

of human environment. An environmental assessment and finding of no significant impact have been prepared and are available for copying and inspection.

List of Subjects in 33 CFR Part 100

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

Temporary 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.

2. A new temporary section 100.35T-97-002 is added to read as follows:

§ 100.35T-97-002 Intracoastal Waterway; St. Augustine, FL.

(a) *Regulated area.* The regulated area is located in the waters of the Matanzas River, Intracoastal Waterway, St. Augustine, Florida. Its northern boundary is formed by a line, perpendicular to the centerline of the Matanzas River, drawn from Fish Island Marina Daybeacon #2, LLNR 35420, position 29-52.15N, 081-18.12W, near the entrance of the San Sebastian River, to the East bank of the Matanzas River. The eastern boundary is formed by the eastern bank of the Matanzas River. The western boundary begins where the Bridge of Lions meets the west bank of the Matanzas River and runs along the west bank of the river to 29-52.34N, 081-18.13W, and then to 29-52.20N, 081-18.09W at the southeast end of the regulated area. All coordinates reference Datum: NAD 1983.

(b) *Special local regulations.* (1) Entry into this regulated area, by other than parade participants or spectator craft, is prohibited, unless authorized by the Patrol Commander. After termination of the "Blessing of the Fleet" ceremony, all vessels may resume normal operations.

(2) Spectator craft will be allowed to enter the regulated area; however, vessel mooring, anchoring, and movement restrictions will be directed by Coast Guard and local law enforcement officials.

(c) *Effective date.* This regulation becomes effective at 9 a.m. EST and terminates at 3 p.m. EST, on March 23, 1997.

Dated: February 13, 1997.

J.W. Lockwood,
*Rear Admiral, U.S. Coast Guard Commander,
Seventh Coast Guard District.*

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33 CFR Part 110

[CGD01-96-012]

RIN 2115-AA98

Special Anchorage Area: Special Anchorage Great Kills Harbor, Staten Island, New York; Special Anchorage Sheepshead Bay, Brooklyn, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the special anchorage regulations for Great Kills Harbor, Staten Island, New York, and Sheepshead Bay, Brooklyn, New York. The regulations are amended to remove the language that required federal mooring permits for individual mooring locations in these special anchorage areas.

EFFECTIVE DATE: April 2, 1997.

FOR FURTHER INFORMATION CONTACT: LT John W. Green, Waterways Oversight Branch, Coast Guard Activities, New York (212) 668-7906.

SUPPLEMENTARY INFORMATION:

Regulatory History

On March 20, 1996, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (61 FR 11356). The Coast Guard received one hundred fifty comments on the proposals. A public hearing was requested but was not held since the written comments clearly expressed the views of the commenters and oral presentations would not aid the rulemaking process.

Background and Purpose

An area designated as a special anchorage provides for vessels 65 feet and under to anchor within specified boundaries without exhibiting anchor lights. Approximately a decade ago, Captain of the Port New York administered approximately 2,500 mooring locations annually in approximately nine special anchorages. As the size of the boating public grew, the burden of administering these mooring locations became increasingly difficult. Several years ago, Captain of the Port New York discontinued the administration of individual recreational mooring locations in all special anchorages, except for anchorages in Great Kills Harbor and

Sheepshead Bay. Due to budget constraints and the Presidential mandate to streamline the federal government, Captain of the Port New York discontinued entirely the discretionary procedure of issuing permits for mooring locations. This rule amends existing regulations to reflect that mooring permits are no longer issued by the Coast Guard for the Great Kills Harbor and Sheepshead Bay anchorages. Although mooring permits are no longer issued by the Captain of the Port, vessels may still anchor or use a mooring buoy without displaying lights. Vessel owners interested in using these anchorages in the 1997 boating season may contact: Thomas Rozinski, Deputy Counsel, New York City Department of Parks and Recreation, The Arsenal, Central Park, New York, NY 10021.

Discussion of Comments

One hundred fifty comments objected to the Coast Guard discontinuing the issuance of mooring permits in the Great Kills Harbor special anchorage. No comments were received objecting to the Coast Guard discontinuing the issuance of mooring permits in Sheepshead Bay.

