

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after Federal Register publication. The Coast Guard did not receive the application in sufficient time to publish a NPRM a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to public interest since the purpose of this event is to raise funds for environmental purposes. The event requires a safety zone to provide for the safety of participants and other vessels.

Background and Purpose

On August 19, 1995, the organization, Save The Bay, will be sponsoring the 19th annual "Swim The Bay". For this event it is expected that approximately 150 people will swim across the East Passage of Narragansett Bay, from Coaster's Harbor Island Beach, Newport, RI, to Jamestown, RI, in the vicinity of Potter's Cove. The swimmers will be escorted by rowboats and escort craft. Orange floating pylons will be placed along the route one hour prior to the swim. A rain date for the event is scheduled for August 20, 1995.

The Coast Guard is establishing a temporary safety zone in the East Passage from Coaster's Harbor Island Beach, Newport, RI, (41°-31.0' N, 071°-19.8' W) to Potters Cove, RI (41°-31.0' N, 071°-22.0' W) (NAD 1983). The safety zone will encompass a 300 yard radius around each swimmer and escort craft involved with the "Swim The Bay" event. The safety zone will move with the swimmers and escort craft as they cross the East Passage. The safety zone will be in effect on August 19, 1995, from 8 a.m. until 11 a.m. If postponed due to inclement weather, the safety zone will be in effect on August 20, 1995, from 8 a.m. until 11 a.m. Entry or movement within this zone will be prohibited unless authorized by the Captain of the Port, Providence or his on scene representative.

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.

Although this regulation prevents traffic from transiting portions of the East Passage, the effect of this regulation will not be significant for several reasons: vessels not constrained by their draft may transit the West Passage of Narragansett Bay, the duration of the event is limited; and extensive, advance advisories will be made. Additionally, this event has taken place every year for the previous 18 years and has not caused a significant hardship on the commercial or pleasure vessel traffic in the event area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), 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).

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the economic impact of this regulation to be minimal and the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded

from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the event will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section, § 165.T01-096, is added to read as follows:

§ 165.T01-096 Safety Zone; Swim the Bay, East Passage, Narragansett Bay, RI.

(a) *Location.* The safety zone includes all waters of the East Passage, Narragansett Bay, RI, from Coaster's Harbor Island Beach (41°-31.0' N, 071°-19.8' W) to Potters Cove (41°-31.0' N, 071°-22.0' W) (NAD 1983) Within a 300 yard radius of the swimmers and craft participating in the "Swim The Bay" event.

(b) *Effective Date:* This regulation is effective on August 19, 1995, from 8 a.m. to 11 a.m., unless extended or terminated sooner by the Captain of the Port, Providence. If postponed due to inclement weather, this regulation is effective on August 20, 1995, from 8 a.m. to 11 a.m.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply.

Dated: August 10, 1995.

Wayne D. Gusman,

Commander, U.S. Coast Guard, Acting Captain of the Port.

[FR Doc. 95-20365 Filed 8-16-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-011]

RIN 2115-AA97

Safety Zone: Annual Rensselaer Festival Fireworks Display, Hudson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for

the annual Rensselaer Festival fireworks program located on the Hudson River, New York. The safety zone is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. The safety zone temporarily closes all waters of the Hudson River, shore to shore, north of 42°38'12" N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York.

EFFECTIVE DATE: This rule is effective on September 18, 1995.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Drafting Information. The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On April 3, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 16821). Interested persons were requested to submit comments on or before June 2, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

Background and Purpose

For the last several years, the City of Rensselaer has submitted an Application for Approval of Marine Event to hold a fireworks program in the Hudson River. This regulation establishes a permanent safety zone in all waters of the Hudson River, shore to shore, north of 42°38'12" N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York. The safety zone is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation will provide notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. The effective period of the safety zone will be announced annually via Safety Marine Information

Broadcasts and by locally issued notices.

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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The safety zone closes a portion of the Hudson River, shore to shore, in Albany, New York, to vessel traffic annually on the third Saturday in September, from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting the area, the effect of this regulation is not significant for several reasons: the duration of the event is limited; the event is at a late hour; the event has been held annually for the past several years without incident or complaint; and the extensive, advance advisories which will be made to allow recreational and commercial traffic to make necessary transits before or after the event. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation 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).

For the reasons set forth in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the

Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks programs under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.167, is added to read as follows:

§ 165.167 Safety Zone; Annual Rensselaer Festival Fireworks Display, Hudson River, New York.

(a) *Location.* The safety zone includes the waters of the Hudson River, shore to shore, north of 42°38'12" N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York.

(b) *Effective period.* This section is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 10, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 95-20366 Filed 8-16-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD02-95-054]

RIN 2115-AA97

Safety Zone; Lower Mississippi River, Mile 857.0 to Mile 859.0.

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Lower Mississippi River between mile 857.0 and mile 859.0. The zone is needed to protect vessel traffic from a collision hazard during mat laying operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

DATES: This regulation becomes effective at 8 a.m. on August 6, 1995, and terminates at 4 p.m. on August 20, 1995.

FOR FURTHER INFORMATION CONTACT: ENS Bauer, Assistant Chief, Port Operations Officer, Captain of the Port, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544-3941.

SUPPLEMENTARY INFORMATION:

Background and Purpose

At approximately 8 a.m. on August 6, 1995, the U.S. Army Corps of Engineers will commence mat laying operations at Lower Mississippi River mile 858.0 on the left descending bank. The operation is expected to be completed within 15 days from the commencement date. The navigable channel will be restricted to one way traffic during the operation. A safety zone has been established on the Lower Mississippi River from mile 857.0 to mile 859.0 in order to facilitate safe vessel passage. All vessels shall establish passing arrangements with the contact pilot aboard the *M/V Harrison*,

via VHF Marine Band Radio, Channel 13, prior to entering the safety zone and shall abide by the conditions of the arrangement. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary. Specifically, immediate action is necessary to facilitate mat laying operations during the present low water level of the river. Harm to the public or environment may result if vessel traffic is not controlled during the operation. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

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 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.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary section 165.T02-201 is added to read as follows:

§ 165.T02-201 Safety Zone; Lower Mississippi River.

(a) *Location.* The following area is a Safety Zone: Lower Mississippi River mile 857.0 to mile 859.0.

(b) *Effective dates.* This section becomes effective at 8 a.m. on August 6, 1995, and terminates at 4 p.m. on August 20, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: August 2, 1995.

A.L. Thompson, Jr.,

Commander, USCG, Captain of the Port.

[FR Doc. 95-20364 Filed 8-16-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD02-95-055]

RIN 2115-AA97

Safety Zone; McKellar Lake, Mile 0.0 to Mile 0.5

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the McKellar Lake between mile 0.0 and mile 0.5. The zone is needed to protect vessel traffic while power line are strung across the mouth of McKellar Lake. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

DATES: This regulation becomes effective at 7 a.m. on August 17, 1995, and terminates at 7 p.m. on August 31, 1995.