

Instruction 1336.1<sup>1</sup> and DoD Directive 1332.14<sup>2</sup> and the implementing documents of the appropriate statutes of the Military Department concerned or the DoT and the instructions of the DoD Civilian/Military Service Review Board.

(5) Issue a DD Form 1300, "Report of Casualty," in accordance with DoD Instruction 1300.9<sup>3</sup> if a verified member was killed during the period of AD service.

(6) Ensure that each DD Form 214, "Certificate of Release or Discharge from Active Duty," and each DD Form 1300, "Report of Casualty," have the following statement entered in the "Remarks" section:

This document, issued under Public Law 95-202 (38 U.S.C. 106 Note), administratively establishes active duty service for the purposes of Department of Veterans Affairs benefits.

(7) Determine the equivalent military pay grade, when required by the Department of Veterans Affairs. For VA benefits, a pay grade is needed only in cases when an individual was killed or received service-connected injuries or disease during the recognized period of AD service. A DD Form 1300 shall be issued with the equivalent pay grade annotated for a member who died during the recognized period of service. A DD Form 214 shall not include pay grade, unless the Department of Veterans Affairs requests that a grade determination be given. Determinations of equivalent grade shall be based on the following criteria in order of importance:

(i) Officially recognized organizational grade or equivalent rank.

(ii) The corresponding rank for civilian pay grade.

(iii) If neither of the criteria in paragraphs (c)(7) (i) and (ii) of this section, and applies, only one of three grades may be issued; i.e., O-1, E-4, or E-1. Selection depends on the nature of the job performed, the level of supervision exercised, and the military privileges to which the individual was entitled.

(8) Adjudicate applicant challenges to the period of AD service, characterization of service, or other administrative aspects of the discharge documents issued.

#### § 47.6 Procedures.

(a) *Submitting group applications.* Applications on behalf of a civilian or contractual group shall be submitted to

the Secretary of the Air Force using the instructions in appendix A to this part.

(b) *Processing group applications.* (1) When received, the recorder shall review the application for sufficiency and either return it for more information or accept it for consideration and announce acceptance in the Federal Register.

(2) The recorder shall send the application to the appropriate advisory panel for historical review and analysis.

(3) When received, the recorder shall send the advisory panel's report to the applicant for comment. The applicant's comments shall be referred to the advisory panel if significant disagreement requires resolution. Additional comments from the historians also shall be referred to the applicant for comment.

(4) The DoD Civilian/Military Service Board shall consider the group application, as established, in paragraph (a) and paragraphs (b) (1) through (3) of this section.

(5) After the Secretary of the Air Force makes a decision, the recorder shall notify the applicant of the decision and announce it in the "Federal Register."

(c) *Submitting individual applications.* When a group is recognized, individual members may apply to the appropriate Military Department or to the Coast Guard for discharge documents. Submit applications on DD Form 2168, "Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States." An application on behalf of a deceased or incompetent member submitted by the next of kin must be accompanied by proof of death or incompetence.

#### Appendix A to Part 47—Instructions for Submitting Group Applications Under Public Law 95-202

A. *In Submitting a Group Application:* 1. Define the group to include the time period that your group provided service to the U.S. Armed Forces.

2. Show the relationship that the group had with the U.S. Armed Forces, the manner in which members of the group were employed, and the services the members of the group provided to the Armed Forces.

3. Address each of the factors in § 47.4.

4. Substantiate and document the application. (The burden of proof rests with the applicant.)

B. *Send Completed Group Applications To:* Secretary of the Air Force (SAF/MRC), DoD Civilian/Military Service Review Board, Washington, DC 20330-1000.

#### Appendix B to Part 47—The DoD Civilian/Military Service Review Board and the Advisory Panel

##### A. Organization and Management

1. The board shall consist of a president selected from the Department of the Air Force and one representative each from the OSD, the Department of the Army, the Department of the Navy, the Department of the Air Force, and the U.S. Coast Guard (when the group claims active Coast Guard service). Each member shall have one vote except that the president shall vote only to break a tie. The board's decision is determined by majority vote. The president and two voting members shall constitute a quorum.

2. The advisory panel shall act as a nonvoting adjunct to the board. It shall consist of historians selected by the Secretaries of the Military Departments and, if required, by the Secretary of Transportation. The respective Military Departments and the DOT shall ensure that the advisory panel is provided with administrative and legal support.

