

Participants are those persons and vessels identified by the sponsor as taking part in the event. The *official patrol* consists of any Coast Guard, public, state, or local law enforcement and sponsor provided vessel assigned to patrol the event. The Coast Guard *Patrol Commander* is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, U.S. Coast Guard Group Galveston.

(1) No spectator shall anchor, block, loiter in or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(2) When hailed and signaled, by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The patrol commander is empowered to forbid and control the movement of all vessels in the regulated area. He may terminate the event at any time it is deemed necessary for the protection of life or property. He may be reached on VHF-FM Channel 16, when required by the call sign *PATCOM*.

(c) *Effective Dates:* This section is effective from 10:30 a.m. until 5:30 p.m. on October 11, 1997 and from 9:30 a.m. until 6:30 p.m. on October 12, 1997.

Dated: September 19, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 97-25602 Filed 9-25-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-97-039]

RIN 2115-AE46

Special Local Regulations; Head of the Licking Regatta, Licking River Mile 0.0-3.5, Newport, KY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Head of the Licking Regatta. This event will be held on September 27, 1997 from 8 a.m. until 5 p.m. at Newport, Kentucky. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations are effective from 8 a.m. until 5 p.m., on September 27, 1997.

FOR FURTHER INFORMATION CONTACT:

Lt. Jeffrey W. Johnson, Chief, Port Operations Department, USCG Marine Safety Office, Louisville, Kentucky at (502) 582-5194, ext. 39.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would be impracticable. The details of the event were not finalized in sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is a rowing regatta to benefit a non-profit rowing organization. The event is sponsored by Kendle of Cincinnati, Ohio. Rowing races will utilize the Licking River at approximately miles 0.0 to 3.5, midchannel. Commercial vessels will be permitted to transit the area every three hours.

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 because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

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

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e (34) (h) of Commandant Instruction M16475.1B, (as revised by 61 FR 13563; March 27, 1996) this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended 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 temporary section 100.35-T08-039 is added to read as follows:

§ 100.35-T08-039 Licking River at Newport, Kentucky

(a) *Regulated Area:* Licking River Mile 0.0-3.5.

(b) *Special Local Regulation:* All persons and vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. *Participants* are those persons and vessels identified by the sponsor as taking part in the event. The *official patrol* consists of any Coast Guard, public, state or local law enforcement and sponsor-provided vessel assigned to patrol the event. The Coast Guard *Patrol Commander* is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office Louisville.

(1) No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels

shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF-FM Channel 16 by using the call sign *PATCOM*.

(c) *Effective Date*: This section is effective from 8 a.m. to 5 p.m. September 27, 1997.

Dated: September 19, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-97-022]

RIN 2115-AE47

Drawbridge Operation Regulations; Manchester Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has changed the operating rules for the Massachusetts Bay Transportation Authority (MBTA) Bridge over Manchester Harbor in Manchester, Massachusetts. The mariners located in the vicinity of the MBTA Bridge and the Manchester Harbormaster requested longer operating hours for the bridge during the summer boating season. This change to the regulations will require the bridge owner to crew the bridge for eight additional hours each day from Memorial Day through the end of September, to install clearance gauges and to post the regulations for the operation of the bridge.

DATES: This final rule is effective October 27, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Manager, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Regulatory History

On June 14, 1994, the Coast Guard published a temporary 90 day deviation (59 FR 30524) from the effective operating regulations to evaluate changes to the operating rules during the 1994 boating season. The Coast Guard received one letter opposing the proposal and nine letters in favor of increasing the operating hours for the bridge during the boating season. On July 17, 1995, the Coast Guard published a temporary final rule with a request for comments (60 FR 36357) which tested an alternate operating schedule for the bridge. The Coast Guard received 20 letters from mariners. Three petitions with a total of 40 signatures, a letter from Manchester Harbor Marina, and a letter from the Manchester Harbor Boat Club with 200 members were also received. All comments requested that the operating rules be changed to require the bridge to open on signal from 7 a.m. to 11 p.m. each day, Memorial Day through the end of September. On April 11, 1997, the Coast Guard published a notice of proposed rulemaking with a request for comments (62 FR 17762) to permanently change the operating hours to 7 a.m. to 11 p.m. Memorial Day to the end of September. No additional comments were received as a result of the April 1997, proposal.

Background and Purpose

The Manchester MBTA Bridge was formerly owned and operated by the Boston and Maine Railroad. The present owner of the bridge is the MBTA. The existing operating regulations are published at 33 CFR 117.603 and require that the bridge be crewed from 1 April through 1 November from 9 a.m. to 6 p.m., with a one hour lunch closure between 1 p.m. and 2 p.m. daily.

The Coast Guard received a request in May 1994, from the Manchester Harbormaster/Chief of Police and several mariners located upstream of the bridge to extend the hours that the Manchester MBTA Bridge is crewed during the boating season. The June 1994 temporary deviation extended the hours that the bridge was crewed by an additional five hours a day during the boating season. It required the bridge to be crewed from 8 a.m. to 9 p.m. daily and eliminated the one hour lunch hour closure from 1 p.m. to 2 p.m. each day. The Coast Guard asked for comments at the close of the 90 day deviation period.

The Coast Guard received only one letter during the comment period that closed October 31, 1994. The MBTA, the bridge owner, opposed the proposal to

extend the operating hours of the bridge. Their objection was based upon the additional cost of \$16,000 to crew the bridge during the deviation period. The Coast Guard requested additional data and actual copies of the bridge logs to analyze the impact of the deviation. The data was never provided.

Several comments were received after the comment period closed. The comments included seven petition letters, one letter representing forty-five boat owners located upstream of the bridge at the Manchester Harbor Marina, and one letter from the Manchester Harbormaster/Chief of Police. All the letters were strongly in favor of increasing the operating hours for the bridge.

The July 1995, temporary final rule increased the period that the bridge opened on signal by three hours, from 6 p.m. to 9 p.m., each day during the boating season. As noted in the Regulatory History section above, all the letters received in response to the rule were in favor of permanently changing the operating regulations to require that the bridge be crewed from 7 a.m. to 11 p.m. each day from Memorial Day through the end of September. The mariners requested the extended bridge operating hours so that they could get underway earlier in the summer mornings and return to their moorings after a day trip or their evening racing and sailing.

One letter from the bridge owner, the MBTA, opposed the proposal requesting that the hours remain unchanged. The MBTA objected to the extra operating hours based upon a claim that there was a \$27,000 additional cost to crew the bridge during the 1995 test period. Copies of the bridge logs were not submitted as requested.

On April 30, 1996, the Coast Guard implemented another temporary final rule with a request for comments (61 FR 18946) requiring the bridge to be crewed from 7 a.m. to 11 p.m. each day Memorial Day through the end of September. On May 7, 1996, the Coast guard sent a letter to the MBTA requiring them to post a sign summarizing the temporary regulations and maintain a bridge log for the 1996 test period. The MBTA was asked to provide bridge logs and operating cost data to the Coast Guard no later than October 31, 1996, for consideration of impacts upon the MBTA. The Coast Guard received one letter from a mariner in favor of the temporary regulation. A review of the bridge logs provided by MBTA for the 1996 test period indicated that there was an average of 247 additional openings per month for the hours 7 a.m. to 11 p.m.