

a substantial number of small entities. As stated above, the Department believes that the amendment would create a slight economic benefit for parties in fitness cases.

**Executive Order 12612 (Federalism)**

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The Department has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**National Environmental Policy Act**

The Department has also analyzed this rule for the purpose of the National Environmental Policy Act. The rule would not have any significant impact on the quality of the human environment.

**Paperwork Reduction Act**

There are no reporting or recordkeeping requirements associated with this rule.

**List of Subjects**

14 CFR Part 300

Administrative practice and procedure, Conflict of interests.

14 CFR Part 385

Organization and functions (Government agencies).

For the reasons set out in the Supplementary Information, title 14, chapter II of the Code of Federal Regulations is amended as follows:

**PART 300—[AMENDED]**

1. The authority citation for part 300 is revised to read as follows:

**Authority:** 49 U.S.C. subtitle I and chapters 401, 411, 413, 415, 417, 419, 421, 449, 461, 463, and 465.

2. Section 300.2 is amended by adding new paragraph (c)(10) to read as follows:

**§ 300.2 Prohibited communications.**

\* \* \* \* \*

(c) \* \* \*

(10) Information given at the request of a DOT career employee in the course of investigating or clarifying information filed, or pursuant to a waiver granted to an applicant or other interested person, in docketed proceedings involving determinations of fitness and/or U.S.

citizenship only, for that portion of the proceeding that precedes the issuance of a show-cause order or an order instituting a formal proceeding. Motions for such waivers and any answers shall be filed in the applicable docket in accordance with § 302.18 of the Department's Procedural Regulations (14 CFR 302.18) and served upon all parties to the proceeding.

\* \* \* \* \*

**PART 385—[AMENDED]**

3. The authority citation for part 385 is revised to read as follows:

**Authority:** 49 U.S.C. chapters 401, 411, 413, 415, 417, and 419.

4. Section 385.14 is amended by adding new paragraph (p) to read as follows:

**§ 385.14 Authority of the Director, Office of Aviation Analysis.**

\* \* \* \* \*

(p) Approve or deny requests for waivers from 14 CFR 300.2(a) in docketed air carrier initial certificate application and continuing fitness proceedings.

\* \* \* \* \*

Issued in Washington, DC, on February 16, 1995.

**Patrick V. Murphy,**  
*Acting Assistant Secretary for Aviation and International Affairs.*  
[FR Doc. 95-4328 Filed 2-23-95; 8:45 am]  
BILLING CODE 4910-62-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**15 CFR Part 943**

[Docket 950207042-5042-01]

RIN 0648-AB49

**Flower Garden Banks National Marine Sanctuary Regulations**

**AGENCY:** Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule.

**SUMMARY:** This document adopts as final regulations without change the interim final portion of regulations implementing the designation of the Flower Garden Banks National Marine Sanctuary, published on December 5, 1991 (56 FR 63634).

**EFFECTIVE DATE:** March 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Edward Lindelof, Gulf and Caribbean Regional Manager, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC-4, Silver Spring, MD 20910 (301/713-3137).

**SUPPLEMENTARY INFORMATION:** Section 101 of P.L. 102-251, signed into law on March 9, 1992, provides that the designation of the Flower Garden Banks National Marine Sanctuary took effect on January 17, 1992. Both final and interim final regulations implementing the designation were published on December 5, 1991 (56 FR 63634); NOAA invited comments on the interim final regulations to be submitted in writing on or before February 3, 1992. NOAA received one comment, which is discussed below under Background. The comment results in no change.

Accordingly, the interim final portions of 15 CFR part 943 (§ 943.3(a)(5), (6), (7), (9), (12), (14), and (15), § 943.5 (a)(1), (11) (12) (13), and (e), and § 943.6, published at 56 FR 63634, December 5, 1991) are adopted as final regulations without change.

**I. Background**

As indicated above, NOAA invited comments on the interim final regulations to be considered if submitted in writing on or before February 3, 1992. The following comment was received by NOAA in response to the interim final regulations prohibiting exploring for, developing or producing oil, gas or minerals within a no-activity zone (15 CFR § 943.5(a)(1)).

(1) *Comment:* The commenter recommends that the prohibition against exploring for, developing or producing oil, gas or minerals within a no-activity zone not apply to geophysical surveys and seismic exploration.

*Response:* The prohibition against exploring for, developing or producing oil, gas or minerals within a no-activity zone does not apply to geophysical surveys and seismic exploration. However, seismic techniques involving possessing or using explosives, or releasing electrical discharges, are prohibited in the Sanctuary by regulation 15 CFR § 943.5(a)(14).

