

the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Regulatory Flexibility Act

The Department has evaluated the effects of this rule on small entities. I certify this rule will not have a significant economic impact on a substantial number of small entities, because we are merely removing obsolete provisions and are cross-referencing the Department's rulemaking procedures in another part. The substantive procedural requirements are not changed.

#### Paperwork Reduction Act

This rule contains no reporting or recordkeeping requirements.

#### List of Subjects in 14 CFR Part 399

Administrative practice and procedure, Air carriers.

For the reasons set forth above, 14 CFR part 399 is amended as follows.

### PART 399—POLICIES RELATING TO RULEMAKING PROCEEDINGS

1. The authority citation for part 399 is revised to read as follows:

Authority: 5 U.S.C. 551 *et seq.*, 49 U.S.C. 40101 *et seq.*

2. Section 399, Subpart F is amended by revising §§ 399.70 and 399.73, and removing §§ 399.71, and 399.72, to read as follows:

#### Subpart F—Policies Relating to Rulemaking Proceedings

##### § 399.70 Cross-references to the Office of the Secretary's Rulemaking Procedures.

The rules and policies relating to the disposition of rulemaking petitions by the Department of Transportation Office of the Secretary are located in its rulemaking procedures contained in 49 CFR Part 5. The criteria for identifying significant rules and determining whether a regulatory analysis will be performed are set forth in the Department's Regulatory Policies and Procedures, 44 FR 11034, February 26, 1979, and Executive Order 12866.

##### §§ 399.71 and 399.72 [Removed]

##### § 399.73 Definition of small business for Regulatory Flexibility Act

For the purposes of the Department's implementation of chapter 6 of title 5, United States Code (Regulatory Flexibility Act), a direct air carrier or foreign air carrier is a small business if it provides air transportation only with small aircraft as defined in § 298.3 of this chapter (up to 60 seats/18,000 pound payload capacity).

Issued in Washington, D.C. on May 31, 1996, under the authority of 49 CFR part 1. Charles A. Hunnicutt, Assistant Secretary for Aviation and International Affairs.

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### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 100

[CGD07-96-015]

RIN 2115-AE46

#### Special Local Regulations: Harborwalk Boat Race; Sampit River, Georgetown, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the Harborwalk Boat Race. This event will be held annually on the last Sunday of June, between 12 p.m. and 5:30 p.m. EDT (Eastern Daylight Time). Historically, there have been approximately sixty participants racing 14 to 20 foot outboard power boats on a prescribed course on a portion of the Sampit River, Georgetown, South Carolina. The nature of the event and the closure of the Sampit River creates an extra or unusual hazard in the navigable waters. These regulations are necessary to provide for the safety of life on the navigable waters during the event.

**DATES:** July 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** ENS M. J. DaPonte, project officer, Coast Guard Group Charleston at (803) 724-7621.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On March 26, 1996, the Coast Guard published a notice of proposed rulemaking entitled "Harborwalk Boat Race, Sampit River, Georgetown, SC" in the Federal Register (61 FR 13119). The comment period ended May 28, 1996. The Coast Guard received no comments during the notice of proposed rulemaking comment period. A public hearing was not requested and one was not held.

##### Discussion of Regulations

These regulations are needed to provide for the safety of life during the Harborwalk Boat Race. The rules are intended to promote safe navigation on the waters off East Bay Park on the

Sampit River during the race by controlling the traffic entering, exiting, and traveling within these waters. Historically, the anticipated concentration of spectator and participant vessels associated with the Harborwalk Boat Race has posed a safety concern, which is addressed in these special local regulations.

These regulations will not permit movement of spectator vessels and other nonparticipating vessel traffic within the regulated area, bounded by a line drawn from:

33° 21.5' N, 079° 17.10' W, thence to 33° 21.7' N, 079° 16.8' W, thence along the shore to 33° 21.1' N, 079° 16.7' W, thence to 33° 21.1' N, 079° 16.9' W thence back to 33° 21.5' N, 079° 17.10' W

From 12 p.m. to 5:30 p.m. EDT annually during the last Sunday of June. All coordinates use datum: NAD 83. These regulations will permit the movement of spectator vessels and other nonparticipants after the termination of race, and during intervals between scheduled events at the discretion of the Coast Guard Patrol Commander.

#### Regulatory Evaluation

This rule is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. These regulations will last for only 5 and a half hours each day of the event. No public comments were received during the notice of proposed rulemaking comment period.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies that this action will not have a

significant economic impact on a substantial number of small entities.

#### 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 rule consistent with Section 2.B.2. of Commandant Instruction M16475.1B. In accordance with that section, this action has been environmentally assessed (EA completed), and the Coast Guard has concluded that it will not significantly affect the quality of the human environment. An environmental assessment and a finding of no significant impact have been prepared and are available in the docket for inspection or copying.

