

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD-11-97-005]

RIN 2115-AE46

Special Local Regulations; Coronado 4th of July Demonstration, Rehearsals and Fireworks

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This document implements 33 CFR 100.1101, "Southern California Annual marine events," for the Coronado 4th of July Demonstration, Fireworks and Rehearsals. The Coronado 4th of July Citizens Committee annually sponsors the 4th of July Demonstration in Glorietta Bay, Coronado, California. This event consists of fireworks and U.S. Navy water, parachute, and helicopter operations.

These regulations will be effective in the navigable waters of the Pacific Ocean near the Glorietta Bay marina off the coast of Coronado, California. Vessels desiring to transit the regulated area during the event, or any rehearsals prior to the event, may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Implementation of 33 CFR 100.1101 is necessary to control vessel traffic in the regulated areas to ensure the safety of participants and spectators. Pursuant to 33 CFR 100.1101(b)(3), Commanding Officer, U.S. Coast Guard Activities, San Diego, is designated the Patrol Commander for this event; he has the authority to delegate this responsibility to any commissioned, warrant, or petty officer of the Coast Guard.

DATES: Section 33 CFR 100.1101 becomes effective from 1 pm to 4:30 pm on 28 June, 1 July, and 3 July 1997 for the rehearsals; and from 1 pm to 4:30 pm and 8 pm to 10 pm on 4 July 1997 for the event, unless canceled earlier by the Patrol Commander.

FOR FURTHER INFORMATION CONTACT: QMC Michael Claeys, U.S. Coast Guard Activities, San Diego, California; Tel: (619) 683-6309.

Discussion of Notice

The Coronado 4th of July Demonstration is scheduled to occur on July 4, 1997, with rehearsals scheduled to occur on June 28, 1997, July 1, 1997, and July 3, 1997. These Special Local Regulations permit Coast Guard control of vessel traffic in order to ensure the

safety of spectators and participant vessels. In accordance with the regulations in 33 CFR 100.1101, no spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

Dated: May 14, 1997.

F. L. Ames,*Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.*

[FR Doc. 97-14740 Filed 6-4-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[COTP Huntington 97-002]

RIN 2115-AA97

Safety Zone; Big Sandy River, Mile 2.1 to Mile 3.1

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Big Sandy River between miles 2.1 and 3.1. This regulation is needed to control vessel traffic in the regulated area to prevent potential safety hazards for vessels transiting the area resulting from a bridge removal and replacement project on the I-64 Dual Highway Bridges at mile 2.6, Big Sandy River, Kenova, WV. This regulation prohibits navigation in the regulated area during periods of periodic closures without the express permission of the Captain of the Port Huntington for the safety of vessel traffic and the protection of life and property along the river. Periods of closure will be announced via normally scheduled Coast Guard Broadcast Notice to Mariners or by Coast Guard personnel on scene.

EFFECTIVE DATE: This regulation is effective on June 16, 1997, at 7 a.m. EDT, and terminates on October 31, 1997 at 11:59 p.m. EST.

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:**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 from the date of publication. Following normal rulemaking procedures will be impracticable. Specifically, the nature of the removal and replacement work affecting river navigation makes river closures impossible to predict and schedule with reasonable certainty. Only certain periods of the project will represent a potential hazard to navigation, life, and property. These periodic closures are dependent upon project progress and weather. 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 removal and reconstruction project being done under West Virginia Division of Highways Federal Project IM-0641 (164), dated February 28, 1997. The C.J. Mahan Construction Company of Grove City, Ohio, working under contract for the State of West Virginia, began demolition operations on April 14, 1997 with operations to continue through November of 1998. Two major phases are involved in the project: Removal and reconstruction of the up river, east-bound bridge (scheduled to occur over the summer of 1997) and removal and reconstruction of the down river, west-bound bridge (scheduled to occur over the summer of 1998). Landside dismantling operations of the I-64 Dual Highway Bridges at mile 2.6, Big Sandy River, Kenova, West Virginia continue with waterside demolition operations, involving the use of crane barges, floating work plants and construction tugs to begin in the near future. Bridge spans will be removed from the dual bridges in sections, one at a time, over a period of several months. The regular presence of a crane barge, floating work plants and construction tugs will pose an obstructive hazard to river 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 Big Sandy River where removal of steel and subsequent reconstruction of the dual bridges will be taking place until the hazard is mitigated. During critical phases of the project, the affected portions of the Big Sandy River will be subject to periodic closures. No vessels will be allowed to transit when removal or replacement operations will affect safe navigation.

Notification of river closures will be made via Broadcast Notice to Mariners

or by Coast Guard personnel on scene. Notifications will be via VHF radio channel 16. Requests by the contractor to temporarily block the river will be submitted to the Coast Guard for approval and coordination with the Captain of the Port Huntington. Sufficient lead time (15 days) will be provided to allow for adequate review and proper notification of marine interests. The maximum allowable time for a river closure will be 24 consecutive hours and there will be 24 hours between planned river closure events. Notification of reopening of the river will be via VHF radio channel 16.

The establishment of this safety zone regulation ensures that vessels will not transit the Big Sandy River in the vicinity of the demolition and replacement work when the main channel is obstructed by hazards associated with the project. The safety zone also ensures that communications is established between the contractor's vessel and vessels transiting the waters within the safety zone during the non-critical phases of the project. With proper communication between 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 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 the river closure.

Small Entities

The Coast Guard finds that the impact on small entities, if any, 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 as an action required to protect public safety.

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.T08-030 is added, to read as follows:

§ 165.T08-030 Safety Zone: Big Sandy River.

(a) *Location.* The Big Sandy River between miles 2.1 and 3.1 is established as a safety zone.

(b) *Effective dates.* This section becomes effective on June 16, 1997, at 7 a.m. EDT. It terminates on October 31, 1997 at 11:59 p.m. EST.

(c) *Regulations.*

(1) Except with the permission of the Captain of the Port Huntington, all vessels must:

(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 on-scene contract vessel on channel 16 VHF-FM to arrange for safe passage through the safety zone at all other times, providing

at least (20) minutes advance notice prior to transiting through the regulated area. As the specific contract vessel to be on-scene may change over the period of the project, the vessel will answer a hail for "C. J. Mahan Construction."

(iii) Provide the on-scene contract vessel at least (20) 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, floating work plants, or construction tugs during operations not involving river closure.

(2) 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: May 14, 3:30 pm EDT.

F. A. Nyhuis,

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

[FR Doc. 97-14741 Filed 6-4-97; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN40-02-6988; FRL-5834-8]

Approval and Promulgation of State Implementation Plan; Minnesota; Enhanced Monitoring

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule; withdrawal.

SUMMARY: On April 9, 1997 (62 FR 17081), the United States Environmental Protection Agency (USEPA) approved the State of Minnesota's Enhanced Monitoring rule through a direct final rule procedure. The USEPA is withdrawing this direct final rule due to adverse comments received on this action. In a subsequent final rule USEPA will summarize and respond to the comments received and announce final rulemaking action on this requested program delegation.

DATES: The direct final rule published at 62 FR 17081 is withdrawn effective June 5, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.