

less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The request to hold the event was not submitted until February 3, 1997. Publishing a notice of proposed rulemaking and delaying its effective date would be contrary to safety interests, since immediate action is needed to minimize potential danger to the public posed by the large number of racing vessels participating in this event.

### Discussion of Regulations

On May 24, May 25, and May 26, 1997, the City of Norfolk will sponsor the Virginia is for Lovers Cup Unlimited Hydroplane Races in Willoughby Bay. The event will consist of Hydroplanes, Hydrolights and Jersey Speed Skiffs racing at high speeds along a 2 mile oval course. These regulations are necessary to control spectator craft and provide for the safety of life and property on navigable waters during the event.

### 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory procedures of DOT is unnecessary. Entry into the regulated area will only be prohibited while the race boats are actually competing. Since vessels will be allowed to transit the event area between heats, the impacts on routine navigation are expected to be minimal.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule 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). Therefore, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule 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 of 1995 (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 considered the environmental impact of this rule and concluded that, under section 2.b.2.e(34)(h) of Commandant Instruction M16475.1b (as amended, 61 FR 13564; March 27, 1996), this rule is categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 100

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

### Temporary Regulations

In consideration of the foregoing, 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 Section 100.35T05-020 is added to read as follows:

#### § 100.35T05-020 Willoughby Bay, Norfolk, Virginia

(a) *Definitions*—(1) *Regulated area.* The waters of Willoughby Bay from shoreline to shoreline, and the approaches to Willoughby Bay bounded by a line drawn westerly from the northern corner of Willoughby Spit located at latitude 36°58'06" North, longitude 76°17'58" West, to Willoughby Bay Channel Light 7 (LLNR 10595) located at latitude 36°58'06" North, longitude 76°18'18" West; thence southwesterly to the shoreline at the Norfolk Naval Base located at latitude 36°57'21" North, longitude 76°18'27" West. All coordinates reference Datum: NAD 1983.

(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 Hampton Roads.

(b) *Special Local Regulations*—(1) Except for participants in the Virginia is for Lovers Cup Unlimited Hydroplane Races and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) The Patrol Commander will allow vessel traffic to transit the event area between races.

(c) *Effective dates.* This regulation is effective from 8 a.m. to 5 p.m. EDT on May 24, May 25, and May 26, 1997.

Dated: May 8, 1997.

**Kent H. Williams,**

*Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-97-026]

RIN-2115-AE47

#### Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Florida

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of deviation from regulations.

**SUMMARY:** The Coast Guard is hereby giving notice that the Florida Department of Transportation has been granted permission to temporarily deviate from the regulations governing the Royal Park (SR 704) drawbridge mile 1022.6 at Palm Beach, from April 14, 1997 through June 14, 1997 for the purpose of conducting structural repairs and painting the bridge structure. This deviation authorizes the bridge owner to open only one leaf of the draw when necessary to pass navigation, and requires vessel operators to provide four hours advance notice to the bridgetender prior to obtaining a double leaf opening. This revised opening procedure is intended to expedite bridge repairs and maintenance operations,

without unreasonably impacting navigation.

**DATES:** This deviation is effective from April 14, 1997 through June 14, 1997.

**ADDRESSES:** Comments may be mailed to Commander (oan), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131-3050. The telephone number is (305) 536-6546. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 am and 4:00 p.m., Monday through Friday, except Federal holidays. Comments may also be hand-delivered to Room 406 at the above address.

**FOR FURTHER INFORMATION CONTACT:** Miss Evelyn Smart, Project Manager, Seventh Coast Guard District (oan), (305) 536-6546.

### Background and Purpose

The Royal Park (SR 704) Drawbridge over the Atlantic Intracoastal Waterway at Palm Beach has a vertical clearance of 14.6 feet (4.45m) above Mean High Water (MHW) and 17 feet (5.18m) above Mean Low Water (MLW) in the closed position. On 14 March 1997, the Archer-Western Contractors, Ltd, representing the Florida Department of Transportation, requested a deviation from the current operating schedule in 33 CFR 117.261 paragraphs (a) and (v) governing the Royal Park Drawbridge across the Atlantic Intracoastal Waterway. The deviation was requested to facilitate structural repairs and painting operations on the existing deteriorated structure.