Comments were received from three yacht clubs in Great Kills Harbor and one hundred forty of their members and from seven individuals not specifically allied with the three yacht clubs. These persons stated that the transfer of responsibility for issuing permits to the Borough of Staten Island or other entity would result in chaos on the water, and the cost of a mooring permit to be increased beyond the reach of the vessel owners holding permits. On yacht club stated that there may be a loss of membership and possible dissolution of the club due to the increase in the cost of permits. The Coast Guard considered these comments and forwarded them to the New York City Department of Parks and Recreation. The Coast Guard believes that the municipality will regulate the moorings in an orderly manner and in the best interests of its constituents. Concerns over the costs of future permits should be addressed to New York City Department of Parks and Recreation at the address provided in the Background and Purpose section above.

Various persons suggested that the Coast Guard charge a fee, or extend the term of the permit to two or three years to offset the Coast Guard's expenses in issuing permits. The Coast Guard considered these comments. The decision to no longer issue mooring permits was based on the belief that, similar to the arrangement in the rest of

the country, local governments, rather than the federal government, are the appropriate entities to issue local mooring permits. The Coast Guard believes it is inappropriate for the Coast Guard to continue to administer the moorings and charge increased fees to compensate for the cost of administering the system.

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 of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This rule does not affect the status of the special anchorage areas in Great Kills Harbor or Sheepshead Bay, but merely reflects that the Captain of the Port of New York mooring permit procedures are no longer applicable and that mooring permits will no longer be issued by the Coast Guard. This proposal will not be significant because the boating public retains the ability to use the anchorages, and will be able to do so without obtaining a Federal mooring permit. The Coast Guard expects that the New York City Parks and Recreation Department will act in the interest of the boating public and will carefully consider the economic impact of their actions on vessel owners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small business and not-for-profit organizations that are independently owned and operated and are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation and Discussion of Comments sections, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation 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 rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that it is categorically excluded from further analysis and documentation requirements under the National Environmental Policy Act (NEPA). This determination was made in accordance with agency procedures and policy for categorical exclusions published in paragraph 2.B.2.e. (34)(a) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994). A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulation

For reasons set out the preamble, the Coast Guard amends 33 CFR 110.60 as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.60 is amended by revising the note following paragraph (r–1) and paragraph (x)(4) to read as follows (table 110.60(x)(4) and figure 110.60(x)(4) following paragraph (x)(4) remain unchanged):

§ 110.60 Port of New York and vicinity.

* * * * *

(r–1) * * *

Note: The special anchorage area is principally for use by yachts and other recreational craft. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited. Vessels shall be anchored so that no part of the vessel comes within 50 feet of the marked channel.

* * * * *

(x) * * *

(4) *Captain of the Port Regulations*. In Sheepshead Bay, New York, Western,

Northern, and Southern Special Anchorage Areas, the following applies:

(i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in table 110.60(x)(4) and the anchor shall be placed as shown in figure 110.60(x)(4).

(ii) The area is principally for vessels used for a recreational purpose.

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Dated: February 11, 1997.

J.L. Linnon,

Commander, First Coast Guard District.

[FR Doc. 97–5065 Filed 2–28–97; 8:45 am]

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33 CFR Part 117

[CGD8–97–001]

RIN 2115–AE47

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule removes the regulations for the East Park Avenue and East Main Street Bridges across the Gulf Intracoastal Waterway, mile 57.6 and 57.7 at Houma, Terrebonne Parish, Louisiana. These drawbridges have been replaced by high level fixed bridges and the drawbridge regulations are no longer necessary.

DATES: This rule is effective on April 2, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Frank, Bridge Administration Branch, (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. David Frank, Project Officer and Lieutenant Commander J. A. Wilson, Project Attorney.

Background and Purpose

The East Park Avenue and East Main Street drawbridges were replaced by high level fixed bridges in November of 1996. Since the drawbridges are no longer at these locations, there is no longer a need for the drawbridge operation regulation. This rule is being published without an opportunity for notice and comment because the bridges regulated in 33 CFR 117.451(c) have been replaced and these regulations are no longer necessary. For this reason, the Coast Guard finds good cause why notice and comment are unnecessary under 5 U.S.C. § 553(b)(2)(B) and why, in accordance with 5 U.S.C. § 553(d)(3),