

Riverbend Music Center and over that period of time the concerts have increased in popularity. In the last few years, this particular concert series has attracted an increasingly large number of spectator craft, posing a significant hazard to navigation. This increased number of vessels has contributed to an unusually high number of close calls between spectator craft and commercial traffic. The purpose of this regulation is to establish navigation and operating restrictions which will serve to separate recreational vessels from commercial vessel traffic, and if needed, to escort commercial traffic through the regulated navigation zone.

### 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). Because of the limited duration of the restrictions, 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.

To avoid any unnecessary adverse economic impact on businesses which use the river for commercial purposes, Captain of the Port, Louisville, Kentucky will monitor river conditions and will amend restrictions in the regulated area as conditions permit. Changes will be announced by Marine Safety Information Radio broadcast (Broadcast Notice to Mariners) on VHF marine band radio, channel 22 (157.1 MHz). Mariners may also call the Port Operations Officer, Captain of the Port, Louisville, Kentucky at (502) 582-5194 for current information.

### 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).

Because the Coast Guard expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C.

605(b) that this regulation, if adopted, 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 Assessment

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

### Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, as revised by 59 FR 38654; July 29, 1994, this regulation is categorically excluded from further environmental documentation as an action required to protect public safety.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Records and recordkeeping, Security measures, Vessels, Waterways.

### Temporary Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations, is amended as follows:

### PART 165—[AMENDED]

1. The authority citations 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 § 165.T02-064 is added to read as follows:

#### § 165-T02-064 Regulation Navigation Area: Ohio River.

(a) *Location.* The Ohio River between mile 461.0 and 462.0 is established as a regulated navigation area.

(b) *Effective dates.* This section is effective between 8 p.m. and 11 p.m. EDT on September 22, 23, and 26, 1995.

(c) *Regulations.* (1) Commercial vessels transiting the regulated navigation area shall proceed at minimum steerage and at the direction of Coast Guard officers or petty officers who will be patrolling the regulated area on board Coast Guard vessels.

(2) Recreational vessels within the area shall not anchor or moor in the navigable channel.

(3) The Captain of the Port, Louisville, Kentucky may, upon request, or for good cause, depending on on-scene conditions, authorize a deviation from any regulation in this section if it is found that proposed or needed operations can be performed safely.

(4) The Captain of the Port, Louisville, Kentucky will notify the maritime community of river conditions affecting the area covered by this regulated navigation of by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: August 30, 1995.

**Paul M. Blayney,**

*Rear Admiral, U.S. Coast Guard Commander, Second Coast Guard District, St. Louis, MO*  
[FR Doc. 95-22528 Filed 9-11-95; 8:45 am]

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### 33 CFR Part 165

[COTP Huntington 95-002]

RIN 2115-AA97

### Safety Zone; Little Kanawha River, Mile 0.9 to 1.9, Worthington Creek Entrance, Wood County, WV

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Little Kanawha River, at the entrance to Worthington Creek, Wood County, West Virginia, and all adjacent landside areas within a 500 foot radius of each specific explosive detonation site. This regulation is needed to control vessel traffic in the regulated area to prevent potential safety hazards for transiting vessels and the general public resulting from the demolition of the East Street Bridge at mile 1.4, Little Kanawha River, Parkersburg, West Virginia. Vessel movements within this safety zone are permitted under the criteria set forth in this regulation.

**EFFECTIVE DATE:** This regulation is effective at 6 a.m. EDT on September 11, 1995. It terminates on November 11, 1995 at 8 p.m. EST, unless terminated sooner by the Captain of the Port Huntington.

#### FOR FURTHER INFORMATION CONTACT:

LT Sean Moon, Chief of the Port Operations Department, Captain of the Port, Huntington, West Virginia at (304) 529-5524.

