

Dated: March 30, 1995.

Stephen R. Colgate,

Assistant Attorney General for Administration.

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203 (a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. It is proposed to amend 28 CFR 16.101 by redesignating paragraph (s) as paragraph (u), and adding new paragraphs (s) and (t) as set forth below.

§ 16.101 Exemption of U.S. Marshals Service (USMS) Systems—Limited Access, as indicated.

* * * * *

(s) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2), (3), (e)(5) and (e)(8) and (g):

Joint Automated Booking Stations, Justice/ USM-014

(t) These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2). Where compliance would not interfere with or adversely affect the law enforcement process, the USMS may waive the exemptions, either partially or totally. Exemption from the particular subsections are justified for the following reasons:

(1) From subsections (c)(3) and (d) to the extent that access to records in this system of records may impede or interfere with law enforcement efforts, result in the disclosure of information that would constitute an unwarranted invasion of the personal privacy of collateral record subjects or other third parties, and/or jeopardize the health and/or safety of third parties.

(2) Where access to certain records may be appropriate, exemption from the amendment provisions of subsection (d)(2) is necessary to the extent that the necessary and appropriate justification, together with proof of record inaccuracy, is not provided, and/or to the extent that numerous, frivolous requests to amend could impose an impossible administrative burden by requiring agencies to continuously review booking and arrest data, much of which is collected from the arrestee during the arrest.

(3) From subsection (e)(1) to the extent that is necessary to retain all information in order not to impede, compromise, or interfere with law enforcement efforts, e.g., where the significance of the information may not be readily determined and/or where such information may provide leads or assistance to Federal and other law

enforcement agencies in discharging their law enforcement responsibilities.

(4) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement since it may be necessary to obtain and verify information from a variety of sources other than the record subject to ensure safekeeping, security, and effective law enforcement. For example, it may be necessary that medical and psychiatric personnel provide information regarding the subject's behavior, physical health, or mental stability, etc. to ensure proper care while in custody, or it may be necessary to obtain information from a case agent or the court to ensure proper disposition of the subject individual.

(5) From subsection (e)(3) because the requirement that agencies inform each individual whom it asks to supply information of such information as is required by subsection (e)(3) may, in some cases, impede the information gathering process or otherwise interfere with or compromise law enforcement efforts, e.g., the subject may deliberately withhold information, or give erroneous information.

(6) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability to collect information for law enforcement purposes and may prevent the eventual development of the necessary criminal intelligence or otherwise impede effective law enforcement.

(7) From subsection (e)(8) to the extent that such notice may impede, interfere with, or otherwise compromise law enforcement and security efforts.

(8) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d).

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[FR Doc. 95-9104 Filed 4-12-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-95-007]

Special Local Regulation: Newport Offshore Grand Prix, Narragansett Bay, Newport, RI

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a temporary Special Local Regulation for the Newport Offshore Grand Prix regatta. The regatta will be held on Sunday, May 21, 1995, in the waters of Narragansett Bay, Newport, RI. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

DATES: Comments must be received on or before May 4, 1995.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110-3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant (j.g.) B.M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223-8311.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (OGD01-95-007), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8 1/2" x 11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard

plans no public hearing. Persons may request a public hearing by writing to Commander (b), First Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

The shortened comment period for this regulation was caused by a delay in receiving necessary information from the event sponsor. The Coast Guard considers this shortened comment period to be adequate because considerable promotional efforts undertaken by the sponsor have effectively publicized the event throughout the local area. The shortened comment period will allow sufficient time for the public to make substantive comments on the proposed rule.

Drafting Information. The drafters of this notice are Lieutenant (j.g.) B.M. Algeo, project Manager, First Coast Guard District, and Lieutenant Commander S.R. Watkins, Project Counsel, First Coast Guard District Legal Office.

Background and Purpose

On September 20, 1994, the sponsor, Boston International Sports Promotions, Inc., submitted a request to hold a powerboat race in Narragansett Bay, Newport, RI. The Coast Guard is considering establishing a temporary regulation in Narragansett Bay for this event known as the "Newport Offshore Grand Prix." The proposed regulation would establish two regulated areas in Narragansett Bay and would provide specific guidance to control vessel movement during the race.

This event will include up to 70 powerboats competing on a rectangular course at speeds approaching 125 m.p.h. Due to the inherent dangers of a race of this type, vessel traffic will be temporarily restricted to provide for the safety of the spectators and participants.

The sponsor will provide a minimum of 25 picket boats and a minimum of 4 medical boats manned by emergency medical technicians. All sponsor resources will be identified with regatta signs or flags, in accordance with American Power Boat Association, to augment the Coast Guard patrol that will be assigned to the event. The race course will be well marked and patrolled, but due to the speed 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.

Discussion of Proposed Amendments

The Coast Guard proposes to establish a Special Local Regulation on specified waters of Narragansett Bay, Newport, Rhode Island. The Regulated Race Course Area will be closed to all traffic from 10:30 a.m. to 4:30 p.m. on May 21, 1995. The Regulated Milling Area will be closed to all traffic from 12:00 p.m. to 3:30 p.m. on May 21, 1995. However, in emergency situations, provisions will be made to establish safe escort by Coast Guard designated vessels for mariners requiring transit through any regulated area. This regulation is needed to protect spectators and participants from the hazards that accompany a high speed powerboat race in a confined area.

