

Background and Purpose

The NPRM published on April 24, 1995, proposed to eliminate the specific rate times to allow for a flexible time period. The Harvard/Yale Regatta is a rowing competition which is scheduled around favorable tidal conditions. Therefore, a flexible effective period is necessary to avoid having to publish, annually, a NPRM and final rule changing the race times. This rule varies from the NPRM in one regard; it provides notice of the dates and times of this 1996 event in addition to changing the permanent regulation. Notice of specific race dates and times for following years will be specified each year in a Federal Register notice.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(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 rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the race is of short duration, there is little commercial traffic on the affected portion of the Thames River, and the advance notice which will be made to the affected maritime community.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) 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 in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impacts of this rule and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this rule is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Final Regulation

For the reasons set forth in the preamble, the Coast Guard amends 33 CFR Part 100 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 100.101, is amended by revising paragraph (b) to read as follows:

§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.

* * * * *

(b) *Effective period.* This section is in effect on June 8, 1996, from 4:00 p.m. to 7:30 p.m. and each year thereafter on a date and times specified in a Federal Register notice. If the regatta is canceled due to weather, this section will be in effect on the following Sunday.

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Dated: May 1, 1996.

J.L. Linnon,

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

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Coast Guard

33 CFR Part 100

[CGD07-96-032]

RIN 2115-AE46

Special Local Regulations; Key West Super Boat Race; Key West, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Key West Super Boat Race sponsored by Super Boat Racing, Inc. This event will be held on May 19, 1996, between 10 a.m. and 4 p.m. edt (eastern daylight time). The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This rule is effective from 10 a.m. edt and terminates at 4 p.m. edt, on May 19, 1996.

FOR FURTHER INFORMATION CONTACT: QMC Kent, project officer, USCG Group Key West, (305) 292-8727.

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, as 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

These special local regulations are being adopted for the Key West Super Boat Race. The event will be held from 10 a.m. to 4 p.m. edt, on May 19, 1996. Approximately 35 power boats and 100 spectator craft are expected to participate in the Key West Super Boat Race. The power boats will be competing at high speeds and operating in close proximity to the spectators, creating an extra or unusual hazard on navigable waters. These regulations are needed to provide for the safety of life on navigable waters during the event.

Regulatory Evaluation

This regulations is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only 6 hours on the day of the event.

Since the impact of this rule is expected to be minimal, the Coast Guard

certifies that it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These 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 rule 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 determined that it will not significantly affect the quality of human environment. An environmental assessment and finding of no significant impact have been prepared. Furthermore as a condition of the marine event permit, the applicant has been required to educate the operators of spectator craft and race participants regarding the possible presence of manatees and the appropriate precautions to take if the animals are sighted.

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, the Coast Guard amends, Part 100 of Title 33, Code of Federal Regulations, 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. A temporary section 100.35–T07–032 is added to read as follows:

§ 100.35–T07–032 Key West Super Boat Race; Key West, FL.

(a) *Definitions.*

(1) *Regulated area.* All navigable waters within a line drawn through the following points:

24–33.65N 081–48.47W; thence to, 24–33.95N, 081–48.30W; thence to, 24–34.05N, 081–48.45W; thence to, 24–33.58N, 081–48.70W; thence to, 24–31.18N, 081–51.10W; thence to,

24–31.18N, 081–48.88W; thence to, 24–32.94N, 081–48.82W.

All coordinates reference use datum: NAD 1983.

(2) *Coast Guard Patrol Commander.*

The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the United States Coast Guard who has been designated by Coast Guard Group Key West, Florida.

(b) *Special local regulations.* (1) Entry into the regulated area, by other than event participants, is prohibited unless otherwise authorized by the patrol commander.

(2) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel will be a signal for any and all vessels to stop immediately.

(c) *Effective Date.* This section is effective at 10 a.m. edt and terminates at 4 p.m. edt, on May 19, 1996.

Dated: April 25, 1996.

P.J. Cardaci,

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

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33 CFR Part 100

[CGD01–95–168]

RIN 2115–AE 46

Special Local Regulation: World's Fastest Lobster Boat Race, Moosabec Reach, Jonesport, ME

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent special local regulation for the World's Fastest Lobster Boat Race in the waters of Moosabec Reach, Jonesport, ME. The event will be held on July 4, 1996, and each year thereafter on a date published in the Federal Register. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

EFFECTIVE DATE: This rule is effective on June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Benjamin M. Algeo, Chief Boating Affairs Branch, First Coast Guard District, (617) 223–8310

SUPPLEMENTARY INFORMATION:

Regulatory History

A notice of proposed rulemaking (NPRM) was published on March 4, 1996, (61 FR 8227) proposing the establishment of a permanent special local regulation for the World's Fastest Lobster Boat Race. The NPRM proposed to restrict vessels from transiting a specified regulated area to ensure the safety of life and property in the immediate vicinity of the event. No comments were received and no hearing was requested.

Discussion of Amendments

The World's Fastest Lobster Boat Race is a local, traditional event that has been held for many years in Jonesport, ME. In the past, the Coast Guard has promulgated individual regulations for each year's race. Given the recurring nature of the event, the Coast Guard is establishing a permanent regulation. The regulation establishes a regulated area on Moosabec Reach and provides specific guidance to control vessel movement during the race.

This event includes up to 60 power-driven lobster boats competing in heats on a marked course at speeds approaching 25 m.p.h. The Coast Guard will assign a patrol to the event, and the race course will be marked. However, due to the speed, large wakes, and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area. In emergency situations, the Coast Guard patrol commander may establish escort procedures for vessels requiring transit through the regulated area.

This section will be effective annually on a date to be published in the Federal Register. If the race is canceled due to weather, this section will be effective on the day following the effective date. This final rule varies from the NPRM in that it provides for the effective date to be published annually in the Federal Register.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(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;