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

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

#### Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, the Coast Guard amends 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 100.713 is added to read as follows:

#### **§ 100.713 Annual Harborwalk Boat Race; Sampit River, Georgetown, SC.**

(a) *Definitions.* (1) *Regulated Area.* The regulated area is formed by a line from:

33°21.5' N, 079°17.10' W, thence to  
33°21.7' N, 079°16.8' W, thence along the shore to  
33°21.1' N, 079°16.7' W, thence to  
33°21.1' N, 079°16.9' W, thence back to  
33°21.5' N, 079°17.10' W.

All coordinates referenced use datum: NAD 83.

(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 the Commander, Coast Guard Group Charleston, Charleston, South Carolina.

(b) *Special local regulations.* (1) Entry into the regulated area is prohibited to all nonparticipants.

(2) After the termination of the Harborwalk Boat Race, and during intervals between scheduled events, at the discretion of the Coast Guard Patrol Commander all vessels may resume normal operations.

(c) *Effective Dates.* This section is in effect from 12 p.m. and terminates at 5:30 p.m. EDT annually during the last Sunday of June.

Dated: May 31, 1996.

J.W. Lockwood,

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

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#### **33 CFR Part 165**

[CGD09-96-002]

RIN 2115-AA97

#### **Safety Zone: Lake Erie, Detroit to Cleveland**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing a moving safety zone around the M/V AMERICAN REPUBLIC on Sunday, June 9, 1996, as it transits Lake Erie from Detroit to Cleveland. During this time, the M/V AMERICAN REPUBLIC will be transporting the 1996 Summer Olympics Torch Runner on the Detroit to Cleveland leg of the cross-country relay. This safety zone is necessary to protect the vessel and its passengers from vessels which may impede its passage.

**EFFECTIVE DATES:** This rule is effective at 8 a.m. on June 9, 1996, and terminates at 11 p.m. on June 9, 1996, unless terminated earlier by the Coast Guard Captain of the Port Detroit or Cleveland.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Rhae Giacoma, Assistant Chief, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3994.

#### **SUPPLEMENTARY INFORMATION:**

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

Prior to the opening of the 1996 Summer Olympics in Atlanta, GA, the Olympic Torch will be carried cross country by way of relay. The relay will

begin in Los Angeles, CA and terminate in Atlanta, GA. Part of the relay includes an over-water leg from Detroit, MI to Cleveland, OH. For this leg, the Olympic Torch and Runner will be transported across Lake Erie onboard the Great Lakes cargo vessel M/V AMERICAN REPUBLIC. The Torch Runner will arrive in Detroit Hart Plaza on the morning of June 9, 1996, where he will board the M/V AMERICAN REPUBLIC for transit to Cleveland. The vessel is expected to arrive at Cleveland City Dock the evening of June 9, 1996.

The M/V AMERICAN REPUBLIC will be taking the following route: From Detroit, the transit will follow the shipping channel down the Detroit River, then 095 degrees true across northern Lake Erie (transiting north of Pelee Island) to Pelee Passage Light, through Pelee Passage, then 111 degrees true to Cleveland.

A 200-yard moving safety zone will be in place around the M/V AMERICAN REPUBLIC during its entire voyage from Detroit to Cleveland. The U.S. Coast Guard Cutter BRISTOL BAY will escort the M/V AMERICAN REPUBLIC throughout the voyage. Other Coast Guard vessels (including Coast Guard Auxiliary) will join in escorting the M/V AMERICAN REPUBLIC at various locations where vessel congestion is expected to be heavy.

The safety zone is being established for the protection of the M/V AMERICAN REPUBLIC and all personnel onboard, as well as for the protection of vessels and personnel operating in the vicinity of the vessel during its voyage. The M/V AMERICAN REPUBLIC is a 634 foot vessel. Because of its size, it is restricted in its ability to maneuver. Since the transit from Detroit to Cleveland will be taking place on a Sunday, media and public interest is expected to be high. Boating traffic on Lake Erie is anticipated to be heavy, particularly in the areas close to the ports of Detroit and Cleveland. The safety zone is essential to ensure vessels and personnel do not interfere with the safe transit of the vessel throughout its voyage and to protect the safety of spectator craft. However, the Captain of the Port may reduce the size of the safety zone within the outer limits prescribed in the regulation whenever it appears to the Captain of the Port that this may be done so with due regard for safety.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231, as set out in the authority section for all of Part 165.

##### **Notice and Comment**

A notice of proposed rulemaking was published on April 18, 1996 (61 FR