

(c) This regulation will be effective from 7:00 a.m. to 10:00 a.m. May 2, 1997.

Dated: April 2, 1997.

T.W. Josiah,

*Rear Admiral, U.S. Coast Guard Commander,
Eighth Coast Guard District.*

[FR Doc. 97-9539 Filed 4-11-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07 97-012]

RIN 2115-AE46

Special Local Regulations: Fort Lauderdale, Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the 1997 Shell Air & Sea Show. The event will be held on May 2, 1997 from 10 a.m. until 1 p.m. EDT, May 3, 1997 from 10 a.m. to 5 p.m. EDT, May 4, 1997 from 10 a.m. to 5 p.m. EDT on the Atlantic Ocean off Fort Lauderdale Beach, Florida. The regulations are needed to provide for the safety of life on navigable waters during the event because of the expected concentration of spectator craft.

DATES: These regulations are effective from: 9:30 a.m. to 1:30 p.m. EDT on May 2, 1997, 9:30 a.m. to 5:30 p.m. EDT on May 3, 1997, and 9:30 a.m. to 5:30 p.m. EDT on May 4, 1997.

FOR FURTHER INFORMATION CONTACT: QMC T.E. KJERULFF Coast Guard Group Miami, Florida at (305) 535-4448.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The 1997 Shell Air and Sea Show will take place in the Atlantic Ocean from Fort Lauderdale Beach out to 1/2 nautical mile off shore, between Oakland Park Boulevard and the 17th Street Causeway. There will be approximately 18 participating racers in ski boats, jet skis, and off shore racing powerboats. In addition, various military aircraft, including high performance aircraft, will be operating at high speeds and low altitudes in the area directly above the regulated area.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for these regulations and good cause exists for making it effective in less than 30 days after **Federal**

Register publication. Publishing a NPRM and delaying its effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public due to the anticipated concentration of spectator craft. Following normal rulemaking procedures would have been impracticable, as there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date, because the final information regarding which military aircraft would participate, was only determined the week of March 17, 1997.

Regulatory Evaluation

This regulation 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only 4.0 hours on the first day of the event, and 8.0 hours on second and third days of the event.

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 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).

The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this rule will not have a significant economic impact on a substantial number of small entities because it will be in effect for a maximum of eight hours in a limited area.

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this action consistent with Section 2.B.2 of Commandant Instruction M16475.1B. In accordance with that section, this action has been environmentally assessed (EA completed), and the Coast Guard has determined that it will not significantly affect the quality of the human environment. An environmental assessment and finding of no significant impact have been prepared and are available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 100

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

Special Local 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. A temporary section 100.35T-07-012 is added to read as follows:

§ 100.35T-07-012 Fort Lauderdale, FL.

(a) *Regulated Area.* All waters of the Atlantic Ocean west of a line drawn from 26-10.51N, 080-05.50W to 26-06.50N, 080-05.50W. All coordinates referenced use Datum: NAD 83.

(b) *Regulations.* (1) Entry into the regulated area by other than event participants is prohibited unless otherwise authorized by the Patrol Commander.

(2) All vessels shall immediately follow any specific instructions given by event patrol craft and exercise extreme caution while operating in or near the regulated area. A succession of no fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessels to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) After the termination of the 1997 Shell Air & Sea Show event for each

respective day, all vessels may resume normal operations.

(c) *Effective Dates.* These regulations become effective on: (1) May 2, 1997 at 9:30 a.m. and terminate at 1:30 p.m. EDT, (2) May 3, 1997 at 9:30 a.m. and terminate at 5:30 p.m. EDT, (3) May 4, 1997 at 9:30 a.m. and terminate at 5:30 p.m. EDT.

Dated: April 4, 1997.

J.W. Lockwood,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[CGD 97-015]

RIN 2115-AF43

Antarctic Treaty Environmental Protection Protocol

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is establishing regulations to implement the Antarctic Science, Tourism, and Conservation Act of 1996. These regulations should guide U.S. owned and/or operated vessels to properly prepare for voyages in the Antarctic. This rule will harmonize U.S. regulations with international standards, and improve preparedness to respond to a spill.

DATES: This rule is effective on September 30, 1997, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before June 30, 1997. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 97-015), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between

9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Ray Perry, Project Manager, Office of Environmental Standards (G-MSO), telephone (202) 267-2714.

SUPPLEMENTARY INFORMATION:

Request for Comments

Any comments must identify the name and address of the person submitting the comment, specify the rulemaking docket (CGD 97-015) and the specific section of this rule to which each comment applies, and give the reason for each specific comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because no adverse comments are anticipated. If no adverse comments or any written notice of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, at least 30 days prior to the effective date, the Coast Guard will publish a notice in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comment or written notice of intent to submit adverse comment, the Coast Guard will publish a notice in the final rule section of the **Federal Register** to announce withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be

ineffective or unacceptable without a change. A comment that requests additional rulemaking on this or another subject will not be treated as "adverse."

Background and Purpose

On October 2, 1996, the Antarctic Science, Tourism, and Conservation Act of 1996 became law (Pub. L. 104-227). This Act implements the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991 (30 I.L.M. 1455). The Act authorizes three agencies to issue implementing regulations: The National Science Foundation (NSF), the EPA, and the Coast Guard. The Coast Guard is issuing this rule with the concurrence of the NSF in accordance with the Act. The Coast Guard may issue such regulations as are necessary and appropriate to implement Annex IV to the Protocol and Article 15 of the Protocol with respect to vessels. Annex IV to the Protocol, Prevention of Marine Pollution, resembles in many respects MARPOL 73/78. Article 15 of the Protocol, Emergency Response Action, requires that each party provide for prompt and effective response actions to such emergencies as might arise from activities in the Antarctic, and the establishment of contingency plans for response to incidents with potential adverse effects on the Antarctic environment. For the most part, the requirements under the Protocol are already implemented in the U.S. under the Act to Prevent Pollution from Ships (33 U.S.C. 1901, *et seq.*). However, two gaps between the existing regulations and the statutory requirements of the Act exist and are addressed in this rulemaking.

Discussion of Rules

These rules will require owners and operators of vessels under U.S. jurisdiction and operating in the waters below 60 degrees south latitude to comply with standards specified in the Protocol regarding sewage, and to amend their shipboard oil pollution emergency plans (SOPEP) to indicate the need to contact Antarctic stations that might be affected. This rule reflects international requirements under the Protocol. Changes to 33 CFR 151.26 would implement the provisions of Article 15 of the Protocol addressing response to pollution from vessels. A new section 151.79 is added to implement the provisions of Annex IV of the Protocol addressing prevention of pollution by sewage from vessels.

Regulatory Evaluation

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