

provider, as established by rules of a registered futures association that have been approved by the Commission, and who certifies that:

(A) \* \* \*

(3) A pending adjudicatory proceeding under sections 6(c), 6(d), 6c, 6d, or 9 of the Act, or similar proceeding under Section 8a of the Act, or §§ 3.55, 3.56, or 3.60; and

\* \* \* \* \*

Issued in Washington, DC on April 25, 1996, by the Commission.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 96-10730 Filed 5-3-96; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD13-96-012]

RIN 2115-AE46

**Special Local Regulations; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Direct final rule.

**SUMMARY:** By this direct final rule, the Coast Guard is permanently amending a special local regulation governing general navigation and anchorage in the vicinity of the Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races. Changes made to this regulation will clarify its annual effective date and will revise the boundaries of the regulated area. This change is intended to better inform the boating public and to improve the level of safety at this event.

**DATES:** This rule is effective on July 22, 1996, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before June 20, 1996.

**ADDRESSES:** Comments may be mailed to U.S. Coast Guard Group Portland, 6767 N. Basin Ave., Portland, OR 97217-3992. The comments and other materials referenced in this notice will be available for inspection and copying at the above address in the St. Helens Building, Waterways Management Section. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Comments may also be hand-delivered at this address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) C.A. Roskam, Waterways Management Section, U.S.

Coast Guard MSO/Group Portland, OR (Telephone: (503) 240-9327).

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

Any comments must identify the name and address of the person submitting the comment, specify the rulemaking docket (CGD13-96-012) and the specific section of this rule to which each comment applies, and give the reason for each specific comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

**Regulatory Information**

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because no adverse comments are anticipated. If no adverse comments or any written notice of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days prior to the effective date, the Coast Guard will publish a notice in the Federal Register stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comment or written notice of intent to submit adverse comment, the Coast Guard will publish a notice in the final rule section of the Federal Register to announce withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

**Background and Purpose**

Each year, during the last week in July, the Annual Kennewick,

Washington, Columbia Unlimited Hydroplane Races are held on the waters of the Columbia River between the western end of Hydro Island and the western end of Clover Island. Under current Coast Guard regulations, 33 CFR 100.1303, a special local regulation is established each year during the event to provide for public safety by controlling the movement of spectators and participants in the area of the race course.

The current regulations do not clearly state the days and times each year when the become effective. In years past, the Coast Guard has published a notice of implementation in the Federal Register in order to clearly announce the effective dates and times of the regulations for a given year. This direct final rule will permanently amend 33 CFR 100.1303, making the regulation effective each year on the last Tuesday through Sunday in July from 8:30 a.m. local time until the last race is completed each day at approximately 7:30 p.m. local time.

In recent years, the number of recreational vessels transiting the area near the race course and the number of spectator craft anchoring in the vicinity of the race course has greatly increased. The majority of the recreational vessels drawn to this event congregate in the vicinity of the upstream end of the race course. Often, spectator craft anchoring upstream of the race course break free of their anchorage and drift downstream onto the race course, endangering both themselves and race participants.

To promote the safety of spectators and participants, the boundaries of the regulated navigation area created by this special local regulation are being revised. This revision will move the upriver boundary an additional 400 yards upriver. This change is intended to increase the distance between the upriver boundary of the regulated area and the race course, therefore decreasing the likelihood that spectator boats will drift downriver into the course. At the same time the downriver boundary of the regulated area will be moved upriver and additional 1,000 yards. This change is intended to decrease the distance between the downriver boundary of the regulated area and the race course, therefore encouraging spectators to observe the race from the downriver side where there is little danger of drifting into the course.

**Discussion of Rules**

The Coast Guard is permanently amending 33 CFR 100.1303—Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races.

The annual effective dates and times of the regulation are amended so that the regulation becomes effective each year on the last Tuesday through Sunday in July from 8:30 a.m. local time until the last race is completed each day at approximately 7:30 p.m. local time.

The boundaries of the regulated navigation area created by these regulations are also amended. The boundaries of the current regulated area, as defined in this section, include all waters of the Columbia River from the western end of Hydro Island to the western end of Clover Island at Kennewick, Washington. This amendment will change the boundaries of this regulated area to include all waters of the Columbia River between a point 400 yards upriver of Hydro Island and a point 1,000 yards upriver of Clover Island. As amended, the regulated area created by this regulation will include all waters of the Columbia River bounded by two lines drawn from shore to shore. The first line will run between position latitude 46°14'07" N, longitude 119°10'42" W and position latitude 46°13'42" N, longitude 119°10'51" W. The second line will run between position latitude 46°13'35" N, longitude 119°07'34" W and position latitude 46°13'10" N, longitude 119°07'47" W. Within these boundaries, general navigation and anchorage will be restricted by this regulation during the hours it is in effect. This change is intended to encourage spectator craft to anchor downriver of the race course, which would greatly reduce the number of vessels congregating upriver of the race course and reduce the risk of vessels floating downriver onto the race course. It is also intended to reduce the number of recreational vessels transiting from one end of the race course to the other before and after the race, thus reducing congestion in the vicinity of the event.

#### 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. This conclusion is based on the fact that only minor changes are being made to

the regulations and that the changes made reduce the area affected by approximately one half mile.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider 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 regulated navigation area created by this section is being reduced by this direct final rule. Moreover, vessels desiring to transit this area of the Columbia River may do so by scheduling their trips in the evening when the restrictions on general navigation imposed by this section will not be in effect. For these reasons, the Coast Guard certifies under 5 U.S.C. 605(b) that this change 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 considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e.34(h) of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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

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

#### Regulation

For the reasons set out in the preamble, the Coast Guard amends 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. Section 100.1303 is amended by revising paragraphs (a) and (b) as follows:

#### § 100.1303 Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races.

(a) This regulation is effective each year on the last Tuesday through Sunday in July from 8:30 a.m. local time until the last race is completed each day at approximately 7:30 p.m. local time, unless sooner terminated by the Patrol Commander.

(b) The Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect on all waters of the Columbia River bounded by two lines drawn from shore to shore; the first line running between position latitude 46°14'07" N, longitude 119°10'42" W and position latitude 46°13'42" N, longitude 119°10'51" W; and the second line running between position latitude 46°13'35" N, longitude 119°07'34" W and position latitude 46°13'10" N, longitude 119°07'47" W. [Datum: NAD 83]

\* \* \* \* \*

Dated: April 25, 1996.

J.W. Lockwood,

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

[FR Doc. 96-11236 Filed 5-3-96; 8:45 am]

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### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 2

#### RIN 2900-AH74

#### Delegation of Authority To Order Paid Advertising for Use in Recruitment

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends regulations concerning delegations of authority to order paid advertising for use in recruitment. Under the previous regulations, the authority was delegated to heads of each department; to the Director, Office of Personnel and Labor Relations; to the deputies to such officials; and to field facility heads. To reflect current organizational structure and titles, and to ensure that delegations are made to all of those who need