

opportunity to comment on them at that time.

Because air gun use in seismic operations may cause short-term behavioral changes in marine organisms (especially sharks and rays which school in the Sanctuary), and interfere with recreational diving, NOAA will seek additional information on these effects, and also identify time periods when air gun operations will have the least potential for impacts on Sanctuary resources and recreational divers.

Because air gun operations may result in accidental loss of mooring buoys at the Sanctuary site, NOAA has requested that the Minerals Management Service require seismic surveyors to:

- Remove mooring buoys immediately before, and replace immediately after, a seismic survey is run through the Sanctuary;
- Announce the time that the mooring buoys will not be available in a Notice to Mariners.

II. Miscellaneous Rulemaking Requirements

The information in the December 5, 1991, **Federal Register** document addressing miscellaneous rulemaking requirements has not changed. There are no additional collection of information requirements.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: February 15, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

PART 943—FLOWER GARDENS BANKS NATIONAL MARINE SANCTUARY

Accordingly, the interim final rule portion of 15 CFR part 943, which was published at 56 FR 63634 on December 5, 1991, is adopted as a final rule without change.

[FR Doc. 95-4534 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-94-019]

RIN 2115-AE46

Annual Marine Events Within the Eighth Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes permanent special local regulations for the annual marine events within the Eighth Coast Guard District. This, in turn, reduces the number of annual requests for temporary final rules for regattas and marine parades by codifying these marine events in the Code of Federal Regulation. These regulations are needed to provide for the safety of life, limb, and property on the navigable waters during these events.

EFFECTIVE DATE: March 27, 1995.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander, Eighth Coast Guard District (dl), 501 Magazine St., room 1311 (Hale Boggs Federal Building), New Orleans, Louisiana 70130-3396 between 8:00 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-6188.

FOR FURTHER INFORMATION CONTACT: LT C.D. Michel, Eighth Coast Guard District Legal Office, at Hale Boggs Federal Building, 501 Magazine, room 1311, New Orleans, Louisiana 70118. Telephone: (504) 589-6188.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LCDR T.P. Marian, Project Manager, and LT C.D. Michel, Project Counsel, Eighth Coast Guard District Legal Office.

Regulatory History

On September 7, 1994, the Coast Guard published a notice of proposed rulemaking entitled Annual Marine Events within the Eighth Coast Guard District in the **Federal Register** (59 FR 172). The Coast Guard received 1 (one) letter commenting on this proposal. No public hearing was requested, and none was held.

Background and Purpose

Currently, Coast Guard units responsible for overseeing the safety of marine events prepare temporary rules each year for each event. This rule eliminates the need to prepare annual temporary final rules for those annual marine events that have few or no changes from year to year. This streamlines the marine event process for those regattas and marine events that have very little annual variation and would significantly reduce the Coast Guard's administrative burden for managing these type events.

Table 1 delineates the events, their sponsors, dates, and locations. Each event occurs annually on or about the

date given. The course will be patrolled by patrol vessels. While viewing the event at any point outside the regulated area is not prohibited, spectators will be encouraged to congregate within areas designated by the sponsor. Non-participating vessels will be permitted to transit the area at *NO WAKE SPEED* at the discretion of the Coast Guard Patrol Commander.

Discussion of Comments and Changes

One comment was received from Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City. This comment referred to Table 1 of the proposed rulemaking and noted that the Louisiana Shrimp and Petroleum Festival also included an evening fireworks display.

The fireworks are launched from a barge stationed in Berwick Bay between the railroad and highway bridges. Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City requested that this event be amended to reflect the existence of a fireworks display by changing the marine event's title from, "The Blessing of the Fleet" to, "The Blessing of the Fleet and Fireworks Display." Since the fireworks display takes place after sunset Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City also requested changing the duration of this event from, "8:30 a.m. through 1 p.m." to, "8:30 p.m. through 1 p.m., and 9 p.m. through 10 p.m."

Implementing these requested changes will not have any significant impact upon the public. The notice of proposed rulemaking had included a fireworks display and no comments were received on that event. Furthermore, this specific change does not pertain to the regulations that were specified in the notice to proposed rulemaking but is limited rather to the title and the duration of the marine event.

