

## Blocked Vessels—Continued

Vessel Name	Pro-gram	Flag	Vessel Type	DWT	GRT	Call Sign	Vessel Owner	Alternate Names
<i>SURVEY LAUNCH No. 2</i>	IRAQ		research			N/A	State Org. of Iraqi Ports	
<i>SURVEY LAUNCH No. 3</i>	IRAQ		Research			N/A	State Org. of Iraqi Ports	
<i>SUTJESKA</i>	FRY S&M	Malta	Bulk carrier		38,551	9HSN3	Kotor Overseas Shipping Ltd.	
<i>SVETI STEFAN</i>	FRY S&M	Malta	Pax/RO/RO Cargo/ Ferry		1,637	9HTJ3	Lovcen Overseas Shipping Ltd.	
<i>TADMUR</i>	IRAQ	Iraq	Tanker	3,627		HNTD	Iraqi Oil Tankers Company	
<i>TAHREER</i>	IRAQ	Iraq	Service	4,649		YITR	State Org. of Iraqi Ports	
<i>TAMMANY H</i>	CUBA	Cyprus	Bulk carrier	26400	15864	5BXG	Odielo Shipping Co. Ltd.	fka <i>PRIMROSE ISLANDS</i>
<i>TARIK IBN ZIYAD</i>	IRAQ	Iraq	Tanker	118,139		HNTZ	Iraqi Oil Tankers Company	
<i>TEPHYS</i>	CUBA	Cyprus	General cargo	15123	8935	H2RZ	Tephys Shipping Co. Ltd.	fka <i>PAMIT C</i>
<i>THEEQAR</i>	IRAQ	Iraq	Tug	220		YIAC	State Org. of Iraqi Ports	
<i>TIFON</i>	CUBA	Cuba	Tug	NA	164	CL2059	Samir de Navegacion S.A.	
<i>TIVAT</i>	FRY S&M	Malta	General dry cargo		9,698	9HUM3	Zeta Ocean Shipping Ltd.	
<i>TOPOLICA</i>	FRY S&M	Yugo-slavia	Tug		169	Unknown	Luka Bar—Preduzece	
<i>TRINAESTI JULI</i>	FRY S&M	Malta	Bulk carrier		17,233	9HTQ3	Zeta Ocean Shipping Ltd.	aka <i>13th JULY</i>
<i>UR</i>	IRAQ	Iraq	Tug	368		YIUR	State Org. of Iraqi Ports	
<i>VEDADO</i>	FRY S&M	Malta	Ore Carrier		15,396	9HSZ3	Lovcen Overseas Shipping Ltd.	fka <i>DANILOVGR-AD</i>
<i>WEST ISLANDS</i>	CUBA	Cyprus	General Cargo	15136	9112	C4IB	WEST ISLAND SHIPPING CO. LTD. (SDN)	
<i>WORK BOAT No. 6</i>	IRAQ	Iraq	Barge			N/A	State Org. of Iraqi Ports	
<i>WORKSHIP 3</i>	IRAQ	Iraq	Service			N/A	State Org. of Iraqi Ports	
<i>YANBU 31</i>	IRAQ	Saudi Arabia	Service			N/A	Iraqi State Company for Oil Projects	
<i>YOUSIFAN</i>	IRAQ	Iraq	Tug	386		YIYN	State Org. of Iraqi Ports	
<i>ZAIN AL QAWS</i>	IRAQ	Iraq	Cargo	9,247		HNZQ	Iraqi State Enterprise for Water Transport	
<i>ZAMZAM</i>	IRAQ	Iraq	Tanker	544		YIAZ	State Org. of Iraqi Ports	
<i>ZANOOBIA</i>	IRAQ	Iraqi flag	Cargo	3,549		HNZN	Iraqi State Enterprise for Water Transport. Represented by Ceylon Shipping Co., Colombo, Sri Lanka	
<i>ZETA</i>	FRY S&M	Malta	General dry cargo		9,862	9HTV3	South Cross Shipping Ltd.	
<i>ZUBAIDY</i>	IRAQ	Iraqi flag	Fishing			YIBO	State Org. of Iraqi Ports	

Dated: June 12, 1996.

R. Richard Newcomb,  
Director, Office of Foreign Assets Control.

Approved: June 17, 1996.

