

published on March 14, 1996 in the Federal Register (61 FR 10493) discussing proposed safety zones for other parts of the Coleman Bridge Replacement Project to begin April 27, 1996.

Background and Purpose

The Coleman Bridge, which crosses the York River, connecting Yorktown, Virginia to Gloucester, Virginia, is scheduled to be dismantled and replaced during April and May 1996. The new bridge is being constructed in six sections at Norfolk International Terminal. These six spans will then be transported via barge thirty miles to the existing bridge site. Prepositioning of these new spans at the bridge site in the York River will help reduce the amount of time the bridge will be closed to vehicle traffic. The bridge spans range between 210 feet long and 559 feet long and will be resting perpendicular to the barges transporting them. On March 26, 1996, the first new bridge section, a 210-foot suspended span, is scheduled to be moved from NIT to the existing bridge site via barge where it will be anchored until May when the bridge is dismantled and replaced. Due to the size of the tow, the distance to be covered, and the busy port area in which the tow will be transiting, a moving safety zone around the bridge span while in transit is necessary to protect those in the maritime community operating in the vicinity and those taking part in the project.

Discussion of Temporary Rule

The Coast Guard is establishing a 500-yard moving safety zone around the tugs and tows transporting the first span, a 210-foot suspended span, to be used in the Coleman Bridge Replacement Project. A tow consisting of two 180-foot barges rigidly connected in a catamaran configuration will be pushed by two tugs. The bridge span will sit perpendicular to the barges atop steel towers simulating the height of the bridge piers. The barges are specially configured for the carriage of this span and will be severely restricted in their ability to maneuver and susceptible to wake damage. Therefore, this moving safety zone will be in effect during the entire thirty mile transit between NIT and the Coleman Bridge until the barges are anchored at their destination in the York River.

Regulatory Evaluation

This temporary 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this temporary rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary 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 temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this temporary 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 temporary rule and concluded that under paragraph 2.B.2.e.(34) of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this temporary 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:

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. Temporary § 165.T05-015 is added to read as follows:

§ 165.T05-015 Safety Zone: James River, Elizabeth River, Chesapeake Bay, Port of Hampton Roads, VA.

(a) *Location*: The following area is a safety zone:

(1) All waters within 500 yards of any tug and tow involved in moving the 210-foot suspended span to be used in the replacement of the Coleman Bridge while this tow transits between Norfolk International Terminals (NIT) located on the Elizabeth River at the Norfolk Harbor Reach and the Coleman Bridge, which crosses the York River connecting Yorktown, Virginia with Gloucester Point, Virginia.

(b) *Definitions*:

Captain of the Port means the Captain of the Port of Hampton Roads, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Hampton Roads to act on his behalf.

(c)(1) In accordance with the general provisions in §§ 165.23 and 165.501 of this part, entry into the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port. The general requirements of §§ 165.23 and 165.501 also apply to this section.

(2) Persons or vessels requiring entry into a passage through this safety zone must first request authorization from the Captain of the Port. The Coast Guard vessels enforcing the safety zone can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port may be contacted at telephone number (804) 441-3314 or at the Marine Safety Office, Hampton Roads, VA.

(d) The Captain of the Port will notify the public of the safety zone and changes in the status of this zone by Marine Safety Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: March 25, 1996.

Dennis A. Sande,

Captain, Captain of the Port.

[FR Doc. 96-9435 Filed 4-16-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 05-96-016]

RIN 2115-AA97

Safety Zone: Atlantic Intracoastal Waterway, Vicinity of Marine Corps Base Camp LeJeune, NC

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard Captain of the Port, Wilmington, is establishing a safety zone in the Atlantic Intracoastal Waterway (AICW) along Marine Corps Base Camp Lejeune (MCB), North Carolina. The safety zone encompasses the waters of the Atlantic Intracoastal Waterway between the Onslow Beach Swing Bridge and lighted dayboard 65A. The safety zone is needed to protect people, vessels, and property from safety hazards associated with the launching of inert line charges and the construction of a floating bridge in support of amphibious assault training. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATES: This rule is effective from 8 p.m. May 9, 1996 to 2 a.m. May 10, 1996; and from 8 a.m. to 12 p.m. (noon) and from 1 p.m. to 5 p.m. May 10, 1996 unless sooner terminated by the Captain of the Port. In the event of adverse weather, the effective dates may be shifted to the following day.

FOR FURTHER INFORMATION CONTACT: LTJG K.J. DeLooff, USCG, Project Officer, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 272 North Front Street, Wilmington, North Carolina 28401-3907. Phone: (910) 343-4895, Extension 108.

SUPPLEMENTARY INFORMATION:

Discussion of Regulation

MCB Camp Lejeune will conduct training assaults on a simulated mined beach and constructing a floating bridge for following vehicles. The assault begins by firing inert line charges which clears the simulated minefield. Each inert line charge is propelled by a 5 foot solid fuel rocket from which the inert explosives trail. The rocket is typically prevented from flying its full flight by a cable attached to the firing point. If this cable breaks, the rocket motor, and possibly the inert line charge could impact in the Atlantic Intracoastal Waterway (AICW).

The bridge construction exercise uses a floating bridge that joins several large floating platforms together and obstructs the AICW while the bridge is carrying military vehicles.

The Coast Guard is establishing a safety zone to prevent damage or injury which could result from this training exercise and will prevent vessels from transiting during the firing of the line charge and bridge deployment.

