

## Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

### List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T05–129 to read as follows:

#### § 100.35–T05–129 James River, Jamestown Beach to First Colony Beach, VA.

##### (a) Definitions.

*Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

*Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer of the Coast Guard on board and displaying a Coast Guard ensign.

*Regulated Area* includes all waters of the James River enclosed by a line drawn southerly from a point on the shoreline at latitude 37° 12′ 33″ N, longitude 076° 46′ 52″ W, thence to latitude 37° 10′ 58″ N, longitude 076° 47′ 06″ W, thence easterly along the shoreline to latitude 37° 10′ 35″ N, longitude 076° 46′ 42″ W, thence northerly to latitude 37° 12′ 22″ N,

longitude 076° 46′ 27″ W, thence returning westerly along the shoreline to latitude 37° 12′ 33″ N, longitude 076° 46′ 52″ W. All coordinates reference Datum NAD 1983.

##### (b) *Special Local Regulations.* (1)

Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(c) *Enforcement period.* This section will be enforced from 12:45 p.m. to 3:45 p.m. on September 21, 2003.

Dated: September 8, 2003.

**Sally Brice-O'Hara,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD05–03–124]

RIN 1625–AA08

#### Special Local Regulations for Marine Events; Choptank River, Cambridge, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations during the “Chesapeake Challenge”, a marine event to be held September 28, 2003 on the waters of the Choptank River at Cambridge, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the Choptank River during the events.

**DATES:** This rule is effective from 11:30 a.m. through 4:30 p.m. on September 28, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05–03–124 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398–6204.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) the Coast Guard finds that good cause exists for not publishing an NPRM. The event will take place on September 28, 2003. There is not sufficient time to allow for a notice and comment period, prior to the event. Because of the danger posed by high-speed power boats competing within a confined area, special local regulations are necessary to provide for the safety of event participants, support craft, spectators and other vessels transiting the event area.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. However, advance notifications will be made to affected users of the waterway via marine information broadcasts and area newspapers.

#### Background and Purpose

On September 28, 2003, the Chesapeake Bay Powerboat Association will sponsor the “Chesapeake Challenge”, on the waters of the Choptank River at Cambridge, Maryland. The event will consist of approximately 30 offshore powerboats conducting high-speed competitive races between the Rt. 50 bridge and Oystershell Point. A fleet of approximately 250 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

#### Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Choptank River. The temporary regulations will be enforced from 11:30 a.m. to 4:30 p.m. on September 28, 2003, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast