives, the regulatory process shall be conducted so as to meet applicable statutory requirements and with due regard to the discretion that has been entrusted to the Federal agencies.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Statement of Regulatory Philosophy and Principles. (a) *The Regulatory Philosophy.* Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

(b) *The Principles of Regulation.* To ensure that the agencies' regulatory programs are consistent with the philosophy set forth above, agencies should adhere to the following principles, to the extent permitted by law and where applicable:

(1) Each agency shall identify the problem that it intends to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation

is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

(4) In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

(5) When an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

(6) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

(7) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

(8) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

(9) Wherever feasible, agencies shall seek views of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of Federal regulations on State, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize Federal regulatory actions with related State, local, and tribal regulatory and other governmental functions.

(10) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

(11) Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

(12) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

Sec. 2. Organization. An efficient regulatory planning and review process is vital to ensure that the Federal Government's regulatory system best serves the American people.

(a) *The Agencies.* Because Federal agencies are the repositories of significant substantive expertise and experience, they are responsible for developing regulations and assuring that the regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order.

(b) *The Office of Management and Budget.* Coordinated review of agency rulemaking is necessary to ensure that regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order, and that decisions made by one agency do not conflict with the policies or actions taken or planned by another agency. The Office of Management and Budget (OMB) shall carry out that review function. Within OMB, the Office of Information and Regulatory Affairs (OIRA) is the repository of expertise concerning regulatory issues, including methodologies and procedures that affect more than one agency, this Executive order, and the President's regulatory policies. To the extent permitted by law, OMB shall provide guidance to agencies and assist the President, the Vice President, and other regulatory policy advisors to the President in regulatory planning and shall be the entity that reviews individual regulations, as provided by this Executive order.

(c) *The Vice President.* The Vice President is the principal advisor to the President on, and shall coordinate the development and presentation of recommendations concerning, regulatory policy, planning, and review, as set forth in this Executive order. In fulfilling their responsibilities under this Executive order, the President and the Vice President shall be assisted by the regulatory policy advisors within the Executive Office of the President and by such agency officials and personnel as the President and the Vice President may, from time to time, consult.

Sec. 3. Definitions. For purposes of this Executive order: (a) "Advisors" refers to such regulatory policy advisors to the President as the President and Vice President may from time to time consult, including, among others: (1) the Director of OMB; (2) the Chair (or another member) of the Council of Economic Advisers; (3) the Assistant to the President for Economic Policy; (4) the Assistant to the President for Domestic Policy; (5) the Assistant to the President for National Security Affairs; (6) the Assistant to the President for Science and Technology; (7) the Assistant to the President for Intergovernmental Affairs; (8) the Assistant to the President and Staff Secretary; (9) the Assistant to the President and Chief of Staff to the Vice President; (10) the Assistant to the President and Counsel to the President; (11) the Deputy Assistant to the President and Director of the White House Office on Environmental Policy; and (12) the Administrator of OIRA, who also shall coordinate communications relating to this Executive order among the agencies, OMB, the other Advisors, and the Office of the Vice President.

(b) "Agency," unless otherwise indicated, means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(c) "Director" means the Director of OMB.

(d) "Regulation" or "rule" means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. It does not, however, include:

(1) Regulations or rules issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(2) Regulations or rules that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(3) Regulations or rules that are limited to agency organization, management, or personnel matters; or

(4) Any other category of regulations exempted by the Administrator of OIRA.

(e) "Regulatory action" means any substantive action by an agency (normally published in the *Federal Register*) that promulgates or is expected

to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

(f) "Significant regulatory action" means any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Sec. 4. Planning Mechanism. In order to have an effective regulatory program, to provide for coordination of regulations, to maximize consultation and the resolution of potential conflicts at an early stage, to involve the public and its State, local, and tribal officials in regulatory planning, and to ensure that new or revised regulations promote the President's priorities and the principles set forth in this Executive order, these procedures shall be followed, to the extent permitted by law: (a) *Agencies' Policy Meeting.* Early in each year's planning cycle, the Vice President shall convene a meeting of the Advisors and the heads of agencies to seek a common understanding of priorities and to coordinate regulatory efforts to be accomplished in the upcoming year.

(b) *Unified Regulatory Agenda.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). Each agency shall prepare an agenda of all regulations under development or review, at a time and in a manner specified by the Administrator of OIRA. The description of each regulatory action shall contain, at a minimum, a regulation identifier number, a brief summary of the action, the legal authority for the action, any legal deadline for the action, and the name and telephone number of a knowledgeable agency official. Agencies may incorporate the information required under 5 U.S.C. 602 and 41 U.S.C. 402 into these agendas.

