

33 CFR Part 100

[CGD01-96-022]

RIN 2115-AE46

Special Local Regulation: Searsport Lobster Boat Races, Searsport, ME

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent special local regulation for the Searsport Lobster Boat Races. The event will be held from 8 a.m. to 2 p.m. on August 24, 1996, and each year thereafter on the fourth Saturday in August. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

EFFECTIVE DATE: This regulation is effective on August 24, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James B. Donovan, Assistant Search and Rescue Section, First Coast Guard District, (617) 223-8278.

SUPPLEMENTARY INFORMATION:**Regulatory History**

A Notice of Proposed Rulemaking (NPRM) was published on May 13, 1996, (61 FR 22001) proposing the establishment of a permanent special local regulation for the Searsport Lobster Boat Races. The NPRM proposed to establish a regulated area surrounding the race course. No comments were received and no hearing was requested. The Coast Guard is publishing the final rule as proposed.

Background and Purpose

The Searsport Lobster Boat Races is a local, traditional event that has been held for many years in Searsport Harbor, ME. In the past, the Coast Guard has promulgated individual regulations for each year's race. Given the recurring nature of the event, the Coast Guard is establishing a permanent regulation. The regulation establishes a regulated area on Searsport Harbor and provides specific guidance to control vessel movement during the race.

The event includes 50 or more participants with 4 to 8 boats per class racing in heats around a $\frac{3}{4}$ mile marked course. The event typically attracts approximately 100 spectator craft. The Coast Guard will assign a patrol to the event, but due to the speed, large wakes, and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel

movement within this confined area. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area. In emergency situations, provisions may be made to establish safe escort by a Coast Guard or Coast Guard designated vessel for vessels requiring transit through the regulated area.

Good cause exists for providing for this rule to become effective prior to publication in the Federal Register. Due to the need to provide the opportunity for notice and comment in the NPRM, there is insufficient time to publish this rule before the event is scheduled to begin. The Coast Guard believes delaying the event in order to publish the final rule or holding the event without an effective regulation would be contrary to the public interest given this event's local popularity and the need to control vessel movement during 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 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 rule to be so minimal that a full Regulatory Evaluation, under paragraph 10(e) of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, 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 proposal 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 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 the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 100 as follows:

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 § 100.118, is added to read as follows:

§ 100.118 Searsport Lobster Boat Races, Searsport Harbor, ME.

(a) *Regulated Area.* The regulated area includes all waters of Searsport Harbor, ME, within the following points (NAD 83):

<i>Latitude</i>	<i>Longitude</i>
44°26'51" N	068°54'20" W
44°27'03" N	068°54'20" W
44°27'03" N	068°55'17" W
44°26'51" N	068°55'17" W

(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 in effect on August 24, 1996, and each year thereafter on the fourth Saturday in August. If the event is canceled due to weather, this section is effective the following day.

Dated: August 22, 1996.

James D. Garrison,

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

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Coast Guard

33 CFR Part 117

[CGD11-90-03]

RIN-2115-A47

Drawbridge Operation Regulations; Cerritos Channel, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: At the request of the Port of Los Angeles, the Coast Guard is temporarily changing the regulation for operation of the Henry Ford Avenue Railroad Bridge (Ford Bridge), across Cerritos Channel of Los Angeles/Long Beach Harbor, mile 4.8, Long Beach, California, to authorize it to remain in the closed to navigation position for 5 months, from February 1 to June 30, 1997. This action is necessary both to facilitate reconstruction of the bridge and to avoid disrupting essential rail service during reconstruction. If, due to the state of construction, passage through the draw becomes temporarily possible during the effective period, the Coast Guard will publish that fact in the Local Notice to Mariners.

EFFECTIVE DATE: This temporary final rule will be effective from February 1 through June 30, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander (Pow), Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (510) 437-3514. Commander (Pow) maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Susan Worden, Bridge Administrator, Eleventh Coast Guard District, at (510) 437-3514.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 28, 1990, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (55 FR 35154). The NPRM discussed a six and one-half month closure during efforts to rehabilitate the historic bridge. On July 8, 1996, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) in the Federal Register (61 FR 35702). The SNPRM responded to all comments submitted in response to the NPRM and discussed a five month closure during efforts to replace portions of the bridge and to reconstruct other portions. The comment period established in the SNPRM ended on August 7, 1996. The Coast Guard received no comments on the proposal discussed in the SNPRM. A public hearing was not requested and no hearing was held.

Drafting Information

The principal persons involved in drafting this regulation are Susan Worden, Project Manager, Eleventh Coast Guard District, and Lieutenant (junior grade) Martin Sarch, Project Attorney, Maintenance & Logistics Command Pacific Legal Division.

Background and Purpose

At the request of the Port of Los Angeles, the Coast Guard is temporarily changing the regulation for operation of the Ford Bridge at mile 4.8, Los Cerritos Channel, in the Los Angeles/Long Beach Harbor. The Ford Bridge, also known as the Badger Avenue Bridge, provides the only rail access to Terminal Island. It crosses a waterway used by oceangoing cargo ships, tugs and barges, tour boats, commercial fishing vessels, and recreational boats. Existing regulations require the bridge to remain fully open except for the passage of trains or for maintenance.

The bridge is over 70 years old and no longer meets California seismic standards or Federal Railroad Administration clearance standards.

Interruption or delay of rail and water traffic is likely if the existing bridge were either to malfunction or to be damaged by seismic activity. In 1995, the Coast Guard issued a permit to replace the bridge. Replacement cannot be accomplished without closing the bridge span for a period of five months. Closure of the bridge will require maritime traffic to use an alternate route through the outer harbor. Detours of 5 miles are expected; maximum detours of 10 miles may be experienced. The short term costs attributable to these detours are outweighed by the long-term benefits to be gained by the installation of a new bridge likely to provide uninterrupted rail service and timely, reliable openings for waterborne traffic for many years.

This temporary rule authorizes a five month (150 day) closure of the bridge. This action is necessary both to facilitate replacement of the span and reconstruction of the bridge support towers, as well as to avoid disrupting essential rail service during reconstruction. The SNPRM advertised a closure beginning in November 1996, however, construction is behind schedule and the closure is now scheduled to begin February 1, 1997. In the event that passage through the draw becomes temporarily possible during the effective period notwithstanding construction efforts, the Coast Guard will publish that fact in the Local Notice to Mariners.

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 Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be approximately \$1 million to waterway users (to detour around the work site) and \$2.5 million to the bridge owner (to expedite work). These figures are below the threshold levels requiring a formal Regulatory Evaluation. The draft economic analysis published with the NPRM was superseded by a more detailed economic analysis in the Environmental Impact Statement, which is available in the docket for inspection or copying where indicated under **ADDRESSES**.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard