

2. Section 861.3 is amended by revising paragraph (d)(1) to read as follows:

§ 861.3 DOD commercial air carrier quality and safety requirements.

* * * * *

(d) * * *

(1) Quality and Safety Requirements—prior experience. Commercial air carriers or operators applying to conduct passenger or cargo business for the United States Department of Defense are required to possess 12 months of continuous service equivalent to the service sought by DoD. The service must have been performed for the 12 continuous months immediately prior to applying for DoD business. Prior experience must be equivalent in difficulty and complexity in regard to distance, weather systems, international or national procedures, similar aircraft, schedule demands, aircrew experience, and management required.

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3. Section 861.4 is amended by revising paragraph (g)(1) and (2) to read as follows:

§ 861.4 DOD Commercial Airlift Review Board procedures.

* * * * *

(g) * * *

(1) Four voting members will constitute the CARB; two senior, knowledgeable individuals appointed by Commander, AMC; one similarly knowledgeable individual appointed by USCINTRANS; and one appointed by Commander, MTMC. At least one of the voting HQ AMC members and the MTMC member will be of general/flag officer or civilian equivalent rank. Other non-voting CARB members will be appointed as necessary to facilitate the CARB deliberative process. A non-voting recorder will also be appointed.

(2) The HQ AMC senior member will act as the CARB chairperson. A voting member who will not be present at any meeting of the CARB, may be represented by a knowledgeable alternate empowered with the voting responsibilities of the voting member. Three voting members (or their alternate) shall constitute a quorum. Decisions shall be by majority vote. In the case of a tie vote, the chairperson will have the deciding vote.

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Patsy J. Conner,
Air Force Federal Register Liaison Officer.
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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-96-028]

RIN 2115-AE46

Special Local Regulations: River Race Augusta; Augusta, GA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary Special Local Regulations for the River Race Augusta. This event will be held from 7 a.m. to 5 p.m. est (eastern standard time) on May 17, 18, and 19, 1996. There will be approximately seventy-five participants racing 16 to 18 foot outboard power boats on that portion of the Savannah River at Augusta, Georgia, between U.S. Highway 1 (Fifth St) Bridge at mile marker 199.45 and Eliot's Fish Camp at mile marker 197. The boats will be competing at high speeds and at close range on a prescribed course. The nature of the event and the closure of the Savannah River creates an extra or unusual hazard in the navigable waters. These temporary regulations are necessary to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: This rule is effective from 7 a.m. to 5 p.m. eastern standard time on May 17, 18, and 19, 1996.

FOR FURTHER INFORMATION CONTACT: ENS M.J. DaPonte, Coast Guard Group Charleston at (803) 724-7621.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The information to hold the event was not received until April 4, 1996, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Discussion of Regulations

The temporary regulations are needed to provide for the safety of life during River Race Augusta. These regulations are intended to promote safe navigation on the waters off Augusta on the Savannah River during the races by controlling the traffic entering, exiting, and traveling within these waters. The anticipated concentration of spectator and participant vessels associated with

the River Race poses a safety concern, which is addressed in these special local regulations. The temporary regulations will not permit the entry or movement of spectator vessels and other nonparticipating vessel traffic between the U.S. Highway Route 1 (Fifth Street) Bridge at mile marker 199.45 and Eliot's Fish Camp at mile marker 197 from 7 a.m. to 5 p.m. est, on May 17, 18 and 19, 1996. The temporary regulations will permit the movement of spectator vessels and other non-participants after the termination of race each day, and during intervals between scheduled events at the discretion of the Coast Guard Patrol Commander.

Regulatory Evaluation

This rulemaking is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the potential costs and benefits under Section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. These temporary regulations will last for only 10 hours each day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action 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).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this action will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These temporary regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that

the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action consistent with section 2.B.2. of Commandant Instruction M16475.1B. In accordance with that section, this action has been environmentally assessed (EA completed), and the Coast Guard has concluded that it will not significantly affect the quality of the human environment. An environmental assessment and a finding of no significant impact have been prepared and are available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 100

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

Temporary Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

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

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

2. A temporary § 100.35–T96–028 is added to read as follows:

§ 100.35–T96–028 River Race Augusta; Savannah River, Augusta GA.

