

Dated: May 29, 1996.  
 William B. Schultz,  
*Deputy Commissioner for Policy.*  
 [FR Doc. 96-13829 Filed 5-30-96; 1:06 pm]  
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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Parts 65, 66, and 76

RIN 1076 AD31

#### Enrollment of Indians; Removal of Regulations

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is eliminating 25 CFR Parts 65, 66, and 76 as mandated by Executive Order 12866 to streamline the regulatory process and enhance the planning and coordination of new and existing regulations. The necessity for these rules no longer exists.

**EFFECTIVE DATE:** July 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Bettie Rushing, (202) 208-3463.

#### SUPPLEMENTARY INFORMATION:

##### Background

The purpose for which these rules were promulgated has been fulfilled and the rules are no longer required. Members of the San Pasqual Band have been enrolled as required in satisfaction of judgments of the United States Claims Court docket 80-A. Members of the Delaware Tribe of Indiana and the Absentee Delaware Tribe of Western Oklahoma have been enrolled as the basis for distribution of judgment funds awarded in Indian Claims Commission dockets 27-A, and 241, 289, 27-B and 338, and 27 E and 202, 27.

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

*Executive Order 12778:* The Department has certified to the Office of Management and Budget (OMB) that this rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

*Executive Order 12866:* This rule is not a significant regulatory action under Executive Order 12866 and does not require review by the Office of Management and Budget.

*Regulatory Flexibility Act:* This rule will not have a significant economic

impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

*Executive Order 12630:* The Department has determined that this rule does not have "significant" takings implications. This rule does not pertain to "taking" of private property interests, nor does it impact private property.

*Executive Order 12612:* The Department has determined that this rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

*NEPA Statement:* The Department has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

*Unfunded Mandates Act of 1995:* This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

*Paperwork Reduction Act of 1995:* This rule contains no information collection requirement the elimination of which would require notification to the Office of Management and Budget.

*Drafting Information:* The primary author of this document is Bettie Rushing, Bureau of Indian Affairs.

List of Subjects in 25 CFR Parts 65, 66 CFR 76.

Indians—enrollment, Indians—claims.

#### PARTS 65, 66, 76—[REMOVED]

Under the authority of Executive Order 12866, and for the reasons stated above, 25 CFR Parts 65, 66, and 76 are removed.

Dated: May 22, 1996.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96-13730 Filed 5-31-96; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 62

[CGD-94-091]

RIN 2115-AF14

#### Conformance of the Western Rivers Marking System With the United States Aids to Navigation System

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** As part of the President's Regulatory Reinvention Initiative, the Coast Guard will replace the solid-color crossing dayboards in the Western Rivers Marking System (WRMS) with checkered non-lateral dayboards used in the United States Aids to Navigation System (USATONS); the latter dayboards would have the same meaning and be the same size and shape as the former, but would be easier to see. These changes would help mariners to better see the crossing dayboards, making the Western Rivers safer.

**DATES:** This rule is effective June 3, 1996. The first checkered non-lateral dayboards will appear on the Western Rivers no sooner than September 3. The last solid-color crossing dayboards will disappear from the Western Rivers not later than June 3, 1996.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-091), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, room 3406 at the same address 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:** LTJG Chad Asplund, Short Range Aids to Navigation Division, Telephone: (202) 267-1386.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principle persons involved in drafting this document are LTJG Chad Asplund, Project Manager, Short Range Aids to Navigation Division, and Patrick J. Murray, Project Counsel, Office of Chief Counsel.

##### Regulatory History

On March 27, 1996, the Coast Guard published an NPRM entitled Conformance of the Uniform State Waterway Marking System and the Western Rivers Marking System with

the United States Aids to Navigation System in the Federal Register (61 FR 13472). The Coast Guard received twenty letters commenting on the proposal. No public hearing was requested, and none was held.

The comments received regarding elimination of the Uniform State Waterway Marking System (USWMS) showed that this portion of the regulations was more complex and more controversial than previously thought. Therefore the Coast Guard will withdraw this portion of the rulemaking and may address it in a future rulemaking.