##### B. Functions

1. The board shall meet in executive session at the call of the president, and shall limit its reviews to the following:

a. Written submissions by an applicant on behalf of a civilian or contractual group. Presentations to the board are not allowed.

b. Written report(s) prepared by the advisory panel.

c. Any other relevant written information available.

d. Factors established in this part for determining AD service.

2. The board shall return to the applicant any application that does not meet the eligibility criteria established in § 47.4(a). The board only needs to state the reasons why the group is ineligible for consideration under this part.

3. If the board determines that an application is eligible for consideration under § 47.4(a), the board shall provide, to the Secretary of the Air Force, a recommendation on the AD service determination for the group and the rationale for that recommendation that shall include, but not be limited to, a discussion of the factors listed in § 47.4.

a. No factors shall be established that require automatic recognition. Neither the board nor the Secretary of the Air Force shall be bound by any method in reaching a decision.

b. Prior group determinations made under Public Law 95-202 do not bind the board or the Secretary of the Air Force. The board and the Secretary of the Air Force fully and impartially shall consider each group on its own merit in relation to the factors listed in section D. of this Directive.

Dated: September 25, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-23060 Filed 9-28-89; 8:45 am]

BILLING CODE 3819-01-M

<sup>1</sup> Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, Attn: 1053, 5801 Tabor Avenue, Philadelphia, PA 19120.

<sup>2</sup> See footnote 1 to § 47.5(c)(4).

<sup>3</sup> See footnote 1 to § 47.5(c)(4).



## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 100

[CGD11-89-15]

**Special Local Regulations; Navy Fleetweek Parade of Ships and Blue Angels Demonstration; San Francisco Bay, CA**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** Permanent special local regulations are adopted for the annual U.S. Navy and the City of San Francisco "Fleetweek" event on San Francisco Bay. "Fleetweek" takes place annually in early October, and it features a parade of ships sailing into the Bay and low level air shows performed by the Navy's Blue Angels and other aircraft along the San Francisco waterfront. These regulations restrict vessel traffic in the regulated areas during the Fleetweek event to ensure the safety of participants and spectators. Annual notice of the specific dates and times of these regulations will be published in the Local Notice to Mariners and in the Federal Register.

**EFFECTIVE DATE:** September 29, 1989. Compliance with these regulations will be required on different dates and times. The Eleventh Coast Guard District Commander will publish notices in the Local Notice to Mariners and in the Federal Register announcing the date and times when these regulations are in effect.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant G.E. Dunn, Coast Guard Group San Francisco, California. Telephone (415) 339-3445.

**SUPPLEMENTARY INFORMATION:** On August 9, 1989, the Coast Guard published a notice of proposed rule making in the Federal Register for these regulations (54 FR 32659). Interested persons were requested to submit comments and no comments were received. An editorial change was made for regulated area "Bravo" to show it would be in effect for other performing aircraft in addition to the Blue Angels. Additionally, the northwest coordinate for regulated area "Bravo" was modified to provide a more uniform area.

**Drafting Information:** The drafters of these regulations are Lieutenant G.E. Dunn, project officer, Coast Guard Group San Francisco, and Lieutenant Commander J. J. Jaskot, project attorney, Eleventh Coast Guard District Legal Office.

## Discussion of Comments and Final Rule

No comments were received in response to the notice of proposed rule making. Copies of the proposed regulations were provided to interested individuals who attended a meeting with U.S. Navy and Coast Guard representatives on August 28, 1989, to discuss other planning issues related to Fleetweek 1989.

These regulations replace the Coast Guard Captain of the Port's annual issuance each October of regulations creating safety zones for the U.S. Navy/City of San Francisco "Fleetweek" event. The Fleetweek activities are highlighted by the Navy Parade of Ships and the Navy Blue Angels Aerial Show.

Regulated area "Alpha" will ensure unobstructed waters for safe navigation for the Parade of Navy Ships proceeding inbound via the Eastbound San Francisco Bay Traffic Lane. At specific times to be annually announced in Local Notice to Mariners and in the Federal Register, the naval vessels will sail in a column under the Golden Gate Bridge. The vessels will be spaced approximately 500 yards apart and will proceed at about 10 knots. The ship parade will sail along the San Francisco waterfront in the Eastbound San Francisco Bay Traffic Lane to a location near the San Francisco-Oakland Bay Bridge where the ships will disperse to their respective moorings. Except for persons or vessels authorized by the Coast Guard Patrol Commander, in regulated area "Alpha" no person or vessel may enter or remain within 500 yards ahead of the lead naval parade vessel, within 200 yards astern of the last parade vessel, and within 200 yards on either side of all parade vessels.

