

Note: For a Federal Register correction to this document, see the Corrections Section of this issue.

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 89-10604 Filed 5-3-89; 8:45 am]

BILLING CODE 4830-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 3

[CGD 89-039]

RIN 2115-AD26

#### Changes to Honolulu and Guam Marine Inspection Zones and Captain of the Port Zones

AGENCY: Coast Guard DOT.

ACTION: Final rule.

**SUMMARY:** This rule reassigns various Coast Guard Marine Inspection and Captain of the Port Zones within the Fourteenth Coast Guard District to reflect a minor organizational change in the Coast Guard. The Coast Guard Marine Safety Office Guam will assume responsibility for Coast Guard marine safety functions in Palau from the Coast Guard Marine Safety Office Honolulu. This organizational change will not affect any Coast Guard services to the public.

**EFFECTIVE DATE:** May 4, 1989.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Clark, Program Analyst, U.S. Coast Guard, Office of Marine Safety and Environmental Protection, Planning Staff, 2100 Second Street SW., Washington, DC 20593-0001. Telephone (202) 267-0784. Normal working hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking was not prepared for this regulation. These amendments are matters relating to agency organization and are exempt from the notice and comment requirements of 5 U.S.C. 553(b). Since this rule reflects current organizational changes being placed in effect and has no substantive effect, good cause exists to make it effective in less than 30 days after publication under 5 U.S.C. 553(d). The rulemaking merely changes Marine Inspection and Captain of the Port Zones to conform with changes in the Coast Guard's internal organization. There will be no adverse effect on the public since Fourteenth Coast Guard District units will continue to perform all

functions affecting the public that were previously performed.

#### Drafting Information

The principal persons involved in drafting this rulemaking are Commander M.W. Mastenbrook, Project Manager, Fourteenth Coast Guard District Marine Safety Division; and Commander M.J. Williams, Project Counsel, Fourteenth Coast Guard District Legal Office.

#### Discussion

A Marine Safety Office is a consolidation of the Marine Inspection Office and the Captain of the Port Office. On June 1, 1988, the Coast Guard established Marine Safety Office Guam. The Coast Guard Marine Safety Office in Guam assumed responsibility for the discharge of Coast Guard marine safety functions for Guam and the Commonwealth of Northern Mariana Islands from the Marine Safety Office in Honolulu. However, the responsibility for marine safety functions for Palau remained with the Marine Safety Office in Honolulu with an assumption that Palau would shortly become independent under a compact of free association like that with Federated States of Micronesia and the Republic of the Marshall Islands. Since Palau's independence has been delayed, the Coast Guard will shift its responsibilities for Palau to the closer Marine Safety Office in Guam. While enabling more efficient internal management and enhancing performance of missions, this organization change will not affect any Coast Guard services to the public.

#### Regulatory Evaluation

This final rule is exempt from the provisions of Executive Order 12291 since it pertains to matters of agency organization as provided for in section 1(a)(3) of the Order. It is considered to be non-significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be minimal and further evaluation is unnecessary. This final rule places no requirements on any sector of the public. The rule reflects a change in internal Coast Guard organization and a streamlining of logistics and support functions. In accomplishing this, some functions, and personnel, will be transferred from one location to another. Since the impact of the final rule is minimal, the Coast Guard certifies that it will not have a significant adverse economic impact on a substantial number of small entities.

#### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 33 CFR Part 3

Organization and functions (Government agencies).

In consideration of the foregoing, Part 3 Title 33 of the Code of Federal Regulations is amended as set forth below.

#### PART 3—[AMENDED]

1. The authority citation for Part 3 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

2. In § 3.70-10, paragraph (b) is revised to read as follows:

#### § 3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.

(b) The Honolulu Marine Inspection Zone and the Honolulu Captain of the Port Zone boundaries are the boundaries of the Fourteenth Coast Guard District, except for the Territory of Guam, the Commonwealth of the Northern Mariana Islands and Palau.

