

has determined that this rule 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 regulation and concluded that under Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(h), it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket maintained at the address listed in ADDRESSES.

### Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

### List of Subjects in 33 CFR Part 100

Regattas, Marine parades.

### Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 100, section 100.1102, as follows:

### PART 100—MARINE EVENTS

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

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.36; 33 CFR 100.35.

2. Section 100.1102, Table 1, is amended by adding an entry for the Parker International Waterski Marathon immediately following the last entry, to read as follows:

**§ 100.1102 Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker Arizona).**

TABLE 1

\* \* \* \* \*

#### *Parker International Waterski Marathon*

Sponsor: Parker International Waterski Association.

Dates: Annually, commencing on the second full weekend of March every year, and lasting a total of 2 days, from 8 a.m. (PST) until 5 p.m. (PST) each day.

Location: The entire water area of the Colorado River beginning at Bluewater Marina in Parker, AZ, and extending approximately 10 miles to La Paz County Park.

Dated: June 25, 1998.

**R.D. Sirois,**

*Acting Captain, U.S. Coast Guard,  
Commander, Eleventh Coast Guard District.*  
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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD01-96-008]

RIN 2115-AE46

#### **Special Local Regulation; Winter Harbor Lobster Boat Race, Winter Harbor, ME**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent special local regulation for a boat race known as the Winter Harbor Lobster Boat Race. The event is held annually on the second Saturday in August between the hours of 8 a.m. and 2 p.m. This boat race takes place in the waters of Winter Harbor, Winter Harbor, ME. The actual date and time will be published in a Coast Guard Notice to Mariners. This regulation is needed to protect the boating public from the hazards associated with high-speed powerboat racing in confined waters.

**EFFECTIVE DATE:** This rule is effective on August 12, 1998.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Timothy J. Carton, Office of Search and Rescue, First Coast Guard District, (617) 223-8460.

#### **SUPPLEMENTARY INFORMATION:**

#### **Regulatory History**

A notice of proposed rulemaking (NPRM) was published on February 26, 1996, (61 FR 7089) proposing the establishment of a permanent special local regulation for the Winter Harbor Lobster Boat Race. The proposed rulemaking was published citing an

incorrect section number § 100.114, which is already in use. This final rule will correct the section number.

The NPRM restricted vessels from transiting a specified regulated area to ensure the safety of life and property in the immediate vicinity of the event. No comments were received and no hearing was requested.

#### **Background and Purpose**

The Winter Harbor Lobster Boat Race is a local, traditional event that has been held for more than thirty years in Winter Harbor, ME. In the past, the Coast Guard has promulgated individual regulations for each year's race. Given the recurring nature of the event, the Coast Guard desires to establish a permanent regulation for this event. This rule establishes a regulated area on Winter Harbor and provides specific guidance to control vessel movement during the race.

This event includes up to 50 power-driven lobster boats and draggers competing in heats on a marked course at speeds approaching 25 m.p.h. The event typically attracts approximately 75 spectator craft. The Coast Guard will assign a patrol craft to the event, and the racecourse will be marked. Due to the speed, large wakes, and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within this confined area. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area.

In emergency situations, provisions may be made to establish safe escort by a Coast Guard or designated Coast Guard vessel for vessels requiring transit through the regulated area.

#### **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. The Office of Management and Budget has exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 25, 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. This conclusion is based on the limited duration of the event, the extensive advisories that will be made to the affected maritime community and the minimal restrictions

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that the regulation places on vessel traffic.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would 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.

For the reasons discussed in the Regulatory Evaluation, 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.

### Collection of Information

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

### 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 considered the environmental impact of this final rule and concluded that under Figure 2-1, paragraph 34(h), of Commandant Instruction M16475.1C, this rule 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 the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 100 as follows:

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, 100.109, is added to read as follows:

#### **§ 100.109 Winter Harbor Lobster Boat Race, Winter Harbor, ME.**

(a) *Regulated area.* The regulated area includes all waters of Winter Harbor, ME, within the following points (NAD 83):

<i>Latitude</i>	<i>Longitude</i>
44 23'07" N	068 04'52" W
44 22'12" N	068 04'52" W
44 22'12" N	068 05'08" W
44 23'07" N	068 05'08" W

(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 Coast Guard. Upon hearing five or more short blasts from a 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 from 8 a.m. to 2 p.m., annually on the second Saturday in August, unless specified in a Coast Guard Notice to Mariners. In case of inclement weather, this section will be in effect the second Sunday in August at the same time, unless otherwise specified in a Coast Guard Notice to Mariners.

Dated: June 29, 1998.

**R.M. Larrabee,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD08-98-038]

RIN 2115-AE84

#### **Regulated Navigation Area; Ohio River, Mile 461.0-462.0, Cincinnati, OH**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a regulated navigation area

on the Ohio River from mile 461.0 to mile 462.0. These regulations are needed to protect and control recreation and commercial vessel traffic during two concerts by musician Jimmy Buffet at the Riverbend Music Center, Cincinnati, Ohio. These regulations will restrict general navigation in the regulated area for the safety of recreational and commercial vessels.

**DATES:** These regulations are effective from 8 p.m. until 11:30 p.m. on July 24 and 25, 1998.

**ADDRESSES:** Unless otherwise indicated, all documents referred to in these regulations are available for review at Marine Safety Office, Louisville, 600 Martin Luther King Jr. Place, Rm 360, Louisville, KY 40202-2230.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Jeff Johnson, Chief, Port Management Department, USCG Marine Safety Office, Louisville, Kentucky at (502) 582-5194, ext. 39.

### SUPPLEMENTARY INFORMATION:

**Drafting Information:** The drafters of this regulation are Lieutenant Jeff Johnson, Port Management Officer for the Captain of the Port of Louisville, Kentucky, and Lieutenant Junior Grade Michael A. Woodruff, Project Attorney, Eighth Coast Guard District, New Orleans, LA.

### 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

For the past few years performance artist Jimmy Buffet has performed annual concerts at the Riverbend Music Center and over that period of time the concerts have increased in popularity. In the last few years, this particular concert series has attracted an increasingly large number of spectator craft, posing a significant hazard to navigation. This increased number of vessels has contributed to an unusually high number of close calls between spectator craft and commercial traffic. The purpose of this regulation is to establish navigation and operating restrictions which will serve to separate recreational vessels from commercial vessel traffic, and if needed, to escort