#### Background and Purpose

The WRMS was created to adequately mark the dynamic waterways of the Mississippi River and its Western counterparts. Some deviations from the USATONS were necessary for this. One of these is the use of crossing dayboards. These dayboards indicate where the river channel ("sailing line") crosses from one bank to the other. The dayboards currently used in the WRMS are either solid green or solid red. They are important aids, but can be difficult to see, especially the green dayboards against the overgrowth of trees that line the Western Rivers. The Coast Guard will replace the (red or green) solid-color crossing dayboards used in the WRMS with the checkered (green-and-white or red-and-white) non-lateral dayboards used in the USATONS. The checkered non-lateral dayboards will retain the same meaning as the solid-color crossing dayboards, yet will be easier to see.

#### Discussion of Comments and Changes

The Coast Guard received twenty letters commenting on our March 27, 1996 NPRM (61 FR 13472). Eighteen of the letters concerned elimination of the USWMS. The three remaining letters concerned the change to the WRMS.

The letters which came from State Boating Law Administrators expressed concern about losing the regulatory markers from the USWMS. The Coast Guard never planned to eliminate these markers from state waters. Regulatory markers are a vital part of the USATONS; and by eliminating the USWMS and mandating the USATONS the regulatory markers will still be available.

One State was also concerned with the replacement of the red-and-white striped danger mark of the USWMS. There is a fundamental difference with the red-and-white striped buoy. In the USATONS it represents a safe-water mark, and in the USWMS it identifies a hazard. This is contradictory and very

confusing to the mariner who navigates between both systems.

One State also brought up many issues regarding total conformance of the USWMS and the USATONS after the merger. It was brought to the attention of the Coast Guard that many sections of 33 CFR Part 62 will have to be revised to ensure total conformance. Many administrators stated that this was a significant and complex issue that required further study. Therefore, the Coast Guard is postponing the portion of the rulemaking concerning the USWMS for a future project so that the Coast Guard may work with the States on this rule.

A national trade organization representing the inland and coastal barge and towing industry concurred with the Coast Guard's proposal to replace the solid-color crossing dayboards with the non-lateral checkered green-and-white or red-and-white dayboards of the USATONS. They believe that the checkered design will significantly improve visibility, particularly on the right descending bank.

An independent consultant was concerned about replacing the crossing dayboards with checkered non-lateral marks. The consultant noted that the checkered dayboards would be harder to see because they would be smaller in size. Although the colored portion of the dayboards will be smaller, the total dayboard will be the same size and shape as the solid-color marks that they are replacing. The fact that the dayboards will be in part white will increase the contrast against the typical riverine foliage background, thus providing equal or greater detection distance. Therefore the Coast Guard does not see this as a significant issue.

The consultant was also concerned that the Coast Guard is replacing lateral marks with non-lateral marks. Crossing dayboards in their proper use are non-lateral. They do not mark a specific side of the river or channel, but simply inform the mariner which side of the river to move to when approaching a bend or change in the geography of the river. Therefore the Coast Guard believes this is an appropriate change.

#### 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 not been reviewed by the Office of Management and Budget under that Order. It is not significant under regulatory policies and procedures of

the Department of Transportation (DOT) (44 FR 11010; February 26, 1979).

The Coast Guard expects the economic impact of this regulation to be minimal enough that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Replacing the solid-color crossing dayboards of the WRMS will cost the Federal government little additional money, since new ones would cost essentially the same as the current ones. The Coast Guard will replace the current ones with the new ones when it would otherwise replace them in kind, so the cost will be similar to that of regular maintenance.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, would have a significant impact on a substantial number of small entities. "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 less than 50,000.

This proposal would have minimal impact on small entities. Replacing the crossing dayboards on the WRMS would only affect the Federal government. Therefore, the Coast Guard certifies under 5 U.S.C. 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 proposal contains no increase in 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 considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e(34)(a) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. Replacing the solid-color crossing dayboards in the WRMS will have no environmental implications. A Categorical Exclusion Determination is

available in the rulemaking docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 62

Navigation (water).

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 62 as follows:

### PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

1. The authority citation for part 62 continues to read as follows:

Authority: 14 U.S.C. 85; 33 U.S.C. 1233; 43 U.S.C. 1333; 49 CFR 1.46.