The change to Table 1 of this rule is limited in nature and provides for one additional hour of oversight by the Coast Guard in the interest of public safety. Therefore, Table 1 will be amended to reflect the information provided by Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City.

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 not been reviewed 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.

This is attributed to the fact that the proposal merely codifies existing marine events and is also reflected by the fact that no public comments were received on this rule. Furthermore, each of the marine events in Table 1 will require that the navigable waterways delineated be closed for only a short period of time.

As demonstrated by past experience, these events have been successfully overseen by the Coast Guard for several years in cooperation with both the organizers of these events and the boating public. The same event regulations will be implemented for each marine event listed in Table 1 and the Coast Guard will continue to ensure that these recurring marine events are safely managed. Once the marine event is terminated the role of the Coast Guard in monitoring the marine event ceases.

No comments were received from the public on this issue. Implementing the change requested in the one comment received will not have any significant impact upon the public. The notice of proposed rulemaking had included a fireworks display and no comments were received on that event. Furthermore, this specific change does not pertain to the regulations that were specified in the notice to proposed rulemaking but is limited rather to the title and the duration of the marine event.

The change to Table 1 of this rule is limited in nature and provides for one additional hour of oversight by the Coast Guard in the interest of public safety.

Small Entities

No comments were received from the public on this issue. None of the marine events listed in Table 1 would exceed three days in duration and most of them are for only several hours of one day. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) 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

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been demonstrated that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. No comments were received from the public concerning this issue. Furthermore, the change to Table 1 of this rule will not have any impact in this area.

Environment

This rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.e.(35) of Coast Guard Commandant Instruction M16475.1B. No comments were received from the public concerning this issue.

Each of these events is a routine marine parade taking place in commercialized areas involving less than 100 participating low-speed craft and less than 200 spectator boats. Fireworks displays are over water and less than 30 minutes in duration. All of these events have been held previously with no adverse environmental impact.

List of Subjects in 33 CFR Part 100

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

Regulation

For the reasons set out in the preamble, the Coast Guard amends 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 100.801 is added to read as follows:

§ 100.801. Annual Marine Events in the Eighth Coast Guard District.

The following regulations apply to the marine events listed in Table 1 of this section. These regulations will be effective annually, for the duration of each event listed in Table 1. Annual notice of the exact dates and times of the effective period of the regulation with respect to each event, the geographical area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will also be published in local notices to mariners. *Sponsors of events listed in Table 1 of*

this section must submit an application each year in accordance with 33 CFR 100.15.

(a) The Coast Guard will patrol the event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign "PATCOM."

(b) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol vessels" consist of any Coast Guard, state or local law enforcement and sponsor provided vessels assigned or approved by the Commander, Eighth Coast Guard District, to patrol the event.

(c) Spectator 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 and will be operated at a no wake speed in a manner which will not endanger participants in the event or any other craft.

(d) No spectator shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(e) The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(f) Any spectator vessel may anchor outside the regulated area specified in Table 1 of this section, but may not anchor in, block, or loiter in a navigable channel.

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

(h) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the event.

Table 1 of § 100.801

The Blessing of the Fleet and Fireworks Display, Morgan City, Louisiana
Sponsor: Louisiana Shrimp and Petroleum Festival & Fair Association, Inc.
Date: First Sunday of September
Duration: 8:30 a.m. through 1 p.m. and 9 p.m. through 10 p.m.
Location: Berwick Bay from the junction of the Lower Atchafalaya River at Morgan City, Louisiana, to

Berwick Locks Buoy 1 (LLNR 18445).

The Contraband Days Fireworks Display, Lake Charles, Louisiana
Sponsor: Contraband Days Festivities, Inc.

Date: First Saturday of May
Duration: 9 p.m. through 12 a.m. (midnight)

Location: A 500 foot radius from the fireworks barge in Lake Charles anchored in approximate position 30°13'54" N, 093°13'42" W.

Neches River Festival, Beaumont, Texas
Sponsor: Neches River Festival, Inc.

Date: Third weekend of April
Duration: First day—8 a.m. through 9:30 p.m.; Second day—8 a.m. through 6 p.m.

Location: The Neches River from Colliers Ferry landing to Lawson's Crossing at the end of Pine Street.

