

**33 CFR Part 100****[CGD07-96-049]****RIN 2115-AE46****Special Local Regulations; Key West Super Boat Race; Key West, FL****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the Key West Super Boat Race sponsored by Super Boat Racing, Inc. The Key West Super Boat Race will be held annually on the second Wednesday and Saturday in November, between 10 a.m. and 4 p.m. EST (Eastern Standard Time). These regulations are intended to promote safe navigation on the waters in the Atlantic Ocean in the vicinity of Key West, Florida, by controlling the traffic entering, exiting, and traveling within these waters. These regulations are necessary to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATE:** January 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** QMC Kent, Project Officer, USCG Group Key West, (305) 292-8727.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

On October 11, 1996, the Coast Guard published a notice of proposed rulemaking entitled Key West Super Boat Race; Key West, FL [CGD07-96-049] in the Federal Register (61 FR 53344). The comment period ended on November 12, 1996. The Coast guard received no comments during the notice of proposed rulemaking comment period. A public hearing was not requested and no hearing was held.

**Background and Purpose**

These special local regulations are needed to provide for the safety of life during the Key West Super Boat Race. The regulations are intended to promote safe navigation on the waters in the Atlantic Ocean in the vicinity of Key West, Florida, by controlling the traffic entering, exiting, and traveling within these waters. Historically during these races, there have been approximately 80 power boats and 100 spectator craft. The anticipated concentration of event participating vessels and spectator craft associated with the Key West Super Boat Race poses a safety concern, which is addressed in these special local regulations. The Key West Super Boat Race will be held annually from 10 a.m. to 4 p.m. EST, on the second Wednesday and Saturday in November.

These regulations will establish a regulated area for all navigable waters within a line drawn through the following points.

24-33.65N, 081-48.47W; thence to, 24-33.95N, 081-48.30W; thence to, 24-34.05N, 081-48.45W; thence to, 24-33.58N, 081-48.70W; thence to, 24-31.18N, 081-51.10W; thence to, 24-31.18N, 081-48.88W; thence to, 24-32.94N, 081-48.82W.

All coordinates reference use datum: NAD 1983. Entry into this proposed regulated area will be prohibited to all vessels except event participants, unless otherwise authorized by the patrol commander. A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-event participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel will be a signal for any and all vessels to stop immediately.

**Regulatory Evaluation**

These regulations are 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary, because entry into the regulated area will be prohibited for only 6 hours on each day of the event.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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.

The Coast Guard certifies that this rule will not have a significant economic impact on a substantial number of small entities, because entry into this regulated area will be prohibited for only 6 hours on each day of the event.

**Collection of Information**

These 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 this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard has considered the environmental impact of this rule consistent with Section 2.B.2. of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994). In accordance with that instruction, specifically section 2.B.2.b.(2), this rule has been environmentally assessed (EA completed), and the Coast Guard has determined that it would not significantly affect the quality of the human environment. An environmental assessment and finding of no significant impact have been prepared and are available for copying and inspection. Furthermore, as a condition to the permit, the applicant will be required to educate the operators of spectator craft and parade participants regarding the possible presence of manatees and the appropriate precautions to take if the animals are sighted.

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

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

**Final Regulations**

For reasons set out in the preamble, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

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

**PART 100—[AMENDED]**

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A new section 100.722 is added to read as follows:

**§ 100.722 Annual Key West Super Boat Race; Key West, FL.****(a) Definitions.**

(1) *Regulated area.* All navigable waters within a line drawn through the following points:

24-33.65, 081-48.47W; thence to, 24-33.95N, 081-48.30W; thence to, 24-34.05N, 081-48.45W; thence to, 24-33.58N, 081-48.70W; thence to,

24–31.18N, 081–51.10W; thence to,  
24–31.18N, 081–48.88W; thence to,  
24–32.94N, 081–48.82W.

All coordinates reference use datum:  
NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the United States Coast Guard who has been designated by Coast Guard Group Key West, Florida.

(b) *Special Local Regulations.* (1) Entry into the regulated area, by other than event participants, is prohibited unless otherwise authorized by the patrol commander.

(2) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-event participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel will be a signal for any and all vessels to stop immediately.

(c) *Effective Dates.* This section is effective at 10 a.m. and terminates at 4 p.m. annually on the second Wednesday and Saturday in November.

Dated: November 15, 1996.

J.D. Hull

*Captain, U.S. Coast Guard, Acting  
Commander, Seventh Coast Guard District.*  
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### 33 CFR Part 100

[CGD07–053]

RIN 2115–AE46

#### **Special Local Regulations; Holiday Boat Parade of the Palm Beaches; Palm Beach, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations for the Holiday Boat Parade of the Palm Beaches. This event will be held annually during the second Saturday of December, from 6:30 p.m. until 9 p.m. EST (Eastern Standard Time). Historically, there have been approximately 60 parade event participant vessels and 200 spectator craft during the boat parade. The resulting congestion of navigable channels creates an extra or unusual hazard on the navigable waters. These regulations are necessary to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATE:** December 10, 1996.

**FOR FURTHER INFORMATION CONTACT:**

QM2 S. E. Fowler, Project Officer, U.S. Coast Guard Group Miami 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 would 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 53342) with a thirty day comment period. The final rule will be made effective in less than thirty days from the date of publication in order to hold the event. During this comment period, no comments were received on this rulemaking.

#### **Regulatory History**

On October 11, 1996, the Coast Guard published a notice of proposed rulemaking entitled *Holiday Boat Parade of the Palm Beaches*; Palm Beach, FL [CGD07–96–053] in the Federal Register (61 FR 53342). The comment period ended on November 12, 1996. The Coast Guard received no comments during the notice of proposed rulemaking comment period. A public hearing was not requested and no hearing was held.

#### **Background and Purpose**

These regulations are needed to provide for the safety of life on the navigable waterways during the Holiday Boat Parade of the Palm Beaches. These regulations are intended to promote safe navigation on the waters off the Palm Beaches during the parade by controlling the traffic entering, exiting, and traveling within these waters. The Holiday Boat Parade of the Palm Beaches is an annual night time boat parade consisting of approximately sixty (60) power and sail boats ranging in length from 18 feet to 85 feet decorated with holiday lights. Historically, there have been approximately 60 parade event participant vessels and 200 spectator craft during the boat parade. The anticipated concentration of these spectator and parade participant vessels associated with the boat parade poses a safety concern which is addressed in these special local regulations.

The boat parade will take place annually during the second Saturday of December, from 6:30 p.m. until 9 p.m. EST (Eastern Standard Time). The parade will form in the staging area in the Port of Palm Beach turning basin and then proceed south down the Intracoastal Waterway (ICW) to Lake Worth South Daybeacon 23 (LLNR 42300) where the parade will disband.

The regulated area will include the Port of Palm Beach Turning Basin and the Intracoastal Waterway extending south from Lake Worth South LT 1 (LLNR 42170) to Lake Worth South Daybeacon 23 (LLNR 42300).

While the parade is transiting, these regulations will prohibit nonparticipating vessels from approaching within 1000 feet ahead of the lead vessel in the parade to 1000 feet astern of the last participating vessel in the parade or 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. A succession of not fewer than 5 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.

#### **Regulatory Evaluation**

These regulations are 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary, because entry into the regulated area is prohibited for only 2½ hours during the boat parade.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on the small entities of a for which a general notice of proposed rulemaking is required. “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.

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, because the regulated area encompasses a limited area and will restrict vessel traffic for only 2½ hours on the day of the event.