3. Section 3.70-15, paragraph (b) is revised to read as follows:

#### § 3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

(b) The Guam Marine Inspection Zone and the Guam Captain of the Port Zone are comprised of the area of the Territory of Guam, the Commonwealth of the Northern Mariana Islands and Palau.

Dated: April 21, 1989.

M.J. Schiro,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-10615 Filed 5-3-89; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD13-89-02]

RIN 2115-AC 84

#### Marine Parade: Seattle Yacht Club, Opening Day

AGENCY: Coast Guard, DOT.

ACTION: Final rule.



**SUMMARY:** The Coast Guard will be closing the Portage Cut (Montlake Cut) to all vessel traffic during the annual parade of boats which transits this waterway during Seattle Yacht Club's Opening Day. This parade consists of several hundred vessels transiting from west to east, through the cut in a solid stream of vessels, thus restricting any opportunity for non-participating vessels to transit through the cut. This event is normally held the first weekend in May of each year. Although an inconvenience to non-participating vessels, the duration of this event will be limited to approximately eight hours. Mass media attention is apparent weeks prior to this event, thus giving the general boating public ample time to plan alternate transit times.

**EFFECTIVE DATE:** 6 May 1989.

**FOR FURTHER INFORMATION CONTACT:** LTJG R. Ramsey, Coast Guard Group, Seattle, Washington, (206) 286-5400.

**SUPPLEMENTARY INFORMATION:** On 13 March, 1989, the Coast Guard published a notice of proposed rule making in the *Federal Register* for these regulations (54 FR 10275). Interested persons were requested to submit comments and *No* comments were received.

#### Drafting Information

The drafters of this notice are LTJG R.T. Ramsey, project officer, and LT D. Schram, project attorney, Thirteenth Coast Guard District Legal Office.

#### Discussion of Comments

The Coast Guard received no comments on the NPRM which was published in the *Federal Register*. There have been no changes to this rule as outlined in the *Federal Register*.

#### Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that full regulatory evaluation is unnecessary. The Portage Cut is generally utilized by pleasure craft. The limited commercial traffic affected by this event are given several months warning via the local media and local Notice to Mariners, to schedule their transits prior to or after the parade. Local businesses welcome the economic benefits of the estimated 300,000 spectators. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that it will not have a significant negative economic

impact on a substantial number of small entities.

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

(Regattas and Marine Parades) Safety of Life on Navigable Waters.

#### Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended 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 100.1304 is added to read as follows:

*§ 100.1304, Annual Seattle Yacht Club's "Opening Day" Marine Parade.*

(a) *Regulated area.* All of Portage Bay, with the northwestern limit being the University Bridge, through the Portage Cut (Montlake Cut) into and including Union Bay, with the southeastern limit being an imaginary line from Webster Point to the eastern corner of Foster Island.

(b) *Effective period.* This regulation will be in effect from 8:00 a.m. to 3:00 p.m. on the first Saturday of May each year unless otherwise specified in the Thirteenth District Local Notice to Mariners.

(c) *Special Local regulations.* (1) The regulated area shall be closed for the duration of the event to all vessel traffic not participating in the event and authorized by the event sponsor or Coast Guard Patrol Commander.

(2) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event. The following are established as spectator areas:

(i) Northwest of the University Bridge.

(ii) North of the log boom which will be placed in Union Bay.

(iii) East of Webster Point so as not to interfere with the participating vessels departing Union Bay.

(3) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times unless cleared for such entry by the Patrol Commander.

(4) Due to the large number of craft confined within this small body of water, all vessels, both spectator and participants, will maintain a "NO

WAKE" speed. This requirement will be strictly enforced to preserve the safety of both life and property.

(5) A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the patrol vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

Dated: April 24, 1989.

Robert E. Kramek,  
Commander, Thirteenth Coast Guard District,  
DOT-U.S. Coast Guard.