**SUPPLEMENTARY INFORMATION:****Drafting Information**

The drafters of this regulation are LTJG Steven Frye, Project Officer, Marine Safety Office, Huntington, West Virginia and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

**Regulatory History**

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. Following normal rulemaking procedures would have been impracticable. Specifically, anticipated demolition operations, including explosive detonations, as part of a bridge removal project at mile 1.4, Little Kanawha River, Parkersburg, West Virginia, have created a situation which presents an immediate hazard to navigation, life, and property. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

**Background and Purpose**

The activity requiring this regulation is a bridge demolition undertaken as a part of the replacement of a bridge under United States Coast Guard Bridge Permit Number 3-95-2 dated March 29, 1995. The Captain of the Port Huntington received notice of the intended explosive and demolition operations August 14, 1995. The bridge permit included the requirement that the existing bridge be demolished before construction of the new bridge. Waterside demolition operations, involving the use of crane barges and explosives in and near the navigation channel, will begin on or about September 11, 1995 at mile 1.4 on the Little Kanawha River. Completion of the bridge removal is expected to occur on or before November 11, 1995. Bridge spans and bridge piers will be removed in sections, one at a time, over a period of several months. In addition to the explosive hazard associated with several different detonations, the regular presence of a crane barge, tow boats and submerged steel will pose an obstructive hazard to waterborne traffic operating in the vicinity of the project work site. In order to provide for the safety of vessel traffic and the general public, the Captain of the Port Huntington intends to regulate vessel traffic in that portion of the Little Kanawha River where the explosives and steel removal operations will be taking place, and to work with local law enforcement officials to secure all landside areas within a 500 foot

radius of each specific blast site until the hazard from the explosive detonations is mitigated.

During critical phases of the demolition project, the affected portions of the Little Kanawha River, the entrance to Worthington Creek, and adjacent landside areas in proximity to the blast site will be subject to periodic closures. No vessels will be allowed to transit the affected waterway when blasting and steel removal operations will impede safe navigation. Additionally, local law enforcement officials will secure landside areas as appropriate to safeguard the general public from the explosive hazard during detonations.

Notification of river and creek entrance closure will be made via Broadcast Notice to Mariners at periods 24 hours, 2 hours, and 5 minutes prior to each blast. Notification will be via VHF radio channel 16.

During all river and creek entrance closures, two boats will be available for the security of the closed river area. The boats will be placed up and down the river of the blasting area. These boats will patrol and warn any recreational/commercial vessel traffic of the impending blast.

No blasting will be permitted unless all river and creek traffic is removed to a safe location outside of the blasting area. No blasting will take place when there is restricted visibility (visibility must be at least 1/2 mile). No blasting will take place unless the river stage is at or will be during operations no more than four feet above normal pool.

Unless overtaken by circumstances, periodic river and creek closures will be less than 24 hours in duration. Closures of Worthington Creek entrance will be very abbreviated, during blasting operations only. Closures of the Little Kanawha River will be during blasting and clearing operations and will remain in effect until the river is cleared and the safety of transiting vessels is ensured. Local law enforcement officials will restrict access and secure landside areas as necessary to protect the public from explosive hazards. Road closures, evacuations, and other appropriate security measures will be imposed for abbreviated periods only.

When the blasting and obstructive hazards have been mitigated, the Captain of the Port Huntington will reopen the river. Notification of the reopening of the river will be via VHF radio on channel 16. The entrance to Worthington Creek will be reopened to vessel traffic entering the Little Kanawha River upon the conclusion of each blasting operation. Vessels transiting to or from the Worthington

Creek entrance must contact the on scene contractor's vessel for passing instructions to ensure safe operation within the safety zone. Local law enforcement officials will reopen landside areas immediately upon conclusion of blasting operations. Notice of this safety zone and updates on periodic closures will also be published in the Local Notice to Mariners.

The establishment of this safety zone regulation helps to ensure that vessels will not transit the Little Kanawha River in the vicinity of the blasting area during explosive detonations or when the main channel is obstructed by submerged steel to eliminate attendant risks associated with these operations. The Captain of the Port will also work with local law enforcement officials to protect the safety of the general public in adjacent landside areas. The safety zone also helps to ensure that communication is established between the contractors and vessels transiting the waters within the safety zone during the noncritical phases of the demolition project. With proper communication between both parties, the contractor is assured of having ample time to comply with any request to relocate work boats temporarily to allow a vessel to navigate through the safety zone.

**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 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 10e of the regulatory policies and procedures of DOT is unnecessary, due to the limited duration of actual river closures.

**Small Entities**

The Coast Guard finds that the impact on small entities is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*) that this temporary 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 Assessment

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

### Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994) this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection.