John P. Simpson,  
Deputy Assistant Secretary (Regulatory, Tariff  
& Law Enforcement).

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## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 100

[CGD 95-054]

RIN 2115-AF17

## Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Interim rule and notice of  
availability of environmental  
assessment.**SUMMARY:** In keeping with the National  
Performance Review and the President's  
Regulatory Reinvention Initiative, the  
Coast Guard is revising its marine event  
regulations to eliminate unnecessaryrequirements while continuing to  
protect the safety of life. The rule more  
precisely identifies those events which  
require a permit, those which require  
only written notice to the Coast Guard,  
and those which require neither. The  
environmental assessment and proposed  
finding of no significant impact which  
support this rulemaking are also made  
available to the public.**DATES:** This rule is effective on January  
1, 1997. Comments must be received on  
or before August 26, 1996.**ADDRESSES:** Comments may be mailed to  
the Executive Secretary, Marine Safety  
Council (G-LRA/3406) (CGD 95-054),  
U.S. Coast Guard headquarters, 2100  
Second Street SW., Washington, DC  
20593-0001, or may be delivered to

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. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carlton Perry, Office of Boating Safety, (202) 267-0979. A copy of this rule may be obtained by calling the Coast Guard Customer Infoline, 1-800-368-5647 or, in Washington, DC, 267-0780.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments on the interim rule and environmental assessment. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95-054) and the specific section of this rule or the assessment to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards of envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule or the assessment in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

##### **Regulatory History**

On December 26, 1995, the Coast Guard published in the Federal Register an advance notice of proposed

rulemaking (ANPRM) (CGD 95-054) entitled "Regattas and Marine Parades; Permit Application Procedures" (60 FR 66773). The ANPRM focused on how the existing program could be improved and to what extent permitting should be required. Twenty-five comments were received.

On review of the comments, the Coast Guard decided that a fundamental revision of its existing marine event program was warranted. Subsequently, on April 17, 1996, the Coast Guard published a notice of proposed rulemaking (NPRM) (61 FR 16732) and 20 comments were received. A public hearing was not requested and none was held.

##### **Advisory Committee Consultation**

The National Boating Safety Advisory Council (NBSAC) and the Navigation Safety Council (NAVSAC) have been consulted in the formulation of this proposal. A copy of the NPRM was provided to the members of NBSAC and NAVSAC for review before a joint meeting held on April 27-29, 1996, in San Francisco, CA. At that meeting, the NBSAC and NAVSAC members were briefed on the proposed changes but did not submit comments to the docket. A copy of the minutes of that meeting, when available, will be entered in the docket at the address under **ADDRESSES**.

##### **Background and Purpose**

Under the Act of April 28, 1908, the Coast Guard is authorized, when necessary, to issue regulations to promote safety of life on navigable waters during regattas and marine parades (33 U.S.C. 1233). Though not required by Congress to do so, the Coast Guard chose to exercise this discretionary authority by implementing a permitting system for regattas or marine parades and, in certain instances, issuing temporary special local regulations (SLR's) in conjunction with those permits.

In keeping with the President's Regulatory Reinvention Initiative, the Coast Guard reviewed its regatta and marine parade regulations in 33 CFR part 100 and determined that certain revisions are needed to eliminate overly burdensome, unnecessary, and obsolete requirements. To that end, this rule eliminates the need for permits, unless they are necessary to advance the statutory purpose of promoting safety of life during marine events. The rule establishes various categories of events: those which do not require any notice or a permit because they clearly pose no extra or unusual hazard to safety of life; those which require written notice because they may pose such a hazard;

and those which require a permit because they clearly pose such a hazard.

The statutory authority and the reasons for this rulemaking are documented in detail in the ANPRM and NPRM and, therefore, are not repeated in this preamble.

##### **Discussion of General Comments**

1. Several comments agreed with the proposed revisions to the Coast Guard's marine event permitting program and noted that they will remove the undue burden of the current requirements, without adversely affecting safety or environmental concerns.

2. Two comments opposed the proposed revisions because the Coast Guard's permitting system had an indirect benefit on the environment. Based on the Coast Guard's preliminary analysis and on comments received from the Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), the Coast Guard has initiated consultation with FWS and NMFS to address protected species and habitat concerns.

The Coast Guard's authority to regulate marine events is limited by law to those circumstances necessary to promote the safety of life on navigable waters during those events (33 U.S.C. 1233). Although the Coast Guard previously has chosen to implement section 1233 authority through a permitting system, the law neither mentions nor mandates permits as the necessary or appropriate procedure to be used. While certain environmental benefits may have inured from the permitting process, the Coast Guard is not authorized to regulate marine events to protect the environment. Nevertheless, in an effort to preserve the incidental environmental benefits of the old permitting system and in response to several comments received from Federal and State environmental agencies, the Coast Guard will provide a copy of the notice (§ 100.17(d)) to those Federal authorities that Congress has specifically charged with protecting affected resources with respect to these events, as well as to State and local authorities with similar jurisdiction. The rule also provides that, when a Coast Guard permit is required, the sponsor must submit to the Coast Guard additional information on environmental impacts (§ 100.18(a)). This information can then be used by the Coast Guard to give notice to, and consult with, appropriate Federal, State, and local authorities and to prepare any necessary environmental documentation.

## Discussion of Comments and Changes to Specific Sections

### Section 100.5 Definitions

1. Several commenters stated that the rule should define the term "participating vessel" and indicate whether a spectator watercraft would be considered a "participating vessel."

The Coast Guard agrees and has amended the section by adding definitions of "participating vessel" and "spectator vessel."

2. Definitions of "Designated Officer" and "local authority" have been added.

3. The following environmental terms have been defined to assist sponsors in complying with the notice requirements: "area of historic, cultural, or archeological significance," "critical habitat," "environmentally sensitive area," and "threatened or endangered species." During the Coast Guard's consultation with FWS and NMFS, the Services recommended that the Coast Guard's proposed definition of "environmentally sensitive area" be expanded to cover environmental laws not specified in the Coast Guard's definition. In response, paragraphs (b) and (d) were added to the definition. The Coast Guard is requesting comments particularly on whether paragraphs (b) and (d) of the definition provide event sponsors with useful guidance to meet the notice provisions of § 100.17(a)(2) or are overly broad.

### Section 100.15 General Requirements for Events

One commenter recommended that the proposed rule be revised to specifically state that marine event participants may not violate any Federal, State, or local rule or regulation, rather than just a "navigational rule." Another commenter objected to the condition, explaining that complying with the Inland Navigation Rules would effectively prohibit all races due to requirements for signalling and giving way during overtaking situations.

The Act of April 28, 1908 (33 U.S.C. 1233) does not preempt the States from adopting their own laws and regulations regarding waters within their jurisdiction. In fact, some States have exercised their authority over these waters to require, among other things, State permits for marine events or to prohibit marine events in certain waters. The Coast Guard does not intend, by promulgation of this rule, to imply that compliance with Coast Guard regulations and permits will shield marine event sponsors or participating vessels from other Federal, State, and local requirements. Accordingly, the

Coast Guard has amended the section to clarify that participating vessels must comply with all applicable Federal, State, and local laws and regulations. The Coast Guard will continue to notify event sponsors if the proposed event potentially violates other statutes or regulations for which the Coast Guard has authority or responsibility. The Coast Guard has not in the past enforced technical violations of the Inland Navigation Rules against vessels participating in an organized race under racing rules and does not envision a change to this policy.

### Section 100.17 Notice of event

1. Several commenters stated that the proposed numeric criterion of 50 vessels in § 100.17(a) is insufficient to determine when the Coast Guard should receive notice of a marine event. Many of these commenters noted that, for example, an event with 51 sailboats often presents less of a threat to the safety of life than an event with 49 powerboats travelling at speeds of greater than 30 knots or miles per hour. Another commenter suggested adding "more than 200 spectator vessels" as a criterion to learn of those events with a small number of participants, but where the event's large number of anticipated spectator vessels may result in negative navigation safety or environmental impacts. Both Federal and State authorities submitted comments recommending criteria to address high-speed events and interference with navigation. Similarly, an environmental group suggested that it was most concerned about high-speed events in critical habitat areas.

The Coast Guard agrees and, as a result, has added several new criteria to § 100.17(a) for triggering the need to give notice. In addition to events that will involve more than 50 participating vessels, paragraph (1) now includes events (1) that will involve more than 200 spectator vessels; (2) that will take place in or near a designated environmentally sensitive area (including a critical habitat of a threatened or endangered species), or other area of historic, cultural, or archeological significance, including an area of significance to Native Americans; (3) that will involve participating vessels travelling at speeds of greater than 30 miles per hour; (4) that will cause participating vessels or spectator vessels to cross a designated shipping lane or otherwise block or cause substantial interference with navigation on a body of water; (5) that could present a substantial threat to the safety of human life on navigable waters; or (6) for which the sponsor is

requesting the assignment of Coast Guard resources or the issuance of a special local regulation under § 100.35.

2. One commenter suggested that the numeric threshold in § 100.17(a)(1) should be raised from 50 vessels to 100 vessels.

The Coast Guard supports any revision which will remove overly-burdensome regulatory requirements, while maintaining the safety of life on navigable waters. Since the Coast Guard has amended the rule to include several qualitative criteria, in addition to the quantitative threshold of 50 vessels, the Coast Guard seeks comment on whether the suggested threshold of 100 vessels, or some other number, is more appropriate than the 50-participating-vessel criterion originally proposed. Likewise, the Coast Guard seeks comment on whether the suggested threshold of 200 spectator vessels, or some other number, is appropriate.

3. One Federal authority suggested that the Coast Guard receive notice of all marine events; another was concerned about the cumulative effects of multiple marine events occurring in a single location; several suggested requiring notice for any event to be held in specific listed waterways, such as the Atlantic Intracoastal Waterway, San Francisco Harbor, and Puget Sound.

Each of these suggestions, although well-intentioned, would create the very all-pervasive command and control regulatory structure that this rule is intended to eliminate. If the Coast Guard were to regulate consistent with these comments, it would have to require notice of each vessel entering the waters in order to measure fully the cumulative effects. This is contrary to the Coast Guard's statutory mandate, which is limited to regulating marine events only when necessary to protect the safety of human life. Because the additional criteria for requiring notice of a marine event take these commenters' concerns into account, the specific changes suggested have not been adopted.

4. One commenter stated that a sponsor of a sailboat race might encounter difficulties in complying with the requirement in § 100.17(b)(5) to give notice of the location of the event, because the course might change as the winds shift during the event.

The rule requires only information regarding the general location of the event, as indicated on a chart or drawing, to assist in determining whether a permit is needed. This information should be reasonably within the knowledge of a sponsor and, even without the Coast Guard's requirements, should be determined by

the sponsor in advance. Therefore, this suggestion was not adopted.

5. Several comments on proposed § 100.17(c), concerning the length of the notice period, suggested that shorter periods be allowed in certain instances. Many of these commenters, including Federal and State authorities, supported a tiered notice period, because, among other things, longer notice would be warranted if environmental concerns were involved. Specifically, one Federal authority noted that consultation provisions of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) may be triggered by the issuance of some Coast Guard permits and that ESA implementing regulations require a 135-day period for consultation and opinion submittal.

The Coast Guard agrees and has amended paragraph (c) to create a tiered notice period consistent with the mandate of ESA. The rule provides that a sponsor may submit notice at least 60 days before an event if (1) the sponsor submitted notice of the event in the year immediately preceding; (2) the nature, location, scheduling, and other relevant information contained in the prior notice is essentially the same; and (3) no Coast Guard permit was required in the prior year. If these conditions are not met, the sponsor must submit notice at least 135 days before the event.

6. One commenter supported the single-notice period of 120 days in proposed paragraph(c) for annual events, but also stated that some sponsors might encounter difficulties meeting that requirement. Other commenters supported shorter notice periods ranging from same-day to 90-days notice.

As stated above, the Coast Guard has determined that the tiered notice requirement in new paragraph(c) for recurring events will reduce the burden on event sponsors, while not jeopardizing the safety of human life on navigable waters.

7. One State authority commented that a State with an approved Coastal Zone Management Plan must have 6 months notice to make a Federal consistency determination and the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 *et seq.*) before the issuance of a Federal permit directly affecting a coastal zone. Another State authority requested time to make a Federal consistency determination regarding the entire Coast Guard marine event program.

The Coast Guard has determined that the CZMA applies, if at all, to individual permits issued under this rule and not to the rulemaking itself. CZMA section 1456(c) requires the

applicant for a Federal license or permit to submit, with its application to the Federal agency, a certification that the proposed action is consistent with the State's Coastal Zone Management Plan (CZMP). To that end, this rule requires each applicant to submit proof of a Federal consistency determination and because the CZMA places the burden on the applicant, the CZMA timeframes are not calculated into this rule.

By contrast, the CZMA imposes on Federal agencies a lesser burden than it imposes on applicants. The CZMA provides that each Federal agency which conducts or supports an activity "directly affecting" the coastal zone of a State with an approved CZMP to comply with the CZMP "to the maximum extent practicable" (16 U.S.C. 1456(c)(1)). The Coast Guard has determined that the CZMA is not triggered by this rulemaking because it is the underlying event that may affect coastal resources. This rule, in accordance with our statutory authority, is limited to protecting safety of human life on the navigable waters during marine events. Therefore, the effects of this rule, if any, on coastal resources is merely incidental and would be addressed for the specific event. Even if the CZMA were triggered, the Coast Guard has complied "to the maximum extent practicable" because this rule includes environmental criteria in its notice provision and requires a consistency determination to be submitted for each permit.

8. As regards the collection-of-information requirements, one Federal authority opposed additional requirements. In contrast, a State authority supported the Coast Guard's proposal to require additional information on the impacts to threatened or endangered species, critical habitats or other designated environmentally sensitive areas, and areas of historic, cultural, or archaeological significance.

As stated in the "Discussion of General Comments" section of this preamble, the Coast Guard is aware that, through the previous permitting system, the Coast Guard served as a conduit, between various authorities, for information regarding environmental impacts. To that end, the Coast Guard has added paragraph (d) to provide that the Coast Guard will provide a copy of the notice to those Federal authorities that Congress has specifically charged with protecting affected resources in this instance, as well as to the State and local authorities having similar jurisdiction. Of course, once the Coast Guard decides that a permit is required to protect the safety of human life, the

Coast Guard must comply with several environmental laws, including the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), which may require the Coast Guard to consult with other Federal authorities. In furtherance of NEPA's required analysis and ESA's consultation, § 100.18(a) provides that, when a Coast Guard permit is required, the sponsor must submit to the Coast Guard additional information on environmental impacts.

9. New paragraph (d) was added as a result of several comments by Federal and State authorities. Most of these commenters supported the Coast Guard's efforts to streamline the marine event permitting process and noted the Coast Guard is authorized only to issue permits to protect the safety of human life on navigable waters. Some of these commenters also indicated, however, that the permitting process has created indirect benefits to the environment.

The Coast Guard agrees that the scope of its authority is limited. Nevertheless, the Coast Guard will provide a copy of the notice, under paragraph (d), to each relevant Federal, State, or local authority having jurisdiction over a threatened or endangered species, a critical habitat or other designated environmentally sensitive area, or an area of historic, cultural, or archeological significance (including an area of significance to Native Americans), as well as to each authority having navigational or other jurisdiction over the waters.

10. One environmental group requested that the Coast Guard notify the public of all high-speed marine events.

Though the Coast Guard is not required to provide public notice of marine events, it has routinely given public notice of its special local regulations by means of its local and broadcast notices to mariners. Under § 100.17(d), the Coast Guard will continue this practice for events on which it receives notice, as well as provide notice to pertinent Federal, State, and local authorities.

11. The Coast Guard is considering other methods to further reduce the paperwork burden imposed on event sponsors, including whether to allow notice under § 100.17 to be submitted by a tollfree information line or via Internet, rather than in writing. Additionally, to better serve its customers, the Coast Guard may establish an Internet site for the posting of information regarding marine events. The Coast Guard believes that an on-line site would be useful for event sponsors,

who would have a clearinghouse for free publicity of their events; for owners and operators of participating and spectator vessels; for commercial vessel owners and operators, who would learn of marine events to be held in nearby waters; and for other regulatory agencies. The Coast Guard seeks comment on the usefulness and feasibility of these proposals.

#### Section 100.19 Appeals

Several commenters apparently were confused as to whether interested parties, such as State authorities or environmental groups, could participate in the permit appeal process.

The rule has been revised to clarify that only the event sponsor may appeal under § 100.19.

#### Section 100.50 Penalties

One commenter suggested that the Coast Guard should not assess monetary penalties for violations of these regulations and permits issued thereunder. One Federal authority proposed that the Coast Guard should impose a penalty on those who conduct an event without appropriate notice.

