

demonstrates that disclosure of the information sought is:

(i) In the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and

(ii) Not primarily in the commercial interest of the requester.

(2) The Commission will consider the following criteria to determine the public interest standard:

(i) Whether the subject of the requested records concerns the operations or activities of the government;

(ii) Whether the disclosure is likely to contribute to an understanding of government operations or activities;

(iii) Whether disclosure of the requested information will contribute to public understanding; and

(iv) Whether the disclosure is likely to contribute significantly to public understanding of government operations or facilities.

(3) The Commission will consider the following criteria to determine the commercial interest of the requester:

(i) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(ii) Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(4) This request for fee reduction or waiver must accompany the initial request for records and will be decided under the same procedures used for record requests.

* * * * *

6. In § 388.110, the section heading, the first sentence of paragraph (a)(1), paragraph (a)(2), and paragraph (b) are revised to read as follows:

§ 388.110 Procedure for appeal of denial of requests for Commission records not publicly available or not available through the Public Reference Room, denial of requests for fee waiver or reduction, and denial of requests for expedited processing.

(a)(1) A person whose request for records, request for fee waiver or reduction, or request for expedited processing is denied in whole or part may appeal that determination to the General Counsel or General Counsel's designee within 45 days of the determination. * * *

(2) The General Counsel or the General Counsel's designee will make a determination with respect to any appeal within 20 working days after the receipt of such appeal. An appeal of the

denial of expedited processing will be considered as expeditiously as possible within the 20 working day period. If, on appeal, the denial of the request for records, fee reduction, or expedited processing is upheld in whole or in part, the General Counsel or the General Counsel's designee will notify the person making the appeal of the provisions for judicial review of that determination.

(b)(1) *Extension of time.* In unusual circumstances, the time limits prescribed for making the initial determination pursuant to § 388.108 and for deciding an appeal pursuant to this section may be extended by up to 10 working days, by the Secretary, who will send written notice to the requester setting forth the reasons for such extension and the date on which a determination or appeal is expected to be dispatched.

(2) The extension permitted by paragraph (b)(1) of this section may be made longer than 10 working days when the Commission notifies the requester within the initial response time that the request cannot be processed in the specified time, and the requester is provided an opportunity to limit the scope of the request to allow processing within 20 working days; or to arrange with the Commission an alternative time frame.

(3) Two or more requests aggregated into a single request under § 388.109(b)(2)(vii) may qualify for an extension of time if the requests, as aggregated, otherwise satisfy the unusual circumstances specified in this section.

(4) *Unusual circumstances* means:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the requests;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

§ 388.112 [Amended]

7. In § 388.112, paragraph(c)(1)(i)'s reference to "paragraph (b)(2)" is revised to read "paragraph (b)(1)(ii)," and paragraph (c)(1)(ii)'s reference to

"paragraph (b)(3)" is revised to read "paragraph (b)(1)(iii)."

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07 98-002]

RIN 2115-AE46

Special Local Regulations; Hillsborough Bay, Tampa, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Gasparilla Marine Parade. This event will be held on Saturday, February 7, 1998, between 10 a.m. and 1:30 p.m. Eastern Standard Time (EST) on Hillsborough Bay. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 9 a.m. and terminate at 2:30 p.m. EST on February 7, 1998.

FOR FURTHER INFORMATION CONTACT: LTJG Bess Howard, Coast Guard Group, St. Petersburg, FL at (813) 824-7533.

SUPPLEMENTARY INFORMATION:

Background and Purpose

These regulations are needed to provide for the safety of life of spectators, to protect vessels participating in the parade, and to protect marine mammals during the Gasparilla Marine Parade on Hillsborough Bay on February 7, 1998. There will be approximately 750 participants in the marine parade. Also, 200-400 spectator craft are expected. The parade will begin at the mouth of the Seddon Channel and end at the mouth of the Hillsborough River. The resulting congestion of navigable channels creates an extra or unusual hazard in the navigable waters.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication in the **Federal Register**. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received with sufficient time remaining to publish proposed rules in advance of the event or to provide for a delay effective date.

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 the 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary, as these regulations will be in effect for less than six hours in a limited area of Hillsborough Bay.

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 small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities, because the regulations are in effect for only six hours in a limited part of Hillsborough Bay.

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 rulemaking 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 concluded 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 or copying.

List of Subject in 33 CFR Part 100

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

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, 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-07-002 is added to read as follows:

§ 100.35-T07-002 Special Local Regulations, Hillsborough Bay, Tampa, FL

(a) *Regulated Area:* A regulated area is established in Hillsborough Bay, which consists of all waters east of a line drawn from Gadsen Point south to E. G. Simmons Park, at position 27-44.8 N, 082-28.3 W, then to the northern end of Hillsborough Bay. All coordinates referenced use Datum: NAD 83. Additionally, the regulated area includes the following, in their entirety: Hillsborough Cut "D" Channel, Sparkman Channel, Ybor Channel, Seddon Channel and the Hillsborough River south of the Cass Street Bridge.

(b) *Special Local Regulations:*

(1) Entry into the regulated area is closed to all commercial marine traffic from 10 a.m. to 2:30 p.m. EST on February 7, 1998.

(2) The regulated area is an idle speed, "no wake" zone.

(3) All vessels within the regulated area shall stay clear of and give way to all vessels in parade formation in the Gasparilla Marine Parade.

(4) When within the marked channels of the parade route, vessels participating in the Gasparilla Marine Parade may not exceed the minimum speed necessary to maintain steerage.

(5) Jet skis and vessels without mechanical propulsion are prohibited from the parade route.

(6) Northbound vessels of length in excess of 80 feet and without mooring arrangements made prior to February 7, 1998, are prohibited from entering Seddon Channel, unless the vessel is officially entered in the Gasparilla Marine Parade. All northbound vessels, not officially entered in the Gasparilla Marine Parade, in excess of 80 feet without prior mooring arrangements

must use the alternate route through Sparkman Channel.

(c) *Dates:* These regulations become effective at 9 a.m. and terminate at 2:30 p.m. EST on February 7, 1998.

Dated: January 21, 1998.

R.C. Olsen, Jr.,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-98-005]

Drawbridge Operation Regulation; Upper Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Clinton Railroad Drawbridge, mile 518.0, Upper Mississippi River at Clinton, Iowa. This deviation allows the bridge to remain closed to navigation with requests for bridge openings made 24 hours in advance. Requests can be made by calling the Clinton Yardmaster's office at 319-244-3204 anytime; the bridge on weekdays from 7:00 a.m. to 3:30 p.m. at 319-244-3269; or during office hours at 630-876-2797. This closure is necessary to perform annual maintenance work.

DATES: The deviation is effective from December 12, 1997 until March 6, 1998.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, Director, Western Rivers Operations, (314) 539-3900, extension 378.

SUPPLEMENTARY INFORMATION: The Clinton Railroad Drawbridge at Clinton, Iowa has a vertical clearance of 18.7 feet above normal pool in the closed to navigation position and 65.0 feet in the open position. Navigation on the waterway consists primarily of commercial tugs with tows.

The Union Pacific Railroad has requested a temporary deviation from the normal operation of the bridge for the annual maintenance of the bridge.

This deviation requires the draw of the Clinton Railroad Drawbridge to remain closed to navigation from December 12, 1997 until March 6, 1998 with a 24 hour advance notice for an opening. The drawbridge operation