The use of air guns involved in seismic surveys in the Flower Garden Banks National Marine Sanctuary has been listed for possible regulation, so that if the use of air guns in seismic surveys is later demonstrated to have an adverse impact on Sanctuary resources, additional regulations can be proposed. If such regulations are eventually proposed, the public will have an

opportunity to comment on them at that time.

Because air gun use in seismic operations may cause short-term behavioral changes in marine organisms (especially sharks and rays which school in the Sanctuary), and interfere with recreational diving, NOAA will seek additional information on these effects, and also identify time periods when air gun operations will have the least potential for impacts on Sanctuary resources and recreational divers.

Because air gun operations may result in accidental loss of mooring buoys at the Sanctuary site, NOAA has requested that the Minerals Management Service require seismic surveyors to:

- Remove mooring buoys immediately before, and replace immediately after, a seismic survey is run through the Sanctuary;
- Announce the time that the mooring buoys will not be available in a Notice to Mariners.

## II. Miscellaneous Rulemaking Requirements

The information in the December 5, 1991, **Federal Register** document addressing miscellaneous rulemaking requirements has not changed. There are no additional collection of information requirements.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: February 15, 1995.

### W. Stanley Wilson,

*Assistant Administrator for Ocean Services and Coastal Zone Management.*

## PART 943—FLOWER GARDENS BANKS NATIONAL MARINE SANCTUARY

Accordingly, the interim final rule portion of 15 CFR part 943, which was published at 56 FR 63634 on December 5, 1991, is adopted as a final rule without change.

[FR Doc. 95-4534 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-08-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD08-94-019]

RIN 2115-AE46

### Annual Marine Events Within the Eighth Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This rule establishes permanent special local regulations for the annual marine events within the Eighth Coast Guard District. This, in turn, reduces the number of annual requests for temporary final rules for regattas and marine parades by codifying these marine events in the Code of Federal Regulation. These regulations are needed to provide for the safety of life, limb, and property on the navigable waters during these events.

**EFFECTIVE DATE:** March 27, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander, Eighth Coast Guard District (dl), 501 Magazine St., room 1311 (Hale Boggs Federal Building), New Orleans, Louisiana 70130-3396 between 8:00 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-6188.

**FOR FURTHER INFORMATION CONTACT:** LT C.D. Michel, Eighth Coast Guard District Legal Office, at Hale Boggs Federal Building, 501 Magazine, room 1311, New Orleans, Louisiana 70118. Telephone: (504) 589-6188.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principal persons involved in drafting this document are LCDR T.P. Marian, Project Manager, and LT C.D. Michel, Project Counsel, Eighth Coast Guard District Legal Office.

##### Regulatory History

On September 7, 1994, the Coast Guard published a notice of proposed rulemaking entitled Annual Marine Events within the Eighth Coast Guard District in the **Federal Register** (59 FR 172). The Coast Guard received 1 (one) letter commenting on this proposal. No public hearing was requested, and none was held.

##### Background and Purpose

Currently, Coast Guard units responsible for overseeing the safety of marine events prepare temporary rules each year for each event. This rule eliminates the need to prepare annual temporary final rules for those annual marine events that have few or no changes from year to year. This streamlines the marine event process for those regattas and marine events that have very little annual variation and would significantly reduce the Coast Guard's administrative burden for managing these type events.

Table 1 delineates the events, their sponsors, dates, and locations. Each event occurs annually on or about the

date given. The course will be patrolled by patrol vessels. While viewing the event at any point outside the regulated area is not prohibited, spectators will be encouraged to congregate within areas designated by the sponsor. Non-participating vessels will be permitted to transit the area at *NO WAKE SPEED* at the discretion of the Coast Guard Patrol Commander.

##### Discussion of Comments and Changes

One comment was received from Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City. This comment referred to Table 1 of the proposed rulemaking and noted that the Louisiana Shrimp and Petroleum Festival also included an evening fireworks display.

The fireworks are launched from a barge stationed in Berwick Bay between the railroad and highway bridges. Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City requested that this event be amended to reflect the existence of a fireworks display by changing the marine event's title from, "The Blessing of the Fleet" to, "The Blessing of the Fleet and Fireworks Display." Since the fireworks display takes place after sunset Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City also requested changing the duration of this event from, "8:30 a.m. through 1 p.m." to, "8:30 p.m. through 1 p.m., and 9 p.m. through 10 p.m."

Implementing these requested changes will not have any significant impact upon the public. The notice of proposed rulemaking had included a fireworks display and no comments were received on that event. Furthermore, this specific change does not pertain to the regulations that were specified in the notice to proposed rulemaking but is limited rather to the title and the duration of the marine event.

The change to Table 1 of this rule is limited in nature and provides for one additional hour of oversight by the Coast Guard in the interest of public safety. Therefore, Table 1 will be amended to reflect the information provided by Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City.

##### 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 that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the