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4. Section 320.11 is revised to read as follows:

**§ 320.11 Specific exemptions.**

All systems of records maintained by the Defense Mapping Agency and its components shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1), to the extent that the system contains any information properly classified under Executive Order 12356 and that is required by that Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption is applicable to parts of all systems of records including those not otherwise specifically designated for exemptions herein which contain isolated items of properly classified information.

Dated: February 2, 1995.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[COTP St. Louis 95-001]

RIN 2115-AA97

**Safety Zone; Mississippi River, mile 57.8 to mile 55.8**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Mississippi River. This regulation is needed to control vessel traffic in the regulated area to facilitate construction of stone filled weirs in or near the navigable channel to ensure the safety of the construction workers. The regulation will restrict navigation in the regulated area.

**EFFECTIVE DATE:** This regulation is effective on January 30, 1995 and will terminate on March 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** LT Siddall, Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this regulation are LTJG Andrew Cheney, Project Officer, Marine Safety Office, St. Louis, Missouri and LT S. M. Moody, Project Attorney, Second Coast Guard District Legal Office.

**Regulatory History**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been 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 would have been impracticable. Specifically, the construction of the weirs can only be undertaken below certain river stages and due to the dynamic nature of the river, insufficient time exists to publish a notice of proposed rulemaking. 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 Army Corps of Engineers continues to improve channel maintenance through constructing passive channelizing structures. The construction of the stone filled weirs is necessary in this historically troublesome area. As a result of this construction this regulation is necessary to provide safe working conditions and navigation within the affected area.

**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 because the restrictions are anticipated to be of short duration. Changes will be announced by Marine Safety Information Radio

Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHZ). Mariners may also call the Port Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823 for current information.

**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, this regulation is categorically excluded from further environmental documentation.

**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 section 165.T02-027 is added, to read as follows:

**§ 165.T02-027 Safety Zone: Mississippi River.**

(a) *Location.* The Mississippi River between mile 57.8 and 55.8 is established as a safety zone.

(b) *Effective Dates.* This section becomes effective on January 30, 1995 and will terminate on March 31, 1995.

(c) *Regulations.* The general regulations under § 165.23 which prohibit entry into the described zone without the authority of the Captain of the Port, St. Louis, apply.

Dated: January 25, 1995.

**S.P. Cooper,**

*Captain, U.S. Coast Guard, Captain of the Port, St. Louis, Missouri.*

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### 33 CFR Part 165

[COTP Huntington 95-001]

RIN 2115-AA97

#### **Safety Zone; Ohio River, Mile 308.0 to 310.0, Symmes Creek, Chesapeake, OH, and Adjacent Landside Areas**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Ohio River, at the entrance to Symmes Creek, Chesapeake, Ohio, and all adjacent landside areas within a 1,000 foot radius of each specific explosive detonation site. This regulation is needed to control vessel, vehicular, and pedestrian traffic in the regulated area to prevent potential safety hazards for transiting vessels and the general public resulting from the demolition of the 6th Street Bridge at mile 308.7, Ohio River, Huntington, West Virginia. Vessel movements within this safety zone are permitted under the criteria set forth in this regulation.

**EFFECTIVE DATES:** This regulation is effective at 6 a.m. EST on February 1, 1995. It terminates on June 1, 1995 at 8 p.m. EDT, 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 LT Sean Moon, 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 308.7, Ohio River, Huntington, 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 new bridge construction under United States Coast Guard Bridge Permit Number 4-90-2 dated May 25, 1990. The Captain of the Port Huntington did not receive notice of the explosive and demolition operations until January 18, 1995. C.J. Mahan Construction Company of Grove City, Ohio, working under contract for the State of West Virginia, completed construction of the new bridge on November 2, 1994. The bridge permit included the requirement that the old bridge be demolished within 180 days of completion of the new bridge. Landside dismantling of the old