The safety zone will be effective from 8 p.m. May 9 to 2 a.m. May 10, 8 a.m. to 12 p.m. (noon) and 1 p.m. to 5 p.m. May 10, 1996 unless sooner terminated by the Captain of the Port (COTP). In the event of adverse weather, the effective dates may be shifted to the following day. The waterway will actually be closed for a four hour period during the period between 8 p.m. May 9 and 2 a.m. May 10. However, the start time is subject to change. The COTP will announce via VHF channel 16 the specific times that this section will be enforced and the waterway will be closed to traffic. Vessels from either the U.S. Coast Guard or U.S. Navy will patrol each end of the safety zone to inform and control vessel traffic.

The safety zone includes:

The waters of the Atlantic Intracoastal Waterway from the Onslow Beach Swing Bridge at approximately 34°34'24.5" North, 077°16'17" West to lighted dayboard 65A at approximately 34°32'40.0" North, 077°19' West.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation. Publishing a NPRM and delaying the effective date would be contrary to the public interest since immediate action is needed to protect mariners from potential hazards associated with potential flight of a rocket propelled inert line charge over navigable waters. The final schedule for this event and other related activities was not finalized and communicated to the Coast Guard in sufficient time to allow for a period for comments.

Assessment

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 rule 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.e(34) of Commandant Instruction M16475.1B (amended by 59 FR 38654), 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:

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 new temporary section 165.T5016 is added to read as follows:

§ 165.T5016 Safety Zone: Atlantic Intracoastal Waterway, Marine Corps Base Camp Lejeune, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Atlantic Intracoastal Waterway from the Onslow Beach Swing Bridge at approximately 34°34'24.5" North, 077°16'17" West to lighted dayboard 65A at approximately 34°32'40.0" North, 077°19' West. (Datum: NAD83)

(b) No person or vessel may enter the safety zone without the permission of the COTP or his designated representative.

(c) The COTP or his designated representative will announce times during which this section will be enforced.

(d) The COTP or his designated representative may be contacted at the Marine Safety Office, Wilmington, NC by telephone at (910) 343-4895 or by radio on VHF-FM channel 16.

Dated: March 25, 1996.

T.L. Rice,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 96-9434 Filed 4-16-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 05-96-012]

RIN 2115-AA97

Safety Zone: Smith Creek, Vicinity of Wilmington, NC

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard Captain of this Port, Wilmington, is establishing a safety zone in the Smith Creek and tributaries near the New Hanover International Airport near Wilmington, North Carolina. The safety zone encompasses the waters of the Smith Creek and tributaries between the 23rd Street Bridge and a bend in the creek between the two runways. The safety zone is needed to protect people, vessels, and property from safety hazards associated with a high speed, aerobatic performance by the U.S. Air Force Thunderbirds. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATES: From 12 p.m. (noon) to 5 p.m. April 19, 20, and 21, 1996 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LTJG K.J. DeLooff, USCG, Project Officer, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 272 North Front Street, Wilmington, North Carolina 28401-3907. Phone: (910) 343-4895, Extension 108.

SUPPLEMENTARY INFORMATION: K.J. DeLooff, project officer for the project attorney, Fifth Coast Guard District.

Discussion of Regulation

The New Hanover International Airport hosts a biannual air show on April 20-21, 1996. The U.S. Air Force Thunderbirds will be performing on both days and practicing on April 19, 1996. The maneuvers performed by the Thunderbirds are risky and an extensive area has to be closed of personnel to protect public safety in the event of a crash or other disaster. The Coast Guard is establishing a safety zone to prevent damage or injury which could result from the practice session and performances and will prevent vessels from transiting during the time the Thunderbirds are flying over the area.

The safety zone will be effective from 12 p.m. (noon) to 5 p.m. on April 19, 20, and 21, 1996 unless terminated sooner by the Captain of the Port Wilmington (COTP). The actual times the waterway will be closed may vary depending on the actual times of the performance and practice session, which are weather dependent. Before enforcement of the safety zone, the Captain of the Port will announce via VHF channel 16 that this section will be enforced and the waterway will be closed to traffic. Vessels from either the U.S. Coast Guard or New Hanover County International Airport will patrol the safety zone to inform and control vessel traffic.

The safety zone includes:

The waters of the Smith Creek from the 23rd Street Bridge at approximately 34°15.5' North, 078°55.2' West to a bend in Smith Creek between two runways at approximately 34°15.5' North, 078°54.4' West.

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 this regulation effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying the effective date would be contrary to the public interest since immediate action is needed to protect mariners from potential hazards associated with potential risks of operation of high performance aircraft and the aerobatic maneuvers of the Thunderbirds. The final schedule for this event and other related activities was not finalized and communicated to the Coast Guard in sufficient time to allow for a period for comments.

Assessment

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 rule 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.e(34) of Commandant Instruction M16475.1B (amended by 59 FR 38654), 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:

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 new temporary section 165.T5012 is added to read as follows:

§ 165.T5012 Safety Zone: Smith Creek, Wilmington, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Smith Creek and tributaries from the 23rd Street Bridge at approximately 34°15.5' North, 078°55.2' West to a bend in Smith Creek between two runways at approximately 34°15.5' North, 078°54.4' West. (Datum: NAD83) (b) This section is effective from 12 p.m. (noon) to 5 p.m. April 19, 20, and 21, 1996, unless terminated earlier by the Captain of the Port (COTP), Wilmington, NC. (c) No person or vessel may enter the safety zone without the permission of the COTP or his designated representative. (d) The COTP or his designated representative will announce times during which this section will be enforced. (e) The COTP or his designated representative may be contacted at the Marine Safety Office, Wilmington, NC by telephone at (910) 343-4895 or by radio on VHF-FM channel 16.