### List of Subjects in 33 CFR Part 165

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

### Temporary Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations, is amended 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. A temporary § 165.T02-003 is added, to read as follows:

#### § 165-T02-003 Safety Zone: Little Kanawha River, Worthington Creek Entrance

(a) *Location.* The Little Kanawha River between miles 0.9 and 1.9, the entrance to Worthington Creek, Wood County, West Virginia is established as a safety zone.

(b) *Effective dates.* This section is effective on September 11, 1995 at 6 a.m. EDT. It terminates on November 11, 1995 at 8 p.m. EST, unless terminated sooner by the Captain of the Port Huntington.

(c) *Regulations.* (1) All vessels must, except those vessels with explicit permission from the Captain of the Port:

(i) Remain outside the safety zone during all periods of closure, as announced by Coast Guard Broadcast Notice to Mariners and as enforced on scene by personnel from the Coast Guard Marine Safety Office Huntington, WV.

(ii) Communicate with the contract vessel M/V WILLIAM H. ELLIOT on channel 16 VHF-FM to arrange for safe passage through the safety zone at all other times, providing at least ten (10) minutes advance notice prior to transiting through the regulated area.

(iii) Provide the contract vessel M/V WILLIAM H. ELLIOT at least ten (10) minutes advance notice to move/suspend operations in any case where the transiting vessel operator believes the safe passage of any vessel or tow is jeopardized by the presence/operation of the crane barge during operations not involving river closure.

(2) Vessels involved with the East Street Bridge demolition operations must, except those vessels with explicit permission from the Captain of the Port:

(i) M/V WILLIAM H. ELLIOT: Communicate with and arrange safe passage through the safety zone for all vessels not involved in the demolition project.

(ii) M/V WILLIAM H. ELLIOT: Initiate appropriate broadcast notices to local mariners over channel 16 VHF-FM 24 hours, 2 hours, and 5 minutes prior to initiation of blasting operations.

(iii) M/V WILLIAM H. ELLIOT: Ensure that all vessel traffic is outside the area of the safety zone and the waterside blast area is secured prior to any explosive detonation, with that information effectively communicated to the contractors conducting the blasting.

(iv) M/V WILLIAM H. ELLIOT: Monitor operations involving steel and debris removal after each detonation and, following clearance of the river, the conduct of subsequent subsurface sweeps of the main channel.

(v) M/V WILLIAM H. ELLIOT: Notify the Coast Guard Captain of the Port Huntington once a successful sweep has determined that the Little Kanawha River main shipping channel is clear (a minimum underwater clearance of 15 feet below normal river pool), with no obstructions to impede the safe navigation of vessels.

(vi) All other contract vessels: Relocate to a safe area prior to any blasting operations.

(3) AMERICAN BRIDGE COMPANY must, except with explicit permission from the Captain of the Port:

(i) Not detonate explosives if a vessel not involved with the blasting operation is inside the safety zone, or if any contract vessel has not relocated to a safe distance away from the blast area, as verified and communicated by the M/V WILLIAM H. ELLIOT.

(ii) Not initiate any blasting operations until local law enforcement officials have verified and

communicated that landside security is established and that landside portions of the safety zone are clear.

(iii) Not initiate any blasting operations in periods of restricted visibility (operator must ensure there is clear bank-to-bank visibility).

(iv) Not initiate any blasting operations in a period of forty-eight (48) hours after it has been determined by the Captain of the Port that blasting operations have been suspended for the scheduled date and time to allow proper rescheduling of demolition operations with federal and state representatives, local authorities, and industry.

(4) The Captain of the Port may, upon request, authorize a deviation from any rule in this section if he determines that the proposed operations can be done safely.

(5) The Captain of the Port may direct the movement of any vessel within the safety zone as appropriate to ensure the safe navigation of vessels through the safety zone.

Dated: August 22, 1995, 4:30 p.m. EDT.

**G.H. Burns III,**

*Lieutenant Commander, U.S. Coast Guard,  
Captain of the Port, Huntington, WV.*

[FR Doc. 95-22532 Filed 9-11-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 153-1-7165a; FRL-5278-7]

### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern a rule from the El Dorado County Air Pollution Control District (EDCAPD). This rule controls volatile organic compound (VOC) emissions from lumber processing and timber manufacturing operations. This approval action will incorporate the rule into the federally approved SIP.

The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on this rule serves as a final determination that the finding of