[FR Doc. 89-10616 Filed 5-3-89; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD 09-89-05]

**Special Local Regulations: Racine on the Lake, Lakefront Airshow, Lake Michigan, Racine, WI**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** Special local regulations are being adopted for the Racine on the Lake, Lakefront Airshow which is to be conducted on Lake Michigan, directly off Racine Harbor, from 1 June through 4 June 1989. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

**EFFECTIVE DATE:** These regulations become effective on 1 June and terminate on 4 June 1989.

**FOR FURTHER INFORMATION CONTACT:** MST1 SCOTT E. BEFUS, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44119, (216) 522-3982.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rule making has not been published for these regulations. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received by the Commander, Ninth Coast Guard District until 6 April 1989, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

#### Drafting Information

The drafters of this regulation are MST1 SCOTT E. BEFUS, project officer, Office of Search and Rescue and LCDR



C.V. MOSEBACH, project attorney,  
Ninth Coast Guard District Legal Office.

#### Discussion of Regulations

The Racine on the Lake, Lakefront Airshow will be conducted on Lake Michigan, directly off of Racine Harbor from the 1st of June through the 4th of June 1989. This event will have low flying aircraft demonstrations, high performance aircraft aerobatics, parachutists, and other events which could pose hazards to navigation in the area. Vessels desiring to transit the area may do so only with prior approval of the Patrol Commander (Officer-in-Charge, U.S. Coast Guard Station, Kenosha, Wisconsin).

#### Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Because of the short duration of these regulations, their economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

#### 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 proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

Marine safety, Navigation (water).

#### Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended 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. Part 100 is amended to add a temporary section 100.35-0905 to read as follows:

§ 100.35-0905 **Racine on the Lake, Lakefront Airshow, Lake Michigan, Racine, WI.**

The following area will be closed to vessel navigation or anchorage from 1:00 P.M. (local time) until 5:00 P.M. on 1 through 4 June 1989.

(a) *Restricted Area*: That portion of Lake Michigan enclosed by the following corner points:

Southeast Corner—42 degrees, 42.9 minutes, 0.0 seconds North; 87 degrees, 45.8 minutes, 0.0 seconds West

Southwest Corner—42 degrees, 42.9 degrees, 0.0 seconds North; 87 degrees, 46.0 minutes, 0.0 seconds West

Northwest Corner—42 degrees, 45 minutes, 0.0 seconds North  
Shoreline

Northeast Corner—42 degrees, 45 minutes, 0.0 seconds North; 87 degrees, 45.8 minutes, 0.0 seconds West

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

(1) The above area will be closed to navigation or anchorage from 1:00 P.M. (local time) until 5:00 P.M. on 1 through 4 June 1989.

(2) The Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(3) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(5) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(6) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(7) This section is effective from 1:00 P.M. on 1 June 1989 to 5:00 P.M. on 4 June 1989.

Dated: April 24, 1989.

R.A. Appelbaum,  
RADM, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 89-10617 Filed 5-3-89; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 165

[CGD 05-89-01]

#### Regulated Navigation Area, Hampton Roads, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is revising the regulated navigation area in 33 CFR 165.501 for Hampton Roads, Virginia, to provide special operating requirements for the Elizabeth River ferries using a dock to be constructed at the foot of High Street in Portsmouth, Virginia. The regulations are designed to ensure the safety of the passengers, the ferries, and other vessels navigating the area.

**EFFECTIVE DATE:** June 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant D.T. Ormes, Port and Vessel Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23704-5004, (804) 398-6388.

**SUPPLEMENTARY INFORMATION:** On January 26, 1989, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (54 FR 3789). Interested persons were requested to submit comments and ten comments were received.

#### Drafting Information

The drafters of this notice are Lt. D.T. Ormes, Project Officer, Port and Vessel Safety Branch, Fifth Coast Guard District, and LCDR R. K. Kutz, Project Attorney, Fifth Coast Guard District Legal Staff.

#### Discussion of Comments

Three comments requested that the ferries be allowed to remain moored at the dock, enabling them to adhere to a fixed schedule. The Coast Guard recognizes that passengers depend upon the ferry operator to adhere to a fixed schedule, but the Coast Guard believes that the interest of passenger safety far outweighs the convenience of adhering to a fixed arrival and departure schedule. Due to the location of the dock, as well as the size and density of