The Act of 1908, as amended (33 U.S.C. 1236), specifies the penalties that shall be incurred for any violation of regulations issued under 33 U.S.C. 1233, the authority for this part.

#### 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 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.

Some States authorities commented that they believe that they may incur costs by virtue of this streamlining measure. The Coast Guard notes that the effect of this rule is to eliminate certain Federal requirements and that it does not shift any regulatory burden to State authorities. Therefore, it will impose no costs on State authorities.

This rule eliminates the cost of preparing and submitting an application for the thousands of events that will no longer be permitted. Even for events that just require written notice to the Coast Guard, the only cost will be the time required to gather the readily available

information and the cost of postage.

Despite these costs, this rule reduces the overall regulatory burden, because fewer sponsors will be required to submit notice than previously were required to submit permit applications.

For the few events that will require a permit, there would be an increase in the amount of information that must be included in the application. However, this additional information will allow the Coast Guard to conduct the required environmental analysis in a more timely manner. Because of the drastic decrease in the number of permits, the additional information required for a permit will still lead to a markedly reduced burden on most sponsors. This additional information concerns the potential impacts of the event on the environment and is needed to assist the Coast Guard in analyzing those impacts and evidencing compliance with environmental laws. The cost of compiling this information will vary greatly depending on the nature and location of the event.

#### 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" 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.

One environmental group, which claimed to be a small entity, submitted a comment stating that it would face an economic impact because it would have to devote more resources to monitoring high speed marine events. The Coast Guard disagrees. None of the requirements imposed by this rule have been shifted to environmental groups. Additionally, the rule has been revised to require sponsors of high-speed events to give notice to the Coast Guard, which notice the Coast Guard will forward to appropriate Federal, State, and local authorities (in addition to any local and broadcast notices to mariners it may issue). Any benefit the environmental group received from the old program was incidental.

As this rule affects entities large and small, the assessment under the "Regulatory Evaluation" section of this preamble applies to small entities as well.

Therefore, 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. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

#### Collection of Information

Under the Paperwork Reduction Act (PRA) 44 U.S.C. 3401 *et seq.*, the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements. The collection-of-information requirements for his rulemaking have been submitted to the Department of Transportation. The requirements have not yet been approved by OMB under section 3504(h) of the PRA and cannot become effective until that approval. Notice of approval will be published in the Federal Register.

This interim rule will reduce the number of respondents (sponsors of events) required to provide information to the Coast Guard from about 3,100 a year to less than 1,500 a year. This reduction will result from limiting the requirement for written notice to only certain events (new § 100.17(a)). As to those respondents required to submit notices and to have a permit, the collection-of-information burden will remain about the same as under the previous permit application requirements in 46 CFR 100.15(c), except for minor new collection-of-information requirements in §§ 100.17, 100.18 and 100.19.

The following particulars apply to the increase in the OMB-approved burden that will result from collection of additional (mostly environmental) information by sponsors required to give notice under § 100.17 and to submit additional information for a permit under § 100.18:

*DOT No.:* 2115.

*OMB Control No.:* 2115-0017

*Administration:* U.S. Coast Guard.

*Title:* Regattas and Marine Parades.

*Need for Information:* To comply with various laws, including the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act.

*Use of Information:* To assist in the preparation of documentation required

by law before the Coast Guard may issue a permit.

**Frequency for Response:** Once for each event requiring notice and once for each event requiring a permit.

**Burden Estimate:** The burden will be in preparing and submitting the written notice for each event and the additional environmental information required to obtain a permit, the impact of which will vary with the event.

**Respondents:** Sponsors of events. Approximately 1,500 per year nationwide will be required to give notice. Of those, about 20 per year nationwide will be required to submit additional information to obtain Coast Guard permits.

**Form(s):** None required. Existing Form CG-4423 (Application for Approval of Marine Event) will no longer be used.

**Average Burden Hours Per Respondent:** This will vary depending on the potential impact of the event.

#### 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 has prepared an environmental assessment (EA) and proposed finding of no significant impact (FONSI) for this rule. The EA and proposed FONSI are available in the rulemaking docket for inspection or copying and are open to public comment where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 100

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—MARINE EVENTS

1. The authority citation for part 100 is revised to read as follows:

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

2. The heading for part 100 is revised to read as set forth above.

3. Before § 100.01, add a subpart heading to read as set forth above.

#### Subpart A—General

4. Sections 100.01 and 100.05 are revised to read as follows:

#### § 100.01 Purpose.

This part prescribes the requirements for holding a marine event on the navigable waters of the United States.