#### § 62.51 [Amended]

2. In § 62.51, paragraph (b)(3) is revised to read as follows:

#### § 62.51 Western rivers marking system.

\* \* \* \* \*

(b) \* \* \*

(3) Diamond-shaped non-lateral dayboards, checkered red-and-white or green-and-white, similar to those used in the USATONS, as appropriate, are used as crossing dayboards where the river channel crosses from one bank to the other.

\* \* \* \* \*

Dated: May 23, 1996.

J.A. Creech,

*Captain, U.S. Coast Guard, Acting Chief,  
Office of Navigation Safety and Waterway  
Services.*

[FR Doc. 96-13725 Filed 5-31-96; 8:45 am]

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### 33 CFR Part 100

#### [CGD07-96-018]

#### RIN 2115-AE46

### Special Local Regulations; Miami Super Boat Race; Miami Beach, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the Miami Super Boat Race. This event will be held annually on the second Sunday of June, between 12:30 p.m. and 3:30 p.m. Eastern Daylight Time. Historically, there have been approximately 35 participant and 200 spectator craft. The resulting congestion of navigable channels creates an extra or unusual hazard in the navigable waters. These regulations are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** June 18, 1996.

#### FOR FURTHER INFORMATION CONTACT:

QMC T.E. Kjerulff, project officer, Coast Guard Group Miami, FL at (305) 535-4448.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, the final rule will be made effective in less than 30 days from the date of publication in the Federal Register. Following normal rulemaking procedures will be impracticable, unnecessary, and contrary to the public interest. A notice of proposed rulemaking for this rule was published in the Federal Register (61 FR 13122) with a 50 day comment period. Due to the extended comment period, which expired on May 15, 1996, the final rule will be made effective in less than 30 days from the date of publication in the Federal Register in order to hold the event. During the extended comment period, no comments were received regarding this rulemaking, and this final rule does not change the provisions of the NPRM.

#### Regulatory History

On March 26, 1996, the Coast Guard published a notice of proposed rulemaking entitled "Miami Super Boat Race; Miami Beach, FL" (CGD07-96-018) in the Federal Register (61 FR 13122). The comment period ended May 15, 1996. The Coast Guard received no comments during the proposed rulemaking comment period. A public hearing was not requested and one was not held.

#### Discussion of Regulations

These regulations are needed to provide for the safety of life during the Miami Super Boat Race. This event will be held annually on the second Sunday of June, between 12:30 p.m. and 3:30 p.m. EDT. These regulations are intended to promote safe navigation on the waters off Miami Beach during the race by restricting vessels from entering the race area described below and permit anchoring only in the designated spectator area. Historically, there have been approximately 35 participant and 200 spectator craft during the race. The anticipated concentration of spectator and participant vessels associated with the Miami Super Boat Race poses a safety concern, which is addressed in these special local regulations. The resulting congestion of navigable channels creates an extra or unusual hazard in the navigable waters.

The race area will be formed by a line joining the following points:

25°46.3'N, 080°07.85'W; thence to, 25°46.3'N, 080°06.82'W; thence to, 25°51.3'N, 080°06.2'W; thence to, 25°51.3'N, 080°07.18'W; thence along the shoreline to the starting point. All

coordinates referenced use datum: NAD 1983. A spectator area will be established in the regulated area for spectator traffic and will be defined by a line joining the following points, beginning from:

25°51.3'N, 080°06.15'W; thence to, 25°51.3'N, 080°05.85'W; thence to, 25°46.3'N, 080°06.55'W; thence to, 25°46.3'N, 080°06.77'W; and back to the starting point. All coordinates referenced use datum: NAD 1983. These regulations will also include a buffer zone of 300 feet between the race course and the spectator area defined above.

Entry into the regulated area by other than event participants will be prohibited unless otherwise authorized by the Coast Guard Patrol Commander. However, the Coast Guard Patrol Commander may at his discretion permit traffic to resume normal operations between scheduled racing events.

The regulations will also establish safety measures of 5 short whistle or horn blasts from a patrol vessel to signal any and all vessels to take immediate steps to avoid collision. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately. All spectators not in the designated spectator areas above will be required to remain clear of the race at all times.

#### Regulatory Evaluation

This rule 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. These regulations will last for only 4 hours each day of the event. No public comments were received during the notice of proposed rulemaking comment period.

#### 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