

a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

**List of Subjects in 30 CFR Part 935**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 7, 1995.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

**PART 935—OHIO**

1. The authority citation for Part 935 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 935.15 is amended by adding new paragraph (xxx) to read as follows:

**§ 935.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(xxx) The following amendment (Program Amendment 69R) pertaining to the Ohio regulatory program, as submitted to OSM on September 22, 1994, and revised on March 8 and May 3, 1995, is approved, effective July 17, 1995: OAC 1501:13-1-03(D)(2), (I)(1), (J)(1), and (L)(1)-(3) (Financial interest statements) and OAC 1501:13-7-05(A)(2)(b)(ii), (A)(2)(c)(ii) and (B)(2)(c) (Yield data for phase III bond release).

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD13-95-024]

**Special Local Regulations for Marine Events; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation of 33 CFR 100.1303.

**SUMMARY:** This notice implements 33 CFR 100.1303 for the annual Kennewick, Washington, Columbia Unlimited Hydroplane Races, to be held July 28, 1995, through July 30, 1995, on the Columbia River in Kennewick, Washington. These special local regulations are needed to provide for the safety of participants and spectators on the navigable waters during this event. The effect of these regulations will be to restrict general navigation in the regulated area for the safety of race participants, spectators, and other vessel traffic transiting the area.

**EFFECTIVE DATE:** The regulations in 33 CFR 100.1303 will be in effect from 8:30 a.m. (PDT) to 7:30 p.m. (PDT) on Friday, July 28, 1995, and on Saturday, July 29, 1995. On Sunday, July 30, 1995, the regulations will be in effect from 8:30 a.m. (PDT) to 9 p.m. (PDT).

**FOR FURTHER INFORMATION CONTACT:** LTJG C. A. Roskam, c/o Captain of the Port Portland, 6767 N. Basin Ave, Portland, Oregon 97217-3992, (503) 240-9338.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this notice are LTJG C. A. Roskam, Project Manager for the Captain of the Port, and LCDR J.C. Odell, Project Counsel, Thirteenth Coast Guard District Legal Office.

**Discussion of Regulations**

The race sponsor, Tri-City Water Follies, submitted an application to hold this year's race on July 28, 29, and 30, 1995. The event is the 30th Annual Kennewick, Washington, Columbia Unlimited Hydroplane Race. Fifty formula one unlimited hydroplanes will participate in the races which will consist of several five-boat heats traveling around an oval course. The location of the race is midstream on the Columbia River, between the western end of Hydro Island, river mile 332, and the western end of Clover Island, river mile 329. Because this is the type of

event contemplated by the regulations, and the safety of the participants, spectators, and vessels transiting the area would be enhanced by the implementation of the special local regulations for this regulated area, the regulations in 33 CFR 100.1303 are being implemented.

Dated: June 23, 1995.

**C.E. Bills,**

*Captain, U.S. Coast Guard, Captain of the Port.*

[FR Doc. 95-17490 Filed 7-14-95; 8:45 am]

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**33 CFR Part 100**

[CGD07-95-008]

RIN 2115-AE46

**Special Local Regulations: City of Miami Beach, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Special local regulations are being adopted for the Miami Super Boat National Championship. The event will be held on September 10, 1995, from 12 p.m. EDT (Eastern Daylight Time) until 3:30 p.m. EDT. The regulations are needed to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATES:** These regulations are effective on September 10, 1995 at 11:30 a.m. EDT and terminate at 4:30 p.m. EDT that day. In the event of inclement weather, an alternate rain date of September 11, 1995 is established with these same times.

**ADDRESSES:** Documents referred to in this preamble are available for inspection or copying from at the offices of Coast Guard Group Miami, FL, 100 Macarthur Causeway, Miami Beach, FL 33139 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG B.E. Dailey, Coast Guard Group Miami, Florida at (305) 535-4492.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. § 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impracticable, as there was not sufficient time remaining to publish proposed rules in advance of the event.

**Drafting Information**

The drafters of these regulations are LTJG Bryan E. Dailey, Project Officer, USCG Group Miami, and LT Jacqueline Losego, Project Attorney, Seventh Coast Guard District Legal Office.

## Discussion of Regulations

Super Boat Racing, Inc., is sponsoring a high speed power boat race with approximately thirty-five (35) race boats, ranging in length from 24 to 50 feet, participating in the event. There will be approximately two hundred (200) spectator craft. The race will take place in the Atlantic Ocean 1,000 feet off the Miami Beach shore from Miami Beach Clock Tower to Atlantic Heights. The race boats will be competing at high speeds with numerous spectator craft in the area, creating an extra or unusual hazard in the navigable waterways.

## 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 5 hours on the day of the event.

Since the impact of this rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

## 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. 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 for inspection and copying from the office listed in the "ADDRESSES" section above. As a condition to the permit, the applicant is

required to educate the event participants regarding the possible presence of manatees and the appropriate precautions to take if the animals are sighted.

## List of Subjects in 33 CFR Part 100

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

## Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

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 100.35T07-008 is added to read as follows:

### § 100.35T07-008 City of Miami Beach, FL

#### (a) Regulated Area:

(1) A regulated area is established by a line joining the following points:

25° 45'.5N, 080° 07'.8W; thence to, 25° 45'.3N, 080° 06'.4W; thence to, 25° 51'.2N, 080° 05'.7W; thence to, 25° 51'.35N, 080° 07'.1W; thence along the shoreline to the starting point.

(2) A spectator area is established in the regulated area for spectator traffic and is defined by a line joining the following points, starting from:

25° 46'.35N, 080° 06'.8W; thence to, 25° 45'.3N, 080° 06'.4W; thence to, 25° 51'.2N, 080° 05'.7W; thence to, 25° 51'.3N, 080° 06'.2W; and back to the starting point.

(3) A buffer zone of 300 feet separates the race course and the spectator areas. [NAD 83]

#### (b) Special local regulations:

(1) Entry into the regulated area by other than event participants is prohibited unless otherwise authorized by the Patrol Commander. At the completion of scheduled races and departure of participants from the regulated area, traffic may resume normal operations. At the discretion of the Patrol Commander, between scheduled racing events, traffic may be permitted to resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any and all vessels to take immediate steps to avoid collision. 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) Spectators are required to maintain a safe distance from the race course at all times.

(c) *Effective dates:* This section is effective on September 10, 1995 at 11:30

a.m. EDT and terminate on 4:30 p.m. EDT that day. In the event of inclement weather, an alternate rain date of September 11, 1995 is established with these same times.

Dated: June 8, 1995.

### William P. Leahy,

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

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## 33 CFR Part 100

[CGD 05-95-037]

### Special Local Regulations for Marine Events; Washington Summer Festival; Tar River, Washington, NC

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

**SUMMARY:** Special local regulations are being adopted for Washington Summer Festival. This special local regulation is necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

**EFFECTIVE DATE:** This regulation is effective from 1 p.m. to 4 p.m. July 30, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Fort Macon Operations (919) 247-4545.

#### SUPPLEMENTARY INFORMATION:

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. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received in the district office until May 23, 1995, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

#### Drafting Information

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Fifth Coast Guard District, and CDR C.A. Abel, project attorney, Fifth Coast Guard District Legal Staff.

#### Background and Purpose

The Washington Beaufort County Chamber of Commerce submitted an