#### § 100.05 Definitions.

As used in this part—

**Area of historic, cultural, or archeological significance** means a place or structure that is listed, or is eligible for listing, in the National Register of Historic Places under the National Historic Preservation Act of 1966 (16 U.S.C. 661 *et seq.*); an area that is designated under other applicable Federal, State, or local historic preservation law or regulation; or an area of significance to Native Americans.

**Critical habitat** means a geographical area formally identified under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) that is considered essential to the conservation of a species listed as threatened or endangered under the Act and that may require special management considerations or protection.

**Designated Officer** means a Coast Guard officer designated by the District Commander to carry out the functions assigned in this part to the Designated Officer.

**District Commander** means the Commander of the Coast Guard district in which the marine event will be held.

**Environmentally sensitive area** means a geographical area that is designated—

(1) As a critical habitat of a threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*);

(2) For protection under a State endangered or protected species statute;

(3) As a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 *et seq.* and 33 U.S.C. 1401 *et seq.*); or

(4) As a wildlife sanctuary, refuge, or special natural resource conservation area under Federal or State law.

**Local authority** means an official or agency of local government having power under the laws of a State to regulate marine events on waters over which the State has jurisdiction.

**Marine event or event** means an organized event of limited duration held on the water according to a prearranged schedule.

**Participating vessel** means a vessel that is participating in a marine event.

**Regatta or marine parade** means a marine event.

**Spectator vessel** means a vessel at a marine event, other than a participating vessel, and includes support and safety patrol vessels.

**State authority** means an official or agency of a State having power under

the laws of the State to regulate waters or resources over which the State has jurisdiction.

**Threatened or endangered species** means a species that is listed, or proposed for listing, as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or other species of plant or wildlife protected by an equivalent State statute.

5. Section 100.15 is revised to read as follows:

#### § 100.15 General requirements for events.

No marine event may be conducted in such a manner that a participating vessel violates any Federal, State, or local law or regulation that applies during the time and at the location of the event.

6. Sections 100.17, 100.18, and 100.19 are added to read as follows:

#### § 100.17 Notice of event.

(a) The sponsor of a marine event shall notify the Designated Officer if—

(1) The event will involve more than 50 participating vessels or more than 200 spectator vessels;

(2) The event will take place in or near a designated environmentally sensitive area (including a critical habitat of a threatened or endangered species), or other area of historic, cultural, or archeological significance, including an area of significance to Native Americans;

(3) The event will involve participating vessels travelling at speeds of greater than 30 miles per hour;

(4) The event will cause participating vessels or spectator vessels to cross a designated shipping lane or otherwise block or cause substantial interference with navigation on a body of water;

(5) The event could present a substantial threat to the safety of human life on navigable waters; or

(6) The sponsor is requesting the use of Coast Guard resources or the issuance of a special local regulation under § 100.35.

(b) The notice must be in writing and contain the following information:

(1) The name of the sponsor and the event.

(2) Name, address, and telephone number of the person in charge of the event.

(3) The date and approximate time the event is scheduled to begin and end.

(4) The nature of the event (e.g., marine parade, powerboat race, or sailboat race).

(5) The general location of the event as shown on a chart or drawing.

(6) The number and type (e.g., powerboat or sailboat) of participating vessels and spectator vessels expected.

(7) An explanation of why the event does not present a substantial threat to the safety of human life on navigable waters and what steps will be taken to ensure that result.

(8) The expected effect, if any, of the event on the following resources:

(i) A threatened or endangered species.

(ii) A critical habitat or other designated environmentally sensitive area.

(iii) The coastal zone of a State with a Federally-approved Coastal Zone Management plan under 16 U.S.C. 1451 *et seq.*

(iv) An area of historic, cultural, or archeological significance, including an area of significance to Native Americans.

(c) A sponsor of an event meeting the criteria of paragraph (a) of this section must submit notice to the Designated Officer at least 135 days before the event. However, a sponsor may submit the notice no later than 60 days before the event if—

(1) The sponsor submitted a notice of the event in the year immediately preceding;

(2) The nature, location, scheduling, and other relevant information contained in the prior notice is essentially the same; and

(3) The Coast Guard required no permit for the prior event.