(a) *Definitions:*

(1) *Regulated Area.* The regulated area is formed by a line drawn directly across the Savannah River at the U.S. Highway 1 (Fifth Street) Bridge at mile marker 199.45 and directly across the Savannah River at Eliot's Fish Camp at mile marker 197. The regulated area encompasses the width of the Savannah River between these two lines.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, South Carolina.

(b) *Special Local Regulations.*

(1) Entry into the regulated area is prohibited to all non participants.

(2) After termination of the River Race Augusta each day, and during intervals between scheduled events, at the discretion of the Coast Guard Patrol Commander, all vessels may resume normal operations.

(c) *Effective Dates:* This section is effective at 7 a.m. and terminates at 5 p.m. EST on May 17, 18 and 19, 1996, unless otherwise specified in the

Seventh Coast Guard District Local Notice to Mariners.

Dated: April 10, 1996.

P.J. Cardaci,

Captain U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1275

RIN 3095–AA59

Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration; Amendment of Public Access Regulations

AGENCY: National Archives and Records Administration.

ACTION: Final rule and interim final rule.

SUMMARY: This rule revises the procedures to be followed by the National Archives and Records Administration (“NARA”) for preserving and protecting the Presidential historical materials of the Nixon Administration, for providing public access to these materials, and for providing for the reproduction of the Nixon White House tape recordings, based on a Settlement Agreement reached through mediation among Public Citizen and Stanley I. Kutler, the National Archives and Records Administration, and William E. Griffin and John H. Taylor, co-executors of the Estate of Richard M. Nixon, parties to *Stanley I. Kutler and Public Citizen v. John W. Carlin, Archivist of the United States, and William E. Griffin and John H. Taylor, Co-executors of Richard M. Nixon's Estate*, Civ. A. No. 92–0662–NHJ (D.D.C.) (Johnson, J.). Furthermore, the final rule clarifies various terms that appear in 36 CFR Part 1275. This final rule and interim final rule will affect the heirs of former President Nixon and other individuals whose names appear in the materials, as well as members of the general public interested in conducting research regarding those materials.

DATES: The effective date for this final rule and interim final rule is May 23, 1996.

Comments on the amendments to §§ 1275.42, 1275.48, and 1275.64 must be received by close of business June 24, 1996. NARA will issue a final rule confirming or further amending these amendments after this comment period closes.

ADDRESSES: All comments must be submitted in writing to the Regulation Comment Desk, Policy and Planning Division (PIRM-POL), Room 3200, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at (301) 713–6730.

SUPPLEMENTARY INFORMATION: Professor Stanley Kutler and Public Citizen commenced an action against the Archivist of the United States on March 19, 1992, by filing a complaint under the Administrative Procedure Act, 5 U.S.C. 701, *et seq.* The complaint alleged that the Archivist had failed to carry out his obligations under the Presidential Recordings and Materials Preservation Act of 1974 (“PRMPA”), 44 U.S.C. 2111 note, concerning the release of approximately 3,700 hours of tape recordings made during the Presidency of Richard M. Nixon. Thereafter, former President Nixon intervened and filed cross-claims; after his death in 1994, his co-executors were substituted in his place.

During the course of the litigation, which entailed substantial discovery and motions, the principal disputes revolved around the issue of how to reconcile the disclosure requirements of the PRMPA and the privacy interests of Mr. Nixon and his family, as well as the other interests legally protected by the PRMPA. A major portion of the controversy centered on the issue of the timing of releases of the tapes (all at once or in segments), and whether the releases could be made before some or all of the tape segments found to be private or personal were returned to Mr. Nixon or his estate as required by law.

Following the release of approximately 60 hours of tape recordings subpoenaed by the Watergate Special Prosecution Force (“WSPF”) during its investigation, NARA had decided that the best way to proceed with the release of the body of the approximately 3,700 hours of Nixon White House tape recordings was to release Watergate-related segments of the tape recordings in small monthly groupings on an ongoing basis. The first of these releases was noticed in the Federal Register on April 2, 1993, 58 FR 17433, and took place on May 17, 1993, without any objections from affected parties.

The second and third releases were noticed in the Federal Register on June 3, 1993, and July 2, 1993, to take place on July 15, 1993 (later extended to August 13, 1993), and August 26, 1993, respectively. 58 FR 31548 (June 3, 1993); 58 FR 35983 (July 2, 1993).