

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 100**

[CGD 05-98-006]

RIN 2115-AE46

**Special Local Regulations for Marine Events; New Jersey Offshore Grand Prix**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend permanent special local regulations established for the New Jersey Offshore Grand Prix, a marine event held annually in the Atlantic Ocean along the coast of New Jersey between Asbury Park and Seaside Park, by identifying the specific date on which the regulated area will be in effect. This action is intended to provide more accurate notice of the date on which the event will occur.

**DATES:** Comments must be received on or before April 28, 1998.

**ADDRESSES:** Comments may be mailed to Commander (Aoax) Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or hand-delivered to Room 119 at the same address between 7:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6204. Comments will become part of this docket and will be available for inspection and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** S.L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398-6204.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 05-98-006) and the specific section of this proposal to which each comment applies, and give the reason for each 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.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in

view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

The current regulations at 33 CFR 100.505 establish special local regulations for the New Jersey Offshore Grand Prix, a marine event held annually in the Atlantic Ocean along the coast of New Jersey between Asbury Park and Seaside Park. The purpose of these regulations is to control vessel traffic during the event to enhance the safety of participants, spectators, and transiting vessels. In the past, these regulations were implemented by publishing a notice in the **Federal Register**.

**Discussion of Proposed Rule**

The Coast Guard proposes to amend the special local regulations previously established for this event area by identifying the specific date on which the regulated area will be in effect.

**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 10e of the regulatory policies and procedures of DOT is unnecessary. This proposal merely identifies the effective date of an existing regulation and does not impose any new restrictions on vessel traffic.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this proposal 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). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this proposal, if adopted, 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. 3501-3520).

**Federalism**

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.b.2.e (34)(h) of Commandant Instruction M16475.1b (as amended, 61 FR 13564; 27 March 1996), this proposal is categorically excluded from further environmental documentation.

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

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

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 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. Section 100.505 is amended by revising paragraph (b) to read as follows:

**§ 100.505 New Jersey Offshore Grand Prix.**

\* \* \* \* \*

(b) *Effective Period:* This section is effective annually on the third Wednesday in July. If the event is canceled due to weather, this section is effective the following day. The Coast Guard Patrol Commander will announce by Broadcast Notice to Mariners the specific time periods during which the regulations will be enforced.

\* \* \* \* \*

Dated: February 17, 1998.

**Roger T. Rufe, Jr.,**

*Vice Admiral, USGC Commander Atlantic Area.*

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