(c) *The Regulatory Plan.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). (1) As part of the Unified Regulatory Agenda, beginning in 1994, each agency shall prepare a Regulatory Plan (Plan) of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year or thereafter. The Plan shall be approved personally by the agency head and shall contain at a minimum:

(A) A statement of the agency's regulatory objectives and priorities and how they relate to the President's priorities;

(B) A summary of each planned significant regulatory action including, to the extent possible, alternatives to be considered and preliminary estimates of the anticipated costs and benefits;

(C) A summary of the legal basis for each such action, including whether any aspect of the action is required by statute or court order;

(D) A statement of the need for each such action and, if applicable, how the action will reduce risks to public health, safety, or the environment, as well as how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency;

(E) The agency's schedule for action, including a statement of any applicable statutory or judicial deadlines; and

(F) The name, address, and telephone number of a person the public may contact for additional information about the planned regulatory action.

(2) Each agency shall forward its Plan to OIRA by June 1st of each year.

(3) Within 10 calendar days after OIRA has received an agency's Plan, OIRA shall circulate it to other affected agencies, the Advisors, and the Vice President.

(4) An agency head who believes that a planned regulatory action of another agency may conflict with its own policy or action taken or planned shall promptly notify, in writing, the Administrator of OIRA, who shall forward that communication to the issuing agency, the Advisors, and the Vice President.

(5) If the Administrator of OIRA believes that a planned regulatory action of an agency may be inconsistent with the President's priorities or the principles set forth in this Executive order or may be in conflict with any policy or action taken or planned by another agency, the Administrator of OIRA shall promptly notify, in writing, the affected agencies, the Advisors, and the Vice President.

(6) The Vice President, with the Advisors' assistance, may consult with the heads of agencies with respect to their Plans and, in appropriate instances, request further consideration or inter-agency coordination.

(7) The Plans developed by the issuing agency shall be published annually in the October publication of the Unified Regulatory Agenda. This publication shall be made available to the Congress; State, local, and tribal governments; and the public. Any views on any aspect of any agency Plan, including whether any planned regulatory action might conflict with any other planned or existing regulation, impose any unintended consequences on the public, or confer any unclaimed benefits on the public, should be directed to the issuing agency, with a copy to OIRA.

(d) *Regulatory Working Group.* Within 30 days of the date of this Executive order, the Administrator of OIRA shall convene a Regulatory Working Group ("Working Group"), which shall consist of representatives of the heads of each agency that the Administrator determines to have significant domestic regulatory responsibility, the Advisors, and the Vice President. The Administrator of OIRA shall chair the Working Group and shall periodically advise the Vice President on the activities of the Working Group. The Working Group shall serve as a forum to assist agencies in identifying and analyzing important regulatory issues (including, among others (1) the development of innovative regulatory techniques, (2) the methods, efficacy, and utility of comparative risk assessment in regulatory decision-making, and (3) the development of short forms and other streamlined regulatory approaches for small businesses and other entities). The Working Group shall meet at least quarterly and may meet as a whole or in subgroups of agencies with an interest in particular issues or subject areas. To inform its discussions, the Working Group may commission analytical studies and reports by OIRA, the Administrative Conference of the United States, or any other agency.

(e) *Conferences.* The Administrator of OIRA shall meet quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those governmental entities. The Administrator of OIRA shall also convene, from time to time, conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

Sec. 5. Existing Regulations. In order to reduce the regulatory burden on the American people, their families, their communities, their State, local, and tribal governments, and their industries; to determine whether regula-

tions promulgated by the executive branch of the Federal Government have become unjustified or unnecessary as a result of changed circumstances; to confirm that regulations are both compatible with each other and not duplicative or inappropriately burdensome in the aggregate; to ensure that all regulations are consistent with the President's priorities and the principles set forth in this Executive order, within applicable law; and to otherwise improve the effectiveness of existing regulations: (a) Within 90 days of the date of this Executive order, each agency shall submit to OIRA a program, consistent with its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified or eliminated so as to make the agency's regulatory program more effective in achieving the regulatory objectives, less burdensome, or in greater alignment with the President's priorities and the principles set forth in this Executive order. Any significant regulations selected for review shall be included in the agency's annual Plan. The agency shall also identify any legislative mandates that require the agency to promulgate or continue to impose regulations that the agency believes are unnecessary or outdated by reason of changed circumstances.

(b) The Administrator of OIRA shall work with the Regulatory Working Group and other interested entities to pursue the objectives of this section. State, local, and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.

