

and approximate position 25°46'10" N, 080°08'28" W, thence south east along the shore to the Western end of Bar Cut to lighted buoy 10 (Light list number 9395) approximate position 25°45'39" N, 080°07'29" W, thence Westward along the Government Cut North Jetty to shore and the shoreline to approximate position 25°48'13" N, 080°07'06" W, thence east approximately 2.4 nautical miles to approximate position 25°48.13' N, 080°05'51" W, thence south to approximate position 25°45'05" N, 080°06'45" W, thence west bearing 295° true to Fisher Island. The regulated area then follows the shoreline of Fisher Island North and West to approximate position 25°45'51" N, 080°08'42" W, thence back to the starting point.

(2) In the Event that sea conditions make it unsafe for the race course to transit through Government Cut, an alternate regulated area has been established by a line joining the following points: 25°46'50" N, 080°07'60" W; thence to 25°46'50" N, 080°07'80" W; thence to, 25°49'20" N, 080°06'80" W; thence to 25°51'10" N, 080°06'70"; thence to 25°51'00" N, 080°07'10" W; thence to along the shoreline to the starting point.

(b) *Special local regulations:*

(1) Entry into the regulated area by other than authorized parade participants or official patrol vessels 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) The regulated area will be enforced by a regatta patrol. The Coast Guard Patrol Commander will be monitoring VHF-FM channels 16 and 22A. Guide boats will be stationed along the parade route to mark the major course changes.

(3) 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.

(4) Spectators are required to maintain a safe distance from the race course at all times, including 300 yards from those portions of the course where the participants will be engaging in high speed turns, and 100 yards to the Eastern side of the Atlantic Ocean portion of the course. Spectators shall maintain 100 yards distance on either side of participating vessels along the

race route in Bar and Government Cuts as described in paragraph (a)(1).

(c) *Effective dates:* This section becomes effective on September 3, 1995 at 10:30 a.m. EDT and terminates on 3:30 p.m. EDT that day. In the event of inclement weather, an alternate rain date of September 4, 1995 is established with these same times.

Dated: August 10, 1995.

Roger T. Rufe, Jr.,

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

[FR Doc. 95-21691 Filed 8-31-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD09-95-009]

RIN 2115-AA97

Safety Zone; Lake Erie, in the Vicinity of Euclid, OH

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Erie with a one quarter mile radius centered on 41-47.6' N, 081-36.1' W. This safety zone is needed in the warmer summer months to prevent recreational and commercial divers from tampering with the exposed valves on the sunken tank barge Cleveco. Such tampering may lead to the release of oil in quantities that may be harmful to the environment, as the Cleveco contains approximately 165,000 gallons of oil. In addition, the Coast Guard is making preparations to remove the oil from the tank barge this summer. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 12 noon EST on May 29, 1995, and terminates at 12 noon EST on October 1, 1995, unless terminated earlier by the Coast Guard Captain of the Port, Cleveland, Ohio.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric M. King, Chief, Port Operations, Coast Guard Marine Safety Office Cleveland, 1055 East Ninth Street, Cleveland, OH 44114, (216) 522-4405.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On July 14, 1994, the Army Corps of Engineers and the Coast Guard located the tank barge Cleveco, sunk nine miles offshore from Euclid, Ohio in Lake Erie. The tank barge rests keel up in 70 feet of water and contains approximately

165,000 gallons of oil. On July 16, 1994 a safety zone was established for 180 days to prevent unauthorized personnel from conducting underwater activities on or around the Cleveco, and from impeding the preliminary salvage activities of the Coast Guard and those under their supervision (59 FR 44317; August 29, 1994). Now that the waters of Lake Erie are again warming, establishment of the safety zone is again required for the same reasons. Additionally, the Coast Guard will supervise the removal of oil from the Cleveco this summer. Commercial underwater salvage equipment will be utilized to remove the oil from the barge, requiring heavy equipment and diving apparatus to support below-surface operations. Therefore, persons and vessels will be prohibited from transiting this area.

Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port or one of his designated representatives. The designated representatives of the Captain of the Port are the senior Coast Guard commissioned, warrant, or petty officer on the vessel enforcing the safety zone, and the Command Duty Officer at Marine Safety Office Cleveland, Ohio. The senior officer on the vessel enforcing the safety zone can be contacted on VHF-FM Channel 16. The Captain of the Port, Cleveland, and the Command Duty Officer at Marine Safety Office Cleveland can be contacted at telephone number (216) 522-4405.

