

(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 reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 100 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 new section, 100.113, is added to read as follows:

§ 100.113 Provincetown Harbor Swim for Life, Provincetown, MA.

(a) *Regulated Area.* All waters of Provincetown Harbor within 200 feet of participating benefit swimmers.

(b) *Special Local Regulations.* (1) The Coast Guard patrol commander may delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol commander. On-scene patrol personnel may include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This section is effective on September 7, 1996, from 10 a.m. to 4 p.m. and annually thereafter on a date and times published in a Federal Register document. If the event is canceled due to weather, this regulation is effective the following day at the same times.

Dated: August 22, 1996.

James D. Garrison,

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

[FR Doc. 96-22210 Filed 8-29-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-96-072]

RIN 2121-AA97

Safety Zone: New York Super Boat Race, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the lower Hudson River, for the New York Super Boat Race. The temporary safety zone will be in effect on Sunday, September 8, 1996, from 12 p.m. until 4 p.m. unless extended or terminated sooner by the Captain of the Port, New York. The safety zone will close the entire Lower Hudson River between Battery Park and Pier 76 in Manhattan.

EFFECTIVE DATE: This rule is effective from 12 p.m. until 4 p.m. on Sunday, September 8, 1996, unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant John W. Green, Waterways Oversight Branch Chief, Coast Guard Activities New York at (212) 668-7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 5, 1996, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (61 FR 40587). Interested persons were requested to submit comments on or before August 20, 1996. The Coast Guard received four comments on this proposal. A public hearing was not requested and one was not held. The Coast Guard is promulgating the final rule as proposed. Good cause exists for making this regulation effective less than 30 days after Federal Register publication. Due to the NPRM comment period deemed necessary to give the public adequate notice, there was insufficient time to publish this temporary final rule 30 days prior to the event. The delay that would be encountered to allow for a 30 day delayed effective date would cause the cancellation of this event. Cancellation of this event is contrary to the public interest since this event is intended for public entertainment.

Background and Purpose

Super Boat Racing Inc. submitted an Application for Approval of Marine Event for a Super Boat Race in the waters of the Lower Hudson River. This event will include up to 45 powerboats, 40 to 50 feet in length, racing on an 8 mile oval course at speeds in excess of 100 mph. No more than 100 spectator craft are expected for the event. This regulation establishes a temporary safety zone in the waters of the Lower Hudson River south of a line drawn from Pier 76 in Manhattan to a point in Weehawken, New Jersey at 40°45'52" N latitude, 74°01'01" W longitude, and north of a line connecting the following points:

Latitude	Longitude
40°42'16.0" N	74°01'09.0" W, then south to
40°41'55.0" N	74°01'16.0" W, then west to
40°41'47.0" N	74°01'36.0" W, then northwest to
40°41'55.0" N	74°01'59.0" W, then to shore at
40°42'20.5" N	74°02'06.0" W (NAD 1983)

The safety zone will be effective on Sunday, September 8, 1996, from 12 p.m. until 4 p.m., unless extended or terminated sooner by the Captain of the Port New York. This section prohibits all vessels and persons from entering the safety zone unless authorized by the Coast Guard Captain of the Port. The safety zone is needed to protect mariners from the hazards associated with high speed boat races.

Discussion of Comments and Changes

Of the four comments received, two were from companies operating sightseeing cruises, one was from a company operating an excursion boat, and one was from a ferry company. Three requested limited access through the safety zone in order to meet commitments previously reserved by paying customers and one requested the race route be moved in order for its ferryboat to meet a published schedule. All responses were considered and limited access was granted to meet the majority of the responders needs. Movement of the race course was not possible nor warranted and the ferryboat company was provided limited access in order to meet its operating schedule.

Regulatory Evaluation

This proposal 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone will close all waters of the Lower Hudson River south of a line drawn from Pier 76 in Manhattan to a point located directly opposite on the New Jersey shoreline and north of a line drawn between Battery Park in Manhattan and the southern most point of Ellis Island in the Upper New York Bay on Sunday, September 8, 1996, from 12 p.m. until 4 p.m. This portion of the Hudson River experiences moderate commercial and recreational marine traffic. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: limited access has been arranged with time-sensitive commercial traffic; the volume of commercial vessel traffic transiting the Lower Hudson River on a Sunday is less than half of the normal daily traffic volume; pleasure craft desiring to view the event will be directed to designated spectator viewing areas outside the safety zone; pleasure craft can take an alternate route through the East River and the Harlem River; the duration of the event is limited to four hours; and the extensive advisories which will be made to the affected maritime community by Local Notice to Mariners, Safety Voice Broadcast, and facsimile notification.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal 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 (21 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the

Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is included in the docket.

List of Subjects in 33 CFR Part 165

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

Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary § 165.T01–072, is added to read as follows:

§ 165.T01–072 Safety Zone; New York Super Boat Race, Hudson River, New York and New Jersey.

(a) *Location.* All waters of the Lower Hudson River between Pier 76 in Manhattan and a point on the New Jersey shore in Weehawken, New Jersey at 40°45'52" N latitude, 74°01'01" W longitude, and north of a line connecting the following points:

Latitude	Longitude
40°42'16.0" N	74°01'09.0" W, then south to
40°41'55.0" N	74°01'16.0" W, then west to
40°41'47.0" N	74°01'36.0" W, then northwest to
40°41'55.0" N	74°01'59.0" W, then to shore at
40°42'20.5" N	74°02'06.0" W (NAD 1983)

(b) *Effective period.* This section is in effect on Sunday, September 8, 1996, from 12 p.m. until 4 p.m., unless

extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 23, 1996.

Richard C. Vlaun,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 96–22211 Filed 8–29–96; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD01–96–100]

RIN 2115–AA97

Safety Zone: MTV Music Awards Fireworks Display, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the MTV Music Awards fireworks display located in the East River, New York. The safety zone will be in effect from 10:30 p.m. until 11:45 p.m. on Wednesday, September 4, 1996. The safety zone will close all waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn.

EFFECTIVE DATE: This rule is effective from 10:30 p.m. until 11:45 p.m. on Wednesday, September 4, 1996, unless extended or terminated sooner by the Captain of the Port New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. W. Green, Waterways Oversight Branch Chief, Coast Guard Activities New York at (202) 668–7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after Federal Register publication. Due to the date on which complete information regarding this event was received, there was