

EFFECTIVE DATE: August 30, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Showalter, U.S. Army Publications and Printing Command, ATTN: ASQZ-PDS, 2461 Eisenhower Ave., Alexandria, VA 22331, or telephone: (703) 428-0567.

SUPPLEMENTARY INFORMATION: The final regulation being corrected is § 623.5. In this section paragraphs (c)(5) (A) through (D) are incorrectly designated.

Need for Correction

As published, the final regulation contains errors which may be misleading and are in need of clarification.

List of Subjects in 32 CFR Part 623

Accordingly, 32 CFR part 623 is corrected by making the following correcting amendments:

PART 623—LOAN OF ARMY MATERIEL

1. The authority citation continues to read as follows:

Authority: 10 U.S.C. 2571; 31 U.S.C. 686; 10 U.S.C. 2667.

§ 623.5 [Corrected]

2. In § 623.5, paragraphs (c)(5)(A) through (c)(5)(D) are redesignated as paragraphs (c)(5)(i) through (c)(5)(iv).

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96-22170 Filed 8-29-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-95-169]

RIN 2115-AE46

Special Local Regulation: Provincetown Harbor Swim for Life, Provincetown, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent special local regulation for a swimming event known as the Provincetown Harbor Swim for Life. The event will be held on September 7, 1996, and annually thereafter on a date and times published in a Federal Register document. This regulation is needed to protect the participants from transiting vessel traffic during the swimming event.

EFFECTIVE DATE: This regulation is effective on September 7, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James B. Donovan, Office of Search and Rescue, First Coast Guard District, (617) 223-8268.

SUPPLEMENTARY INFORMATION:

Regulatory History

A Notice of Proposed Rulemaking (NPRM) was published on March 20, 1996, (61 FR 11352) proposing the establishment of a permanent special local regulation for the annual swimming benefit Provincetown Harbor Swim for Life. The NPRM proposed to restrict vessels from approaching within 200 feet of any participating swimmer to ensure the safety of participants during the event. No comments were received and no hearing was requested. This rule varies from the NPRM in one regard; it provides the date and time of the 1996 event and provides for the dates and times of future events to be published in a Federal Register document.

Background and Purpose

The annual Provincetown Harbor Swim for Life benefit is a local, traditional event which has been held for several years in Provincetown Harbor, Provincetown, MA. In the past, the Coast Guard has promulgated individual regulations for each year's event. Given the recurring nature of the event, the Coast Guard is establishing a permanent regulation. This rule establishes a regulated area in Provincetown Harbor, Cape Cod Bay, and provides specific guidance to control vessel movement during the event. This rule restricts vessels from approaching within 200 feet of participating benefit swimmers.

The event will consist of approximately 150 swimmers traveling 1.4 miles from Long Point Lighthouse to a point 200 yards east of the Coast Guard pier. There will be approximately 25-30 support boats on scene to augment a Coast Guard patrol to alert boating traffic of the presence of the swimmers. In emergency situations, provisions may be made to establish safe escort by a Coast Guard or Coast Guard designated vessel for vessels requiring transit within 200 feet of participating swimmers.

Good cause exists for providing for this rule to become effective in less than 30 days after Federal Register publication. Due to the need to provide the opportunity for notice and comment in the NPRM, there is insufficient time to publish this rule 30 days before the event is scheduled to begin. The Coast Guard believes delaying the event in order to provide a 30 day delayed

effective date would be contrary to the public interest given this event's local popularity.

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 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 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 which the regulation places on vessel traffic.

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.

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 in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impacts of this rule and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B,

(as revised by 61 FR 13563, March 27, 1996) this rule is a special local regulation issued in conjunction with a regatta or marine parade and 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 reasons set out in the preamble, the Coast Guard is amending 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. A new section, 100.113, is added to read as follows:

§ 100.113 Provincetown Harbor Swim for Life, Provincetown, MA.

(a) *Regulated Area.* All waters of Provincetown Harbor within 200 feet of participating benefit swimmers.

(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 U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. 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 on September 7, 1996, from 10 a.m. to 4 p.m. and annually thereafter on a date and times published in a Federal Register document. If the event is canceled due to weather, this regulation is effective the following day at the same times.

Dated: August 22, 1996.

James D. Garrison,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 96-22210 Filed 8-29-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-96-072]

RIN 2121-AA97

Safety Zone: New York Super Boat Race, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the lower Hudson River, for the New York Super Boat Race. The temporary safety zone will be in effect on Sunday, September 8, 1996, from 12 p.m. until 4 p.m. unless extended or terminated sooner by the Captain of the Port, New York. The safety zone will close the entire Lower Hudson River between Battery Park and Pier 76 in Manhattan.

EFFECTIVE DATE: This rule is effective from 12 p.m. until 4 p.m. on Sunday, September 8, 1996, unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant John W. Green, Waterways Oversight Branch Chief, Coast Guard Activities New York at (212) 668-7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 5, 1996, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (61 FR 40587). Interested persons were requested to submit comments on or before August 20, 1996. The Coast Guard received four comments on this proposal. A public hearing was not requested and one was not held. The Coast Guard is promulgating the final rule as proposed. Good cause exists for making this regulation effective less than 30 days after Federal Register publication. Due to the NPRM comment period deemed necessary to give the public adequate notice, there was insufficient time to publish this temporary final rule 30 days prior to the event. The delay that would be encountered to allow for a 30 day delayed effective date would cause the cancellation of this event. Cancellation of this event is contrary to the public interest since this event is intended for public entertainment.

Background and Purpose

Super Boat Racing Inc. submitted an Application for Approval of Marine Event for a Super Boat Race in the waters of the Lower Hudson River. This event will include up to 45 powerboats, 40 to 50 feet in length, racing on an 8 mile oval course at speeds in excess of 100 mph. No more than 100 spectator craft are expected for the event. This regulation establishes a temporary safety zone in the waters of the Lower Hudson River south of a line drawn from Pier 76 in Manhattan to a point in Weehawken, New Jersey at 40°45'52" N latitude, 74°01'01" W longitude, and north of a line connecting the following points:

Latitude	Longitude
40°42'16.0" N	74°01'09.0" W, then south to
40°41'55.0" N	74°01'16.0" W, then west to
40°41'47.0" N	74°01'36.0" W, then northwest to
40°41'55.0" N	74°01'59.0" W, then to shore at
40°42'20.5" N	74°02'06.0" W (NAD 1983)

The safety zone will be effective on Sunday, September 8, 1996, from 12 p.m. until 4 p.m., unless extended or terminated sooner by the Captain of the Port New York. This section prohibits all vessels and persons from entering the safety zone unless authorized by the Coast Guard Captain of the Port. The safety zone is needed to protect mariners from the hazards associated with high speed boat races.

Discussion of Comments and Changes

Of the four comments received, two were from companies operating sightseeing cruises, one was from a company operating an excursion boat, and one was from a ferry company. Three requested limited access through the safety zone in order to meet commitments previously reserved by paying customers and one requested the race route be moved in order for its ferryboat to meet a published schedule. All responses were considered and limited access was granted to meet the majority of the responders needs. Movement of the race course was not possible nor warranted and the ferryboat company was provided limited access in order to meet its operating schedule.

Regulatory Evaluation

This proposal 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