The District Commander granted the Florida Department of Transportation, a temporary deviation from the operating requirements listed in 33 CFR 117.261 paragraph (a) and (v) governing the Royal Park Drawbridge over the Atlantic Intracoastal Waterway. This deviation from normal operating regulations is authorized in accordance with the provisions of 33 CFR 117.43 for the purpose of expediting bridge repairs and painting of the bridge structure. Under this deviation, the Royal Park Drawbridge, operated by the Florida Department of Transportation, shall open only one leaf of the draw, on signal, to pass navigation and shall open both leafs of the draw when four hours advance notice is given to the bridgetender. From April 14, 1997 to May 31, 1997, Monday through Friday except Federal holidays, from 8 a.m. to 9:30 a.m. and from 3:30 p.m. to 5:45 p.m., the draw need open only at 8:45 a.m., 4:15 p.m., and 5 p.m. From 9:30 a.m. to 3:30 p.m., the draw need open

only on the quarter-hour and three-quarter hour. Public vessels of the United States and tugs with tows are not exempted from this deviation. Vessels in a situation where a delay would endanger life or property shall be passed through the draw as soon as a double leaf opening can be safely accomplished. From June 1, 1997 to June 14, 1997, the draw shall open on signal. This deviation is effective for a period of 60 days beginning on April 14, 1997 and ending on June 14, 1997.

Dated: May 7, 1997.

**J.W. Lockwood,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD09-97-014]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Manistee River, MI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** Commander, Ninth Coast Guard District has authorized a temporary 90-day deviation from the current bridge operating regulations for the Maple Street bridge, mile 1.1, and the U.S. Route 31 bridge, mile 1.4, both over the Manistee River in Manistee, MI. The temporary deviation was issued at the request of the City of Manistee, MI, to test a proposed change to the times that both bridges are required to open on signal. The deviation changes the current hours of 6 a.m. to 10 p.m. to 7 a.m. to 11 p.m.

**DATES:** The effective date of this temporary deviation is May 31, 1997 and it will expire on August 31, 1997. Comments must be received July 21, 1997.

**ADDRESSES:** Comments may be mailed or delivered to Commander (obr), Ninth Coast Guard District, 1240 E. Ninth St., Room 2019, Cleveland, OH 44199-2060, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902-6084.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scot M. Striffler, Project Manager, at (216) 902-6084.

## SUPPLEMENTARY INFORMATION:

### Requests for Comments

The Coast Guard encourages interested persons to submit comments on the operating schedule during the temporary deviation. Persons submitting comments should include their name, address, identify this notice (CGD09-97-014), and the reason(s) for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½" x 11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting acknowledgement of receipt of comments should enclose a stamped self-addressed post card or envelope. Persons may submit comment by writing to the Commander (obr), Ninth Coast Guard District, listed under **ADDRESSES**.

### Background and Purpose

The City of Manistee, MI, on behalf of the marina owners in Manistee, requested the Coast Guard approve a change to the operating regulations pertaining to the Maple Street bridge and U.S. Route 31 bridge over the Manistee River. The City of Manistee owns and operates the Maple Street bridge. The Michigan Department of Transportation (MDOT) owns the U.S. Route 31 bridge and contracts the City of Manistee to operate the bridge. The marine owners and operators on Manistee Lake requested the hours which the bridges are required to open on signal be revised to allow longer evening sailing times for the vessels using the marinas above the bridges.

The Coast Guard has proposed a revision to the operating schedule, published elsewhere in today's **Federal Register**.

Commander, Ninth Coast Guard District, has approved a temporary deviation from the regulations for the bridges to test the proposed schedule before making a permanent change to the regulations. This temporary deviation will allow the revised bridge schedule to be tested for a 90-day period while still soliciting comments from the public on the proposed permanent change. The Coast Guard will evaluate the effectiveness of the revised schedule at the end of the test period to determine whether to permanently change the regulations.

During the deviation period, the bridges will only be required to open on signal between 7 a.m. and 11 p.m. Between 11 p.m. and 7 a.m., the bridges will open if at least a 2-hour advance