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 less than 30 days after **Federal Register** publication. There were no comments received for the July 16, 1994 safety zone covering the same geographic location. Publication of a notice of proposed rulemaking and delay in the effective date would be contrary to the public interest because the safety zone is necessary to prevent possible loss of life, injury, or damage to property or the environment. In the event that unauthorized recreational or commercial divers tamper with the barge and its associated valves, a major oil release could occur, threatening lives and the environment.

Drafting Information

The drafters of this regulation are Lieutenant Eric M. King, project officer, Chief, Port Operations, Marine Safety Office Cleveland, Ohio, Commander M. Eric Reeves, program staff officer, Chief, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, and

Lieutenant Karen E. Lloyd, project attorney, Ninth Coast Guard District Legal Office.

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 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 the 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 section 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 requirement, 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; and 49 CFR 1.46.

2. A new temporary section § 165.T09-009 is added to read as follows:

§ 165.T09-009 Safety Zone; Lake Erie, in the Vicinity of Euclid, OH.

(a) *Location.* The following area is a safety zone: one quarter mile radius centered on 41-47.6N, 081-36.1W, covering the surface waters of Lake Erie down to the lake's bottom. (CNAD 83)

(b) *Effective dates.* This section becomes effective at 12 noon EST on May 29, 1995, and terminates at 12 noon EST on October 1, 1995 unless terminated earlier by the Coast Guard Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port or his designated representative. The senior officer on the vessel enforcing the safety zone can be contacted on VHF-FM Channel 16. The Captain of the Port, Cleveland, and the Command Duty Officer at Marine Safety Office Cleveland can be contacted at telephone number (216) 522-4405.

Dated: May 12, 1995.

J.J. Davin, Jr.,

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

[FR Doc. 95-21692 Filed 8-31-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-95-137]

RIN 2115-AA97

Safety Zone; City of Gloucester Fireworks, Gloucester, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Gloucester Harbor, Gloucester, MA, on September 2, 1995, from 8:30 p.m. until 10:30 p.m., in the vicinity of Pavilion Beach, Western Harbor. This zone is needed to protect the marine community from hazards associated with fireworks displays. Entry of vessels or persons into the zone is prohibited unless authorized by the Captain of the Port (COTP) Boston.

EFFECTIVE DATE: This regulation becomes effective at 8:30 p.m. on September 2, 1995, and terminates at 10:30 p.m. on September 2, 1995, or when the fireworks display is completed, unless extended or terminated sooner by the COTP Boston.

FOR FURTHER INFORMATION CONTACT: LT Gary Croot or MKC Larry Toler, Waterways Management Division, Coast Guard Captain of the Port Boston, 455 Commercial Street, Boston, MA 02109-1045, (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LT Gary Croot, Waterways Management

Division, Coast Guard Captain of the Port Boston, and LCDR S.R. Watkins, project attorney, First Coast Guard District Legal Office.

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 an NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Due to the late date the application was received, there was not sufficient time to publish a proposed rule or a final rule 30 days in advance of the event. The delay to be encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is in celebration of the Gloucester Boat Light Parade.

Background and Purpose

The Gloucester Fireworks Fund requested a fireworks display be permitted in Gloucester Harbor on September 2, 1995 to celebrate the Gloucester Boat Light Parade. The Captain of the Port (COTP) Boston is implementing this safety zone to protect mariners and the viewing public from the inherent hazards associated with a fireworks display in Gloucester Harbor. The fireworks display is scheduled to take place on September 2, 1995 from 9:15 p.m. to 10 p.m. in an area bound by a line drawn from a point west of the mouth of the Blynman Canal in position 42°-36'-33"N, 070°-040'-30"W, thence southeast to lighted buoy 11 in position 42°-36'-20"N, 070°-39'-52"W. The line then continues southward to Ten Pound Island Light in position 42°-36'-08"N, 070°-39'-56"W, then west to a point in position 42°-36'-08"N, 070°-40'-21"W. From this position the line continues northwest to the eastern most point of Stage Head Park at 42°-36'-18"N, 070°-40'-31"W, then northward along the shoreline to the starting position. The zone will be in effect from 8:30 p.m. September 2, 1995 until 10:30 p.m., September 2, 1995 unless extended or sooner terminated by the COTP Boston.

A Coast Guard Station Gloucester patrol craft and Gloucester Harbor Police craft will be on scene to enforce the safety zone. A Safety Marine Information Broadcast will be conducted prior to and during the event.

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