

February 26, 1979). The Coast Guard expects the economic impact of this rule 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 fact that this rule makes only a slight change to the effective period found in the permanent rule at 33 CFR 100.101. The public is fully aware of the terms and conditions of this annual event. Commercial traffic on the affected portion of the Thames River is infrequent. The race is popular and of short duration. Local commercial entities and the U.S. Navy have been notified of the race schedule. Vessel traffic may be allowed to transit the regulated area at the discretion of the patrol commander.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule 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 field, and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). For the reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal, and certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

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

**Environment**

The Coast Guard has considered the environmental impact of this regulation and in accordance with paragraph 2.B.2.e(35)(3) of Commandant Instruction M16475.1B, the event is deemed to be categorically excluded from further environmental documentation.

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

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

For the reasons set forth in the preamble, the Coast Guard temporarily amends part 100 of title 33, Code of Federal Regulations, as follows:

**PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

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. In § 100.101, paragraph (b) is suspended and a new paragraph (d) is temporarily added to read as follows:

**§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.**

\* \* \* \* \*

(d) *Effective period.* This section is effective between the hours of 3:30 p.m. and 8 p.m. on June 10, 1995. If the races scheduled for June 10, 1995 are postponed, this section will be effective between the hours of 6 a.m. and 9 a.m. on June 11, 1995.

Dated: May 15, 1995.

**J.L. Linnon,**

*Rear Admiral, U. S. Coast Guard, Commander, First Coast Guard District.*  
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**33 CFR Part 100**

[CGD 09-95-010]

**Special Local Regulation; Geneva Offshore Grand Prix, Lake Erie, Geneva-on-the-Lake, OH**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** A special local regulation is being adopted for the Geneva Offshore Grand Prix. This event will be held on Lake Erie, Geneva-on-the-Lake, OH, on May 28, 1995. The Geneva Offshore Grand Prix will have an estimated 35 offshore race boats racing a closed course race on Lake Erie which could pose hazards to navigation in the area. This regulation will restrict general navigation on Lake Erie between Cowles Creek and the Redbrook Boat Club and is needed to provide for the safety of life, limb, and property on navigable waters during the event.

**EFFECTIVE DATE:** This regulation is effective from 11 a.m. (EDST) until 3 p.m. (EDST) on May 28, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Marine Science Technician Second Class Jeffrey M. Yunker, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, Room 2083, 1240 East Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3990.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. 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 May 4, 1995, and there was not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date.

**Drafting Information**

The drafters of this notice are Lieutenant Junior Grade Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, and Lieutenant Karen E. Lloyd, Project Attorney, Ninth Coast Guard District Legal Office.

**Discussion of Regulation**

The Geneva Offshore Grand Prix will be held on Lake Erie between Cowles Creek and the Redbrook Boat Club on May 28, 1995. This event will have an estimated 35 offshore race boats racing a closed course race on Lake Erie which could pose hazards to navigation in the area. The effect of this rule will be to restrict general navigation on that portion of Lake Erie, in an area rectangular in shape, from the mouth of Cowles Creek, west along the shoreline approximately 4.4 statute miles, extending offshore approximately 0.7 statute miles, for the safety of spectators and participants. This regulation is necessary to ensure the protection of life, limb, and property on navigable waters during this event. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer in Charge, U.S. Coast Guard Station Ashtabula, OH).

This rule is issued pursuant to 33 U.S.C. 1233 as set out in the authority citation for all of Part 100.

**Federalism Implications**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard is conducting an environmental analysis for this event in accordance with section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, and the Coast Guard Notice of final agency procedures and policy for categorical exclusions found at (59 FR 38654; July 29, 1994).

### Economic Assessment and Certification

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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

### Collection of Information

This rule will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

### List of Subjects in 33 CFR Part 100

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

### Temporary Regulation

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. A temporary section 100.35—T09—010 is added to read as follows:

#### § 100.35—T09—010 Geneva Offshore Grand Prix, Lake Erie, Geneva-on-the-Lake, OH.

(a) *Regulated Area:* That portion of Lake Erie from:

Latitude	Longitude
41°51.5'N	080°58.2'W, thence to
41°52.4'N	080°53.4'W, thence to
41°53'N	080°53.4'W, thence to
41°52.2'N	080°58.2'W, thence to
41°51.5'N	080°58.2'W.

Datum: NAD 83

(b) *Special local regulation:* This section restricts general navigation in the regulated area for the safety of spectators and participants. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander.

(c) *Patrol Commander:* (1) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Ashtabula, OH). The Patrol Commander may be contacted on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander."

(2) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated 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. Any vessel 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.

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

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

(5) 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, limb, or property.

(6) All persons in the area shall comply with the orders of the Coast Guard Patrol Commander.

(d) *Effective Date:* This section is effective from 11 a.m. (estd) until 3 p.m. (edst) on May 28, 1995, unless otherwise terminated by the Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Ashtabula, OH).

Dated: May 16, 1995.

**Rudy K. Peschel,**

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

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### 33 CFR Part 165

[COTP Louisville 95-002]

RIN 2115-AA97

### Safety Zone; Ohio River, Cincinnati, OH

AGENCY: Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Ohio River. The regulation is needed to control commercial vessel traffic in the regulated area while transiting downbound at night during high water conditions. The regulation will restrict commercial navigation in the regulated area for the safety of vessel traffic and the protection of life and property along the river.

**EFFECTIVE DATES:** This regulation is effective on May 18, 1995, at 4 p.m. edst. It will terminate at 6 p.m. edst, on May 30, 1995, unless sooner terminated by the Captain of the Port, Louisville, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** LT Paul D. Thorne, Supervisor, Coast Guard Marine Safety Detachment, Cincinnati, Ohio at (513) 922-3820.

### SUPPLEMENTARY INFORMATION:

#### Background and Purpose

The situation requiring this rule is high water in the Ohio River in the vicinity of Cincinnati, Ohio. The Ohio River in the Cincinnati area is hazardous to transit under the best conditions. To transit the area, mariners must navigate through several sweeping turns and seven bridges. When the water level in the Ohio River reaches 45 feet, on the Cincinnati gauge, river currents increase and become very unpredictable, making it difficult for downbound vessels to maintain steerageway. During hours of darkness the background lights of the city of Cincinnati hamper mariners' ability to maintain sight of the front of their tow. The rule is intended to protect the public and the environment, at night during periods of high water, from a potential hazard of large downbound tows carrying hazardous material through the regulated area.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, the high water periods in the Cincinnati, Ohio area are natural events which cannot be predicted with any reasonable accuracy. The Coast Guard deems it to be in the public's best interest to issue a rule now, as the situation presents an immediate hazard to navigation, life, and property.

#### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of