(d) The Coast Guard will provide a copy of the notice to the appropriate Federal, State, and local authorities having jurisdiction over the affected waters and also to the appropriate Federal, State, or local authorities having jurisdiction over potentially affected critical habitat of a threatened or endangered species or other designated environmentally sensitive area or an area of historic, cultural, or archeological significance, including an area of significance to Native Americans.

(e) If, after reviewing the notice, the Designated Officer determines that the event is likely to present a substantial threat to the safety of human life on navigable waters, the Designated Officer will notify the sponsor that the event may not be held unless the sponsor first obtains a Coast Guard permit for the event.

#### **§ 100.18 Permits.**

(a) When a permit is required under § 100.17(e), the sponsor of the event shall submit the following additional information to the Designated Officer within 30 days after the date of notice of the decision that a permit will be required:

(1) A detailed plan of how the sponsor plans to conduct the event so as to minimize the risk to the safety of human life on the navigable waters.

(2) A statement that the event will be conducted in compliance with all requirements under the Clean Air Act (42 U.S.C. 1857 *et seq.*), the Clean Water Act (33 U.S.C. 1321), and the Noise Control Act (42 U.S.C. 4901 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), and other applicable Federal, State and local laws, regulations, and ordinances.

(3) If the event is subject to a State's Federally approved coastal zone management plan, a determination from the event sponsor that the event is consistent with the enforceable policies of that plan, as well as evidence showing when the State concurred, or was asked to concur, in that determination.

(4) The name of all Federal, State, or local authorities contacted about the event, the date of each contact, whether any agency indicated that the event will have an adverse impact on a resource, any steps an agency recommended to mitigate the impact, and the sponsor's plan to mitigate the impact.

(5) Any other information deemed necessary by the Designated Officer, such as information to assist the Coast Guard in preparing required environmental documents on the event, including, when appropriate, an agreement to implement any mitigation measures suggested by any Federal, State, or local authority.

(b) The Designated Officer will forward the information to the District Commander, who reviews the information submitted and issues a permit to the sponsor or notifies the sponsor that a permit has been denied and states the reasons for the denial. The sponsor may, within 15 days of the date of notice of the decision to deny a permit, request reconsideration and submit revised or additional information to show that the event has been modified. The District Commander reviews the information submitted for reconsideration and issues a permit or notifies the sponsor that a permit is denied.

#### **§ 100.19 Appeals.**

The sponsor of a marine event for which the District Commander has denied a permit may appeal that decision in writing to Chief, Operations, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, within 7 days of the date

of the determination. After considering all material presented, the Chief, Office of Operations, notifies the petitioner of the decision. The decision by the Chief, Office of Operations, is final agency action.

#### **§§ 100.25 and 100.30 [Removed]**

7. Sections 100.25 and 100.30 are removed.

8. Section 100.35 is revised to read as follows:

#### **§ 100.35 Special local regulations.**

(a) The District Commander may issue regulations to promote safety of life on the navigable waters immediately before, during, and immediately after a marine event.

(b) The regulations may establish an area within which participating vessels, or other vessels are excluded, their entry is limited, or their movement is restricted.

(c) The District Commander will provide notice of the regulations to the State and local authorities having jurisdiction over the affected navigable waters and may provide notice of the regulations by means of local or broadcast notices to mariners.

9. Section 100.50 is revised to read as follows:

#### **§ 100.50 Penalties.**

Any person who violates a provision of this part or a regulation issued under this part shall be subject to a penalty assessed under 33 U.S.C. 1236.

10. Before § 100.101, add a new subpart B heading and § 100.100 to read as follows:

### **Subpart B—Special Local Regulations**

#### **§ 100.100 Purpose of subpart.**

(a) This subpart prescribes regulations for particular recurring marine events.

(b) Geographical coordinates used in this subpart are not intended for plotting on maps and charts referenced to the North American Datum of 1983 (NAD 83), unless the coordinates are labeled NAD 83. Coordinates without an NAD 83 reference may be plotted on maps or charts with an NAD 83 reference only after application of the appropriate corrections published on the map or chart.

J.A. Creech,

Captain, U.S. Coast Guard, Director, Operations Policy.

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