(c) The Vice President, in consultation with the Advisors, may identify for review by the appropriate agency or agencies other existing regulations of an agency or groups of regulations of more than one agency that affect a particular group, industry, or sector of the economy, or may identify legislative mandates that may be appropriate for reconsideration by the Congress.

Sec. 6. Centralized Review of Regulations. The guidelines set forth below shall apply to all regulatory actions, for both new and existing regulations, by agencies other than those agencies specifically exempted by the Administrator of OIRA:

(a) *Agency Responsibilities.* (1) Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days. Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

(2) Within 60 days of the date of this Executive order, each agency head shall designate a Regulatory Policy Officer who shall report to the agency head. The Regulatory Policy Officer shall be involved at each stage of the regulatory process to foster the development of effective, innovative, and least burdensome regulations and to further the principles set forth in this Executive order.

(3) In addition to adhering to its own rules and procedures and to the requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and other applicable law, each agency shall develop its regulatory actions in a timely fashion and adhere to the following procedures with respect to a regulatory action:

(A) Each agency shall provide OIRA, at such times and in the manner specified by the Administrator of OIRA, with a list of its planned regulatory actions, indicating those which the agency believes are significant regulatory

actions within the meaning of this Executive order. Absent a material change in the development of the planned regulatory action, those not designated as significant will not be subject to review under this section unless, within 10 working days of receipt of the list, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of this Executive order. The Administrator of OIRA may waive review of any planned regulatory action designated by the agency as significant, in which case the agency need not further comply with subsection (a)(3)(B) or subsection (a)(3)(C) of this section.

(B) For each matter identified as, or determined by the Administrator of OIRA to be, a significant regulatory action, the issuing agency shall provide to OIRA:

(i) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and

(ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

(C) For those matters identified as, or determined by the Administrator of OIRA to be, a significant regulatory action within the scope of section 3(f)(1), the agency shall also provide to OIRA the following additional information developed as part of the agency's decision-making process (unless prohibited by law):

(i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias) together with, to the extent feasible, a quantification of those benefits;

(ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action (such as, but not limited to, the direct cost both to the government in administering the regulation and to businesses and others in complying with the regulation, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment), together with, to the extent feasible, a quantification of those costs; and

(iii) An assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation, identified by the agencies or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

(D) In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify OIRA as soon as possible and, to the extent practicable, comply with subsections (a)(3)(B) and (C) of this section. For those regulatory actions that are governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule rulemaking proceedings so as to permit sufficient time for OIRA to conduct its review, as set forth below in subsection (b)(2) through (4) of this section.

(E) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, the agency shall:

(i) Make available to the public the information set forth in subsections (a)(3)(B) and (C);

(ii) Identify for the public, in a complete, clear, and simple manner, the substantive changes between the draft submitted to OIRA for review and the action subsequently announced; and

(iii) Identify for the public those changes in the regulatory action that were made at the suggestion or recommendation of OIRA.

(F) All information provided to the public by the agency shall be in plain, understandable language.

(b) *OIRA Responsibilities.* The Administrator of OIRA shall provide meaningful guidance and oversight so that each agency's regulatory actions are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order and do not conflict with the policies or actions of another agency. OIRA shall, to the extent permitted by law, adhere to the following guidelines:

(1) OIRA may review only actions identified by the agency or by OIRA as significant regulatory actions under subsection (a)(3)(A) of this section.

(2) OIRA shall waive review or notify the agency in writing of the results of its review within the following time periods:

(A) For any notices of inquiry, advance notices of proposed rulemaking, or other preliminary regulatory actions prior to a Notice of Proposed Rulemaking, within 10 working days after the date of submission of the draft action to OIRA;

(B) For all other regulatory actions, within 90 calendar days after the date of submission of the information set forth in subsections (a)(3)(B) and (C) of this section, unless OIRA has previously reviewed this information and, since that review, there has been no material change in the facts and circumstances upon which the regulatory action is based, in which case, OIRA shall complete its review within 45 days; and

(C) The review process may be extended (1) once by no more than 30 calendar days upon the written approval of the Director and (2) at the request of the agency head.

(3) For each regulatory action that the Administrator of OIRA returns to an agency for further consideration of some or all of its provisions, the Administrator of OIRA shall provide the issuing agency a written explanation for such return, setting forth the pertinent provision of this Executive order on which OIRA is relying. If the agency head disagrees with some or all of the bases for the return, the agency head shall so inform the Administrator of OIRA in writing.