An aerial demonstration by the U.S. Navy Blue Angels and other aircraft will begin after the ship parade clears the San Francisco-Oakland Bay Bridge. In preparation for this demonstration, the Blue Angels will conduct a familiarization flight, with specific times to be annually announced, on the Thursday preceding the Saturday Parade of Ships, and a practice flight at approximately 12:00 Noon on the Friday preceding the Saturday Parade of Ships. On that Thursday, Friday, and Saturday, regulated area "Bravo" will cover the Blue Angels' flight line from Fort Point to Blossom Rock. The extremely low altitude passes require vessels to keep clear for the safety of the aircraft, vessels, and persons onboard. An aerial demonstration may be scheduled on Sunday if weather prevents the Saturday performance. The regulated area for the performance by the Blue Angels and other aircraft will restrict

vessel access to some marinas and commercial docks. The short duration and minimal size of the regulated area will minimize any inconvenience.

Persons and vessels shall not enter or remain within the stated distances from the naval parade vessels in regulated area "Alpha", or enter or remain within regulated area "Bravo", unless authorized by the Coast Guard Patrol Commander. Fleetweek activities have traditionally attracted a sizable fleet of vessels, and large vessel operators needing to transit near Fleetweek activities are encouraged to make such transits well before or after the regulated areas are in effect.

Because of the nature of these regulations, and the fact that the regulations need to be in place for the October 1989 Fleetweek event, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days following publication in the Federal Register.

## Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 CFR 11034; February 26, 1979). The economic impact of this proposal has been found to be so minimal that a full regulatory evaluation is unnecessary. The short length of time and minimal size of the regulated areas will have minimal economic impact. Advance notice of the maritime event will also minimize the impact to maritime commerce. In prior years, Fleetweek activities have not created significant economic impact.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

## Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

**Final Regulations:** In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

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. Section 100.1105 is added to read as follows:

**§ 100.1105 San Francisco Bay Navy Fleetweek Parade of Ships and Blue Angels Demonstration.**

(a) *Effective Periods.* This section is effective during the U.S. Navy/City of San Francisco Fleetweek Parade of Navy Ships and Navy Blue Angels and other airshow activities held annually in early October, from Thursday through Saturday (with a possible Sunday Blue Angels Flight Demonstration if weather prevents a Saturday performance). Annual notice of the specific effective dates and times of these regulations will be published by the Coast Guard in the Local Notice to Mariners and in the Federal Register. To be placed on the Local Notice to Mariners mailing list contact: Commander (oan), Eleventh Coast Guard District, 400 Ocean Gate Boulevard, Long Beach, CA 90822-5399.

(b) *Regulated Areas:* The following areas are designated "regulated areas" during the Navy Parade of Ships and Blue Angels Flight activities.

(1) *Regulated Area "Alpha" for Navy Parade of Ships.* The waters of San Francisco Bay bounded by a line connecting the following points:

Latitude	Longitude
37°48'40" N	122°28'38" W
37°49'10" N	122°28'41" W
37°49'31" N	122°25'18" W
37°49'06" N	122°24'08" W
37°47'53" N	122°22'42" W
37°46'00" N	122°22'00" W
37°46'00" N	122°23'07" W

and thence along the shore to the point of beginning.

(2) *Regulated Area "Bravo" for U.S. Navy Blue Angels Activities.* The waters of San Francisco Bay bounded by a line connecting the following points:

Latitude	Longitude
37°48'53" N	122°24'08" W
37°49'32" N	122°24'16" W
37°49'01" N	122°27'53" W
37°48'21" N	122°27'44" W

and thence to the point of beginning.

Datum: NAD 83

(c) *Regulations:* All persons and/or vessels not authorized as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement vessels assigned and/or approved by Commander, Coast Guard Group San Francisco to patrol the Fleetweek event.

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, in regulated area "Alpha" no person or vessel may enter or remain

within 500 yards ahead of the lead Navy parade vessel, within 200 yards astern of the last parade vessel, and within 200 yards on either side of all parade vessels. No person or vessel shall anchor, block, loiter in, or impede the through transit of ship parade participants or official patrol vessels in regulated area "Alpha."

(2) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain within regulated area "Bravo."

(3) When hailed and/or signaled by an official patrol vessel, a person or vessel shall come to an immediate stop. Persons or vessels shall comply with all directions given.

(4) The Patrol Commander shall be designated by the Commander, Coast Guard Group San Francisco, California. The Coast Guard Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated areas.

