

## Proposed Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, the Coast Guard amends 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 new section 100.723 is added to read as follows:

#### **§ 100.723 Annual Holiday Boat Parade of the Palm Beaches; Palm Beach, FL**

(a) *Regulated Area.* A regulated navigation area is established to include the Port of Palm Beach Turning Basin and the Intracoastal Waterway extending south from Lake Worth South LT 1 (LLNR 42170), position 26°-39.4' N and 080°-01.2' W, to Lake Worth South Daybeacon 23 (LLNR 42300) position 26°-45.9' N and 080°-02.9' W.

##### (b) *Special Local Regulations.*

(1) While the parade is transiting, nonparticipating vessels will be prohibited from approaching within 1000 feet ahead of the lead vessel in the parade to 1000 feet astern of the last participating vessel in the parade or within 50 feet on either side of the parade unless authorized by the patrol commander. After the passage of the parade participants all vessels may enter the regulated navigation area.

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

(c) *Effective Date.* These regulations become effective annually on the second Saturday of December, from 6:30 p.m. until 9 p.m. EST.

Dated: September 4, 1996.

J.D. Hull,

*Acting Commander, Seventh Coast Guard District.*

[FR Doc. 96-26149 Filed 10-10-96; 8:45 am]

BILLING CODE 4910-14-M

## 33 CFR Part 100

[CCGD07-96-049]

RIN 2115-AE46

### **Special Local Regulations; Key West Super Boat Race; Key West, FL**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish permanent special local regulations for the Key West Super Boat Race sponsored by Super Boat Racing, Inc. The Key West Super Boat Race would be held annually on the second Wednesday and Saturday in November, between 10 a.m. and 4 p.m. EST (Eastern Standard Time). These proposed regulations are intended to promote safe navigation on the waters in the Atlantic Ocean in the vicinity of Key West, Florida, by controlling the traffic entering, existing, and traveling within these waters. These proposed regulations are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** Comments must be received on or before November 12, 1996.

**ADDRESSES:** Comments may be mailed to U.S. Coast Guard Group Key West, Key West, Florida 33040-0005, or may be delivered to operations office at the same address between 8 a.m. and 4 p.m. EST, Monday through Friday, except federal holidays. The telephone number is (305) 292-8727. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

**FOR FURTHER INFORMATION CONTACT:** QMC Kent, Project Officer, USCG Group Key West, (305) 292-8727.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names, addresses, identify the notice (CGD07-96-049) and the specific section of this proposal to which their comments apply, and give reasons for each comment. The Coast Guard will consider all comments received during the comment period. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will add to the rulemaking process.

##### **Discussion of Proposed Regulations**

The proposed special local regulations are needed to provide for the safety of life during the Key West Super Boat Race. These proposed regulations are intended to promote safe navigation

on the waters in the Atlantic Ocean in the vicinity of Key West, Florida, by controlling the traffic entering, existing, and traveling within these waters. Historically during these races, there have been approximately 80 power boats and 100 spectator craft. The anticipated concentration of event participating vessels and spectator craft associated with the Key West Super Boat Race poses a safety concern, which is addressed in these special local regulations. The Key West Super Boat Race would be held annually from 10 a.m. to 4 p.m. EST, on the second Wednesday and Saturday in November.

These proposed regulations would establish a regulated navigation area for all navigable waters within the area as bounded by the following points:

24-33.65N 081-48.47W; thence to, 24-33.95N 081-48.30W; thence to, 24-34.05N 081-48.45W; thence to, 24-33.58N 081-48.70W; thence to, 24-31.18N 081-51.10W; thence to, 24-31.18N 081-48.88W; thence to, 24-32.94N 081-48.82W.

All coordinates reference use datum: NAD 1983. Entry into this proposed regulated area would be prohibited to all vessels except event participants, unless otherwise authorized by the patrol commander. A succession of not less than 5 short whistle or horn blasts from a patrol vessel would be the signal for any non-event participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel would be a signal for any and all vessels to stop immediately.

##### **Regulatory Evaluation**

This proposed 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 proposed regulated area would be prohibited for only 6 hours on each day of the event.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether 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 Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities because entry into this proposed regulated area would be prohibited for only 6 hours on each day of the event. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit comments explaining why you think it qualifies and what way and to what degree this rule will economically affect it.