(4) Except as otherwise provided by law or required by a Court, in order to ensure greater openness, accessibility, and accountability in the regulatory review process, OIRA shall be governed by the following disclosure requirements:

(A) Only the Administrator of OIRA (or a particular designee) shall receive oral communications initiated by persons not employed by the executive branch of the Federal Government regarding the substance of a regulatory action under OIRA review;

(B) All substantive communications between OIRA personnel and persons not employed by the executive branch of the Federal Government regarding a regulatory action under review shall be governed by the following guidelines: (i) A representative from the issuing agency shall be invited to any meeting between OIRA personnel and such person(s);

(ii) OIRA shall forward to the issuing agency, within 10 working days of receipt of the communication(s), all written communications, regardless of format, between OIRA personnel and any person who is not employed by the executive branch of the Federal Government, and the dates and names of individuals involved in all substantive oral communications (including meetings to which an agency representative was invited, but did

not attend, and telephone conversations between OIRA personnel and any such persons); and

(iii) OIRA shall publicly disclose relevant information about such communication(s), as set forth below in subsection (b)(4)(C) of this section.

(C) OIRA shall maintain a publicly available log that shall contain, at a minimum, the following information pertinent to regulatory actions under review:

(i) The status of all regulatory actions, including if (and if so, when and by whom) Vice Presidential and Presidential consideration was requested;

(ii) A notation of all written communications forwarded to an issuing agency under subsection (b)(4)(B)(ii) of this section; and

(iii) The dates and names of individuals involved in all substantive oral communications, including meetings and telephone conversations, between OIRA personnel and any person not employed by the executive branch of the Federal Government, and the subject matter discussed during such communications.

(D) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, or after the agency has announced its decision not to publish or issue the regulatory action, OIRA shall make available to the public all documents exchanged between OIRA and the agency during the review by OIRA under this section.

(5) All information provided to the public by OIRA shall be in plain, understandable language.

Sec. 7. Resolution of Conflicts. To the extent permitted by law, disagreements or conflicts between or among agency heads or between OMB and any agency that cannot be resolved by the Administrator of OIRA shall be resolved by the President, or by the Vice President acting at the request of the President, with the relevant agency head (and, as appropriate, other interested government officials). Vice Presidential and Presidential consideration of such disagreements may be initiated only by the Director, by the head of the issuing agency, or by the head of an agency that has a significant interest in the regulatory action at issue. Such review will not be undertaken at the request of other persons, entities, or their agents.

Resolution of such conflicts shall be informed by recommendations developed by the Vice President, after consultation with the Advisors (and other executive branch officials or personnel whose responsibilities to the President include the subject matter at issue). The development of these recommendations shall be concluded within 60 days after review has been requested.

During the Vice Presidential and Presidential review period, communications with any person not employed by the Federal Government relating to the substance of the regulatory action under review and directed to the Advisors or their staffs or to the staff of the Vice President shall be in writing and shall be forwarded by the recipient to the affected agency(ies) for inclusion in the public docket(s). When the communication is not in writing, such Advisors or staff members shall inform the outside party that the matter is under review and that any comments should be submitted in writing.

At the end of this review process, the President, or the Vice President acting at the request of the President, shall notify the affected agency and the Administrator of OIRA of the President's decision with respect to the matter.

Sec. 8. Publication. Except to the extent required by law, an agency shall not publish in the **Federal Register** or otherwise issue to the public any regulatory action that is subject to review under section 6 of this Executive order until (1) the Administrator of OIRA notifies the agency that OIRA has waived its review of the action or has completed its review without

any requests for further consideration, or (2) the applicable time period in section 6(b)(2) expires without OIRA having notified the agency that it is returning the regulatory action for further consideration under section 6(b)(3), whichever occurs first. If the terms of the preceding sentence have not been satisfied and an agency wants to publish or otherwise issue a regulatory action, the head of that agency may request Presidential consideration through the Vice President, as provided under section 7 of this order. Upon receipt of this request, the Vice President shall notify OIRA and the Advisors. The guidelines and time period set forth in section 7 shall apply to the publication of regulatory actions for which Presidential consideration has been sought.

Sec. 9. Agency Authority. Nothing in this order shall be construed as displacing the agencies' authority or responsibilities, as authorized by law.

Sec. 10. Judicial Review. Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 11. Revocations. Executive Orders Nos. 12291 and 12498; all amendments to those Executive orders; all guidelines issued under those orders; and any exemptions from those orders heretofore granted for any category of rule are revoked.

William Clinton

THE WHITE HOUSE,
September 30, 1993.

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Editorial note: For the President's remarks on signing this Executive order, see issue 39 of the *Weekly Compilation of Presidential Documents*.