The Blessing of the Shrimp Fleet, Galveston, Texas
Sponsor: Blessing of the Fleet, City of Galveston, Texas

Date: Fourth Saturday of April
Duration: 9:30 a.m. through 5:30 p.m.

Location: The Galveston Ship Channel from the Pelican Island Bridge to Pier 14 at Galveston, Texas.

Dated: January 24, 1995.

Robert C. North,
Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 95-4411 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD02-95-001]

RIN 2115-AE47

Drawbridge Operation Regulation; Illinois Waterway

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is establishing operating conditions for the remote operation of the Elgin, Joliet and Eastern Railway (EJ&E) Bridge over the Illinois Waterway at mile 290.1 at Joliet, Illinois. This action is being taken at the request of the Elgin, Joliet and Eastern Railway Company. The change to remote operation will permit more efficient operation of the railway bridge, while continuing to provide for the reasonable needs of navigation.

EFFECTIVE DATES: This interim rule is effective on February 24, 1995. Comments must be received on or before April 25, 1995.

ADDRESSES: Comments may be mailed to Commander (ob), Second Coast Guard

District, 1222 Spruce Street, St. Louis, MO 63103-2832, Attention: Bridge Administrator. Comments may also be delivered to Room 2.107 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (314) 539-3724. The Bridge Branch, Second Coast Guard District, maintains the public docket for this rulemaking. Comments will become part of the public docket and the docket will be available for inspection or copying in room 2.107B at the above address.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, (314) 539-3724.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are David H. Sulouff, Project Officer, Bridge Branch and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. The Coast Guard is soliciting comments on the operation of the new system until April 25, 1995. The Coast Guard will consider all comments received during the comment period.

Publication History

On September 1, 1994, the Coast Guard published a proposed rule (59 FR 45252) concerning this amendment. The Commander, Second Coast Guard District, also published the proposal as a Public Notice dated September 20, 1994. Interested parties were given until October 31, 1994 to submit comments. The Coast Guard received comments from the Illinois Department of Conservation and the Illinois River Carriers Association, representing approximately 34 river towing companies.

Background and Purpose

The EJ&E Railway has requested permission from the Coast Guard to change the operation of the EJ&E Bridge over the Illinois waterway at mile 290.1 at Joliet, Illinois from having a manned on-site bridge tender to a remote operating system. This regulation change establishes the remote operating system and the required equipment. Under the previous regulation, the drawspan was maintained in the closed

to navigation position and manned by an on site bridge tender, opening on demand for the passage of river traffic. Communication between the bridge tender and vessel operators was conducted via marine radio.

EJ&E has installed remote operating equipment and a control system, including radar, infrared boat detectors, motion detectors and communications equipment. This equipment will facilitate operation of the drawspan from Gary, Indiana. The drawspan can also be operated at the bridge site. Under this regulation, the drawspan will be maintained in the open to navigation position except for the passage of rail traffic or maintenance. The equipment can detect any malfunction in the drawspan operation. In the event of a malfunction the remote operator can ascertain the position of the drawspan at any time. The marine radio system allows communication between the remote operator and marine traffic at the bridge on the VHF marine frequencies authorized by the Federal Communications Commission. The radar system is designed to scan upstream and downstream of the bridge. A radar antenna has been installed on the bridge.

The received radar signal is transmitted by fixed lines to the remote operator. Infrared scanners and motion detectors are located in the channel drawspan to detect vessels under the drawspan. If an obstruction is detected beneath the drawspan during the closing cycle, before the drawspan is seated and locked, the drawspan will automatically stop lowering and shall be raised to the fully open position by the remote operator until the channel is clear. Once lowered and locked in the closed to navigation position, the boat detectors will not raise the drawspan.

During the drawspan closing cycle, the bridge operator shall make a radio broadcast indicating drawspan status. At the appropriate times in the cycle, the bridge operator shall announce that the drawspan will close to navigation, that the drawspan is closed to navigation, or that the drawspan has reopened to navigation.

Discussion of Comments and Changes

In response to the Notice of Proposed Rule Making, two comments were received. Both the Illinois Department of Conservation and the Illinois River Carriers Association (IRCA) expressed no objection, though the IRCA expressed two concerns. The first concern of the IRCA was whether the drawspan will be operated exactly as proposed; and second, whether or not the drawspan could accidentally be