Dated: September 19, 1989.

J. W. Kims,

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

[FR Doc. 89-22974 Filed 9-28-89; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 100**

[CGD11-89-16]

**Special Local Regulations; Navy Fleetweek Parade of Ships and Blue Angels Demonstration; San Francisco Bay, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation of 33 CFR 100.1105.

**SUMMARY:** This notice implements 33 CFR 100.1105 for the Navy Fleetweek Parade of Ships and Blue Angels Demonstration, San Francisco Bay, California. This Fleetweek event features a parade of ships sailing into the Bay and low level air shows performed by the Navy's Blue Angels and other aircraft along the San Francisco waterfront. The regulations in 33 CFR 100.1105 are needed to restrict vessel traffic in the regulated areas during Fleetweek 1989 to ensure the safety of participants and spectators.

**EFFECTIVE DATE:** The regulations in 33 CFR 100.1105 become effective on Friday, October 6, 1989, and Saturday, October 7, 1989, as follows:

Regulated area "Alpha" for the Navy Parade of Ships becomes effective at 10:30 a.m. PDT, October 7, 1989, and terminates at 12:30 p.m. PDT, October 7, 1989.

Regulated area "Bravo" for the Blue Angels practice flight becomes effective at 12:30 p.m. PDT, October 6, 1989, and terminates at 3:00 p.m. PDT, October 6, 1989, unless sooner terminated by Commander, Coast Guard Group San Francisco. Regulated Area "Bravo" for the Blue Angels and other airshow activities becomes effective again at 12:00 noon PDT, October 7, 1989, and terminates at 3:00 p.m. PDT, October 7, 1989. (In the case of postponement of the airshow due to inclement weather, regulated area "Bravo" becomes effective at 12:00 noon PDT, October 8, 1989, and terminates at 3:00 p.m. PDT, October 8, 1989.)

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant G. E. Dunn, Operations Officer, Coast Guard Group San Francisco, California. Telephone (415) 339-3445.

*Drafting Information:* The drafters of this notice are Lieutenant G. E. Dunn, project officer, Coast Guard Group San Francisco, and Lieutenant Commander J. J. Jaskot, project attorney, Eleventh Coast Guard District Legal Office.

*Discussion of Notice:* The U.S. Navy/City of San Francisco "Fleetweek" Navy Parade of Ships and the Navy Blue Angels Aerial Show will be held on Saturday, October 7, 1989. Regulated area "Alpha" will ensure unobstructed waters for safe navigation for the Parade of Navy Ships proceeding inbound via the Eastbound San Francisco Bay Traffic Lane. Following the ship parade, regulated area "Bravo" for the aerial demonstration by the U.S. Navy Blue Angels and other aircraft will ensure the safety of the aircraft, vessels, and persons onboard. In preparation for this demonstration, the Blue Angels will conduct a practice flight at approximately 1:00 p.m. on Friday, October 6, 1989. An aerial demonstration may be scheduled on Sunday, October 8, 1989, if weather prevents the Saturday performance. The regulated area for the performance by the Blue Angels and other aircraft will restrict vessel access to some marinas and commercial docks. The short duration and minimal size of the regulated area will minimize any inconvenience.

Persons and vessels shall not enter or remain within the stated distances from the naval parade vessels in regulated area "Alpha", or enter or remain within regulated area "Bravo", unless authorized by the Coast Guard Patrol Commander. Fleetweek activities have traditionally attracted a sizable fleet of vessels, and large vessel operators needing to transit near Fleetweek activities are encouraged to make such



transits well before or after the regulated areas are in effect.

Dated: September 19, 1989.

J. W. Kime,

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

[FR Doc. 89-22973 Filed 9-28-89; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 151

[CGD 88-100a]

RIN 2115-AC35

#### Noxious Liquid Substances Lists

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule and request for comments.

**SUMMARY:** The Coast Guard is amending its Noxious Liquid Substances (NLSs) regulations to include substances recently authorized for carriage by the Coast Guard or added to the International Maritime Organization's (IMO) Chemical Codes and is making minor editorial changes and corrections. This action updates the current lists of oil-like and non-oil-like NLSs allowed for carriage.