#### Collection of Information

These proposed regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

This proposal has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking 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 proposal consistent with Section 2.B.2. of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994). In accordance with that instruction, specifically section 2.B.2.b.(2), this proposal has been environmentally assessed (EA completed), and the Coast Guard has determined that it would not significantly affect the quality of the human environment. An environmental assessment and finding of no significant impact have been prepared. Furthermore, as a condition to the permit, the applicant will be required to educate the operators of spectator craft and parade participants regarding the possible presence of manatees and the appropriate precautions to take if the animals are sighted.

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

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

#### Proposed Regulations

In consideration of the foregoing, the Coast Guard is proposing to amend Part 100 of Title 33, Code of Federal Regulations, 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 100.722 is added to read as follows:

#### § 100.722 Annual Key West Super Boat Race; Key West, FL.

##### (a) Definitions.

(1) Regulated area. All navigable waters within the area bounded by the following points:

24–33.65N, 081–48.47W; thence to, 24–33.95N, 081–48.30W; thence to, 24–34.05N, 081–48.45W; thence to, 24–33.58N, 081–48.70W; thence to, 24–31.18N, 081–51.10W; thence to, 24–31.18N, 081–48.88W; thence to, 24–32.94N, 081–48.82W.

All coordinates reference use datum: NAD 1983.

##### (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 Coast Guard Group Key West, Florida.

##### (b) Special Local Regulations.

(1) Entry into the regulated navigation area, by other than event participants, is prohibited unless otherwise authorized by the patrol commander.

(2) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-event participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel will be a signal for any and all vessels to stop immediately.

(c) *Effective Dates.* This section is effective at 10 a.m. and terminates at 4 p.m. annually on the second Wednesday and Saturday in November.

Dated: September 11, 1996.

J.W. Lockwood,

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

[FR Doc. 96–26148 Filed 10–10–96; 8:45 am]

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#### 33 CFR Part 165

[CGD07–93–010]

RIN 2115–AE84

#### Regulated Navigation Area; Mullet Key Channel, Tampa, FL

AGENCY: Coast Guard, DOT.

**ACTION:** Withdrawal of proposed rule; notice of termination.

**SUMMARY:** This rulemaking project was initiated to protect vessels with drafts greater than 38 feet from safety hazards associated with shoaling within Mullet Key Channel. Since initiation of this rule, Mullet Key Channel has been dredged to a project depth of 45 feet. This dredging has eliminated the shoaling problem in the channel and reduced the risks for vessels with drafts greater than 38 feet. Therefore, the Coast Guard is withdrawing and terminating further rulemaking under docket number CGD07–93–010.

#### FOR FURTHER INFORMATION CONTACT:

LT James Raby, Chief, Port Management Department, Marine Safety Office Tampa, 155 Columbia Dr., Tampa, FL 33606, Phone: (813) 228–2189.

**SUPPLEMENTARY INFORMATION:** The regulated navigation area for Mullet Key Channel was first published in the Federal Register on November 12, 1993 [58 FR 59975]. This proposed regulation was established to protect vessels with drafts greater than 38 feet from the safety hazards associated with shoaling on the outside edges of the marked channel. Under this proposed regulation, all vessels with a draft in excess of 38 feet transiting Mullet Key Channel, would have been limited to a one way traffic zone. Numerous comments were received from the port community disagreeing on the need for this regulation. Correspondence from the port community agreed that minor shoaling did exist in Mullet Key Channel. However, due to the width of the Channel being 600 feet, there is still sufficient room for even the largest vessels that enter Tampa Bay to transit the Channel simultaneously. The surrounding waters of Mullet Key Channel are also much deeper than what is normally found in the remainder of the bay. This deeper water significantly reduces the hydrodynamic effects on vessels which can pull a vessel out of the channel. These comments, in addition to the completed dredging of the Channel to a project depth of 45 feet, eliminated the need for this regulation. Therefore, this rulemaking is no longer necessary, and the Coast Guard is withdrawing it and terminating further rulemaking under docket number CGD07–93–010.

Dated: September 9, 1996.

J.W. Lockwood,

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

[FR Doc. 96–26147 Filed 10–10–96; 8:45 am]

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