

Administrator will forward the certifications to the appropriate NHTSA and FHWA offices.

(d) Once a State has been determined to be in compliance with the requirements of 23 U.S.C. 154, it is not required to submit additional certifications, except that the State shall promptly submit an amendment or supplement to its certification provided under paragraphs (a) and (b) of this section if the State's open container law changes or the State ceases to enforce such law.

#### **§ 1270.6 Transfer of funds.**

(a) On October 1, 2000, and October 1, 2001, if a State does not have in effect or is not enforcing the law described in § 1270.4, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State for that fiscal year under each of 23 U.S.C. 104(b)(1), (b)(3), and (b)(4) to the apportionment of the State under 23 U.S.C. 402.

(b) On October 1, 2002, and each October 1 thereafter, if a State does not have in effect or is not enforcing the law described in § 1270.4, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State for that fiscal year under each of 23 U.S.C. 104(b)(1), (b)(3), and (b)(4) to the apportionment of the State under 23 U.S.C. 402.

#### **§ 1270.7 Use of transferred funds.**

(a) Any funds transferred under § 1270.6 may:

(1) Be used for approved projects for alcohol-impaired driving countermeasures; or

(2) Be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

(b) States may elect to use all or a portion of the transferred funds for hazard elimination activities eligible under 23 U.S.C. 152.

(c) The Federal share of the cost of any project carried out with the funds transferred under § 1270.6 of this part shall be 100 percent.

(d) The amount to be transferred under § 1270.6 of this part may be derived from one or more of the following:

(1) The apportionment of the State under § 104(b)(1);

(2) The apportionment of the State under § 104(b)(3); or

(3) The apportionment of the State under § 104(b)(4).

(e)(1) If any funds are transferred under § 1270.6 of this part to the apportionment of a State under Section 402 for a fiscal year, an amount, determined under paragraph (e)(2) of this section, of obligation authority will be distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under Section 402.

(2) The amount of obligation authority referred to in paragraph (e)(1) of this section shall be determined by multiplying:

(i) The amount of funds transferred under § 1270.6 of this part to the apportionment of the State under Section 402 for the fiscal year; by

(ii) The ratio that:

(A) The amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

(B) The total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(f) Notwithstanding any other provision of law, no limitation on the total obligations for highway safety programs under Section 402 shall apply to funds transferred under § 1270.6 to the apportionment of a State under such section.

#### **§ 1270.8 Procedures affecting States in noncompliance.**

(a) Each fiscal year, each State determined to be in noncompliance with 23 U.S.C. 154 and this part, based on NHTSA's and FHWA's preliminary review of its certification, will be advised of the funds expected to be transferred under § 1270.4 from apportionment, as part of the advance notice of apportionments required under 23 U.S.C. 104(e), normally not later than ninety days prior to final apportionment.

(b) If NHTSA and FHWA determine that the State is not in compliance with 23 U.S.C. 154 and this part, based on the agencies' preliminary review, the State may, within 30 days of its receipt of the advance notice of apportionments, submit documentation showing why it is in compliance. Documentation shall be submitted to the appropriate National Highway Traffic Safety Administration Regional office.

(c) Each fiscal year, each State determined not to be in compliance with 23 U.S.C. 154 and this part, based on NHTSA's and FHWA's final determination, will receive notice of the funds being transferred under § 1270.6 from apportionment, as part of the certification of apportionments required under 23 U.S.C. 104(e), which normally occurs on October 1 of each fiscal year.

Issued on: September 30, 1998.

**Kenneth R. Wykle,**

*Administrator, Federal Highway Administration.*

**Ricardo Martinez,**

*Administrator, National Highway Traffic Safety Administration.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

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

[CGD07 98-059]

RIN 2115-AE46

#### **Special Local Regulations; Columbus Day Regatta Sailboat Race, Miami, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary Special Local Regulations are being adopted for the Columbus Day Regatta Sailboat Race. The event will be held in Biscayne Bay from 9 a.m. to 5 p.m. Eastern Daylight Time (EDT) each day, on October 10 and 11, 1998. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** These regulations become effective at 9 a.m. and terminate at 5 p.m. each day on October 10 and 11, 1998.

**FOR FURTHER INFORMATION CONTACT:** QMCS T.E. KJERULFF Coast Guard Group Miami, Florida at (305) 535-4448.

#### **SUPPLEMENTARY INFORMATION:**

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

Columbus Day Regatta, Inc., is sponsoring a sailboat race with approximately 500 sailboats, ranging in length from 20 to 60 feet, participating in the event. The race will take place in Biscayne Bay from Dinner Key to Soldier Key on October 10 and 11, 1998. There will also be approximately fifty (50) spectator craft. These regulations are intended to promote safe navigation on the waters of Biscayne Bay by controlling the traffic entering, exiting, and traveling within the regulated area.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to safety interests as there was not sufficient time remaining after receipt of the permit request to publish proposed rules in advance of the event or to provide for a delayed effective date.

### Regulatory Evaluation

This regulation 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 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only eight hours each day of the event and the regulated area would not have a significant impact on commercial traffic.

### Small Entities

Under the Regulatory Flexibility Act (U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rulemaking will have a significant economic impact on a substantial number of small entities. Small entities include small business, 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 will not have a significant economic impact on a substantial number of small entities, as the regulation will only be in effect for approximately eight hours on two days in a limited area of Biscayne Bay with little impact on commercial traffic.

### 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 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 action and has determined pursuant to Figure 2-1, paragraph 34 (h) of Commandant Instruction M16475.1C, that this action is categorically 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, 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, 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35T-07-059 is added to read as follows:

#### § 100.35T-07-059 Columbus Day Regatta Sailboat Race; Miami, Florida

##### (a) Definitions:

(1) **Regulated Area.** A regulated area is established for the race area by joining the following points (all coordinates reference Datum: NAD 83):

25-43.399N, 80-12.500W;  
25-43.399N, 80-10.500W;  
25-33.000N, 80-11.500W;  
25-33.000N, 80-15.900W;  
25-40.000N, 80-15.000W.

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

##### (b) Special local regulations:

(1) Entry into the regulated area by other than event participants is prohibiting unless otherwise authorized by the Patrol Commander. At the completion of the daily races traffic may resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any and all vessels to take immediate steps to avoid collision. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) Spectators are required to maintain a safe distance from the racecourse at all times.

(c) **Dates:** This section becomes effective at 9 a.m. and terminates at 5 p.m. each day on October 10 and 11, 1998.

Dated: September 21, 1998.

**N.T. Saunders,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Parts 120 and 128

[CGD 91-012]

RIN 2115-AD75

### Security for Passenger Vessels and Passenger Terminals

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard implements a final rule for the security of passenger vessels and passenger terminals. The purpose of this rule, as of the interim rule now in effect, is to deter, or mitigate the results of, terrorism and other unlawful acts against passenger vessels and passenger terminals. The rule should reduce the likelihood of such acts and should reduce the damage to property and injury to persons, if such acts occur.

**DATES:** This final rule is effective on November 13, 1998.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA, 3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-267-1477. A copy of the material listed in *Incorporation by Reference* of this preamble is available for inspection at room 1210, U.S. Coast Guard Headquarters.

**FOR FURTHER INFORMATION CONTACT:** LCDR John Farthing, Project Manager, Vessel and Facility Operating Standards Division, 202-267-6451.

### SUPPLEMENTARY INFORMATION:

#### Regulatory History

On March 25, 1994, the Coast Guard published [59 FR 14290] a notice of proposed rulemaking (NPRM) entitled "Security for Passenger Vessels and Passenger Terminals." The Coast Guard