**DATES:** This rule is effective September 29, 1989. Comments must be received on or before October 30, 1989.

**ADDRESSES:** Comments on the material added or changed since publication of the notice of proposed rulemaking may be mailed to Executive Secretary, Marine Safety Council, (G-LRA-2/3600) (CGD 88-100a), U.S. Coast Guard, Washington, DC 20593-0001. Comments received may be inspected or copied at the Office of the Marine Safety Council, U.S. Coast Guard, Room 3600, 2100 Second Street SW., 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:** Mr. Curtis G. Payne, Hazardous Materials Branch, (202) 267-1577.

**SUPPLEMENTARY INFORMATION:** On December 5, 1988, a notice of proposed rulemaking, entitled "Noxious Liquid Substances Lists" was published in the Federal Register (53 FR 49016). The Coast Guard received no comments on the proposed rulemaking. A public hearing was not requested and one was not held.

This interim final rule is being made effective in less than 30 days after publication in the Federal Register in order to coincide with the publication of a related rulemaking appearing elsewhere in this edition of the Federal

Register (Coast Guard Docket CGD 88-100). This rulemaking concerns substances previously authorized for carriage by the Coast Guard or added by the International Maritime Organization to its Chemical Codes. Therefore, the Coast Guard for good cause finds that this interim final rule should be made effective in less than 30 days.

The Coast Guard has added or changed certain entries since publication of the notice of proposed rulemaking (NPRM). These additions and changes are identified in the "Discussion of Comments and Changes to the NPRM" section of this preamble and are changes made to incorporate the new Pollution Categories (Pol. Cat.'s) established by the International Maritime Organization (IMO) after publication of the NPRM. These Pol. Cat.'s are not newly devised by the Coast Guard but presently are being applied internationally by the tank vessel industry.

In order to provide full opportunity for public comment on the additions and changes made since the NPRM, the Coast Guard is soliciting comments on these additions and changes. The deadline for receipt of comments is October 30, 1989.

Persons submitting comments should include their name and address, reference the docket number (CGD 88-100a) and the specific section of the rule to which each comment applies, and give the reasons for each comment. If acknowledgment of receipt of comments is desired, a stamped, self-addressed postcard or envelope should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this rule. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing and it is determined that the opportunity to make oral presentation will aid the rulemaking process.

#### Drafting Information

The principal persons involved in drafting this document are Mr. Curtis G. Payne, Project Manager, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

#### Background

The Coast Guard is revising its lists of Category D Noxious Liquid Substances (NLSs) and Category C and D Oil-like NLSs by including in these lists new entries added to table 30.25-1 of 46 CFR part 30 and table 2 of 46 CFR part 153 by a separate rulemaking appearing

elsewhere in this edition of the Federal Register (Coast Guard Docket CGD 88-100a).

After the NPRM was published on December 5, 1988, the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO), at its 27th session in March of 1989, and with the IMO's Marine Safety Committee (MSC), in April 1989, established the final carriage requirements and Pollution Categories (Pol. Cat.'s) for chemical commodities permitted to be carried internationally in bulk by tank vessel. These final Pol. Cat.'s and carriage requirements were published in the various MEPC 27 documents in March 1989 and in MSC documents in April 1989. These documents are supplemented by MEPC/Circular 214 (dated 9 May 1989), which contains a list of provisional classifications for newly evaluated commodities. Together, these documents take into account all prior proposed additions, corrections, and changes by the various IMO bodies, through and including the recommendations of the 18th session of the Subcommittee on Bulk Chemicals.

This interim final rule reflects IMO's final and provisional determinations, with the exception of upgrades to entries currently in the IMO Chemical Codes ("upgrades" include increased carriage requirements or revised, higher Pol. Cat.'s, or both) and the category of commodities called "Lube Oil Additive" (LOA). The upgrades and LOA's will be incorporated into the Coast Guard's regulations by future rulemaking projects.

The interim final rule brings the Coast Guard's regulations into alignment with the international IMO Chemical Codes.

A number of entries which the notice of proposed rulemaking (NPRM) would have added to the list in § 151.47 have had their Pollution Category (Pol. Cat.) changed by IMO, generally upgraded, to a higher Category. The interim final rule reflects these changes. Because the list in § 151.47 identifies Pol. Cat. D commodities only, those entries whose Pol. Cat. has been changed from D have not been included in the interim final rule.

#### Discussion of Comments and Changes to the NPRM

1. *Section 151.47.* Several commodities are deleted from the list as shown in the notice of proposed rulemaking. They are:

Butene oligomer.....	Now a Pol. Cat. B.
Calcium alkyl salicylate...	Now a Pol. Cat. C.
Diethylene glycol phenyl ether.	Pol. Cat. has been recinded.