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 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 the DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the event is taking place in an area where the only commercial interests affected are a few marinas and a small fishing fleet.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

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

Environment

The Coast Guard is considering the environmental impacts of both the proposed Special Regulations and the Newport Offshore Grand Prix. It is anticipated that an Environmental Assessment (EA) will be written concerning the potential environmental impacts resulting from this high speed power boat race for which the Coast Guard has received an "Application for Marine Event Permit." Comments in this regard should be forwarded to the address listed under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

For the reasons set out in the preamble, the Coast Guard proposes to amend 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 temporary section, § 100.35-T01007, is added to read as follows:

§ 100.35-T01007 Newport Offshore Grand Prix, RI.

(a) **Regulated Race Course Area.** This regulated area provides a 200 yard safety zone around the race course coordinates and includes all waters within the following points:

Latitude	Longitude
41°28.15" N	071° 24.18" W
41°26.27" N	071°24.18" W
41°23.18" N	071°26.48" W
41°22.42" N	071°22.48" W
41°27.42" N	071°21.54" W

(b) **Regulated Milling Area.** This regulated area provides adequate milling spaces for powerboat participants prior to and at the

conclusion of the race. It will include all waters within the following points: from Fort Adams, to Mitchell Rock GB 3 (LLNR 17865), to Rose Island LBB 12 (LLNR 17855), to Dumplings LBB 11 (LLNR 17810).

(c) Special Local Regulations.

(1) Commander, U.S. Coast Guard Group Woods Hole reserves the right to 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 during the effective period of regulation unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels desiring to transit through the West Passage may do so without Coast Guard approval as long as the vessel remains outside the regulated areas at specified times. No vessel will be allowed to transit through any portions of the regulated Race Course Area during the actual race. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated areas with a Coast Guard designated escort. Vessels encountering emergencies which require transit through the regulated areas should contact the Coast Guard patrol commander on VHF Channel 16.

(4) Spectator craft are authorized to watch the race from any area as long as it remains outside of the designated regulated areas. Spectator craft are required to be at their desired location no later than 12:30 p.m.

(5) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group Woods Hole or the designated on-scene patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately, then proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of this regulation and other applicable laws.

(d) *Effective period.* This section will be effective from 10:30 a.m. to 4:30 p.m. on Sunday, May 21, 1995, unless otherwise specified in the Coast Guard Local Notice to Mariners and a notice in the Federal Register.

Dated: April 3, 1995.

R. R. Clark,

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

[FR Doc. 95-9038 Filed 4-12-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL-5179-5]

Notice of Proposed Rule; Outer Continental Shelf Consistency Update for Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking; consistency update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act ("the Act"), the Clean Air Act Amendments of 1990, the applicable requirements for certain areas for Air Pollution from OCS Activities. The portion of the OCS air regulation that is being updated pertains to the requirements for OCS sources for which the State of Florida will be the designated COA. This action proposes to incorporate the requirements contained in "State of Florida Requirements Applicable to OCS Sources" (January 11, 1995). Proposed changes to the existing requirements are discussed below.

DATES: Comments on the proposed update must be received on or before May 15, 1995.

ADDRESSES: Comments must be mailed (in duplicate if possible) to EPA Air Docket, Attn: Docket No. A-93-31, U.S. Environmental Protection Agency, Region IV, Air, Pesticides, and Toxics Management Division, 345 Courtland Street, NE., Atlanta, GA 30365. (Attn: R. Scott Davis).

Docket: Supporting information used in developing the proposed notice and copies of the documents EPA is proposing to incorporate by reference are contained in Docket No. A-93-31. This docket is available for public inspection and copying Monday through Friday during regular business hours at the following locations:

EPA Air Docket, Attn: Docket No. A-93-31, Environmental Protection Agency, 401 M Street, SW., Washington DC 20460, room M-1500.

EPA Air Docket, Attn: Docket No. A-93-31, Environmental Protection Agency, Region IV Library, 345 Courtland Street, NE., Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: R. Scott Davis, Air, Pesticides, and Toxics Management Division, U.S. EPA Region IV, 345 Courtland Street, NE., Atlanta, GA 30365. Telephone (404) 347-3555 ext. 4144.

SUPPLEMENTARY INFORMATION: On September 4, 1992, EPA promulgated 40 CFR part 55,¹ which established requirements to control air pollution from OCS sources in order to comply with federal and state ambient air quality standards and the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the states, except those located in the Gulf of Mexico west of 87.5 degrees longitude, approximately west of the Florida/Alabama state border. Section 328 of the Act requires that for such sources located within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to § 55.12 of the OCS rule, consistency reviews will occur: (1) At least annually; (2) upon receipt of a Notice of Intent (NOI) under § 55.4 of the OCS rule; and (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This Notice of Proposed Rulemaking is being proposed in response to the receipt of a NOI, submitted by Chevron U.S.A., Inc., Conoco Inc., and Murphy Exploration & Production Company on February 10, 1995, and represents the second update of part 55 for the State of Florida. The NOI includes general company information, a description of the proposed facility, estimated potential air emissions, emissions points, fuels, air pollution controls, and any proposed operating limitations. Public comments received in writing within 30 days of publication of this notice will be considered by EPA before promulgation of the final updated rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must

¹ The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.