

deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **List of Subjects in 28 CFR Part 50**

Medals.

#### **PART 50—STATEMENTS OF POLICY**

Accordingly, the Interim Rule amending 28 CFR part 50 which was published at 61 FR 49259 on September 19, 1996, is adopted as a final rule without change.

Dated: November 14, 1997.

**Laurie Robinson,**

*Assistant Attorney General, Office of Justice Programs.*

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#### **DEPARTMENT OF TRANSPORTATION**

##### **Coast Guard**

##### **33 CFR Part 100**

[CGD07-97-054]

RIN 2115-AE46

#### **Special Local Regulations: City of Pompano Annual Christmas Boat Parade, Pompano Beach, Florida**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations for the City of Pompano Annual Christmas Boat Parade. This event will be held Sunday, December 14, 1997, between 5 p.m. and 10 p.m. Eastern Standard Time (EST). There will be approximately 150 participants and 75 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 of navigable waters during the event.

**DATES:** These regulations become effective on December 14, 1997, from 5 p.m. to 10 p.m. EST.

**FOR FURTHER INFORMATION CONTACT:** LTJG J. Delgado, Coast Guard Group Miami, FL at (305) 535-4409.

#### **SUPPLEMENTARY INFORMATION:**

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

The City of Pompano Annual Christmas Boat Parade is a nighttime parade of approximately 150 pleasure and fishing boats ranging in length from 23 feet to 125 feet decorated with holiday lights. There will be approximately 75 spectator craft. The parade will form in the staging area at Lake Santa Barbara then proceed north up the Intracoastal Waterway (ICW) to the Hillsboro Boulevard Bridge where the parade will disband.

The regulated area will include the Intracoastal Waterway from Pompano Beach daybeacon 74 LLNR 47230 to State Road 810 Bridge (ICW mile marker 1050). While the parade is transiting, these regulations will prohibit nonparticipating vessels from approaching within 500 feet ahead of the lead vessel in the parade to 500 feet astern of the last participating vessel in the parade to within 50 feet on either side of the parade unless authorized by the patrol commander. After the passage of the parade participants, all vessels will be allowed to resume normal operations.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public, as the Coast Guard was only given notice of the date of the parade less than five weeks before the event.

##### **Regulatory Evaluation**

This proposal 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. Entry into the regulated area is prohibited for only five hours on the 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 rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C 605(b) that this rule would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for approximately five hours in a limited area of the intracoastal waterway.

##### **Collection of Information**

These proposed 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 proposal consistent with Section 2.B.2 of Commandant Instruction M16475.1B. In accordance with that section, this proposed 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 Regulations: In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations, as follows:

**PART 100—[AMENDED]**

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

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. A new temporary section 100.35T-07-054 is added to read as follows:

**§ 100.35T-07-054 City of Pompano Annual Christmas Boat Parade, Pompano Beach Florida**

(a) *Regulated Area.* The regulated area is established surrounding the parade participants as they transit the parade route. Nonparticipant vessels will be prohibited from entering an area encompassing 50 feet on either side of the north-south axis of the parade. The axis extends from 500 feet ahead of the lead vessel in the parade to 500 feet astern of the last participating vessel in the parade as the parade transit north in the Intracoastal Waterway (ICW) from Lake Santa Barbara, the staging area of the parade, to the Hillsboro Boulevard Bridge, where the parade will disband. The regulated area will include the Intracoastal Waterway from Pompano Beach daybeacon 74 LLNR 47230 to State Road 810 bridge (ICW mile marker 1050).

(b) *Special Local Regulations.*

(1) While the parade is transiting, nonparticipating vessels are prohibited from approaching within 500 feet ahead of the lead vessel in the parade to 500 feet astern of the last participating vessel in the parade to within 50 feet on either side of the parade unless authorized by the Patrol Commander. Anchoring in the viewing area is prohibited unless authorized by the Patrol Commander. Entry or anchoring in the staging area is prohibited, unless authorized by the Patrol Commander. After the passage of the parade participants, all vessels may resume normal operations.

(2) A succession of not fewer than five short whistle or horn blasts from a patrol vessel will be the signal for any nonparticipating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(c) *Dates.* These regulations become effective on December 14, 1997, from 5 p.m. to 10 p.m. EST.

Dated: November 6, 1997.

**Norman T. Saunders,**

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

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

**[COTP Los Angeles-Long Beach, CA; 97-007]**

**RIN 2115-AA97**

**Safety Zone: Los Angeles Harbor-San Pedro Bay, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Coast Guard is revising the two safety zones associated with the dredging and landfill activities for stage II of the Pier 400 project. The Coast Guard is also adding a new moving safety zone surrounding the Dredge FLORIDA when it is in the waters of Los Angeles Harbor and San Pedro Bay, CA, and engaged in dredging operations associated with the Pier 400 project.

**DATES:** This regulation will be in effect from 6 a.m. PDT on July 22, 1997 until 11:59 p.m. PST on December 31, 1999. Comments must be received on or before January 20, 1998.

**ADDRESSES:** Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, 165 N. Pico Avenue, Long Beach, CA 90802.

Comments received will be available for inspection and copying within the Port Safety Division at Marine Safety Office Los Angeles-Long Beach. Normal office hours are 8 a.m. to 4 p.m., PDT, Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Keith Whiteman, Chief, Port Safety and Security Division, Marine Safety Office Los Angeles-Long Beach.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Following normal rulemaking procedures could not be done in a timely fashion in that the sequence of construction activities, location of work, selection of a contractor, and the issuance of a notice to proceed for Stage II of the Pier 400 project were not finalized until a date fewer than 30 days prior to the anticipated start of work.

Although this regulation is published as an interim rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the regulation is both reasonable and workable. Accordingly, persons wishing

to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Those providing comments should identify the docket number (COTP Los Angeles-Long Beach, CA; 97-007) for the regulation and also include their name, address, and reason(s) for each comment presented. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. Based upon the comments received, the scope of the regulation may be changed.

The Coast Guard plans no public meetings. Persons may request a public meeting by writing to Marine Safety Office Los Angeles-Long Beach at the address listed under **ADDRESSES** in this preamble.

**Background and Purpose**

Construction associated with the Pier 400 project referenced in 33 CFR part 165.1110 has progressed to stage II. Consequently, the dredging and landfill activities necessary to complete the project have been expanded, and the existing safety zones no longer provide an appropriate level of safety. This rule expands those safety zones, and adds a new, moving safety zone surrounding the Dredge FLORIDA whenever it is engaged in dredging activities associated with the Pier 400 project.

The Dredge FLORIDA was not utilized during stage I of the Pier 400 project. Consequently, the moving safety zone surrounding the Dredge FLORIDA was not necessary during stage I of the Pier 400 project, but it is now essential given the expanded scope of stage II of the Pier 400 project.

This regulation is needed to restrict vessel traffic in the regulated areas to prevent collisions, groundings, or other navigational mishaps. Entry into, transit through, or anchoring within any of the safety zones is prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

**Discussion of Regulation**

This rulemaking accomplishes three things with respect to the Pier 400 project. It expands the two existing safety zones referenced in 33 CFR part 165.1110, and it adds a third, moving safety zone surrounding the Dredge FLORIDA. This rulemaking is necessary because the construction activities associated with the Pier 400 project have progressed from stage I to stage II. Consequently, the geographic scope of the construction area is now larger, and the services of the Dredge FLORIDA must now be employed.

These safety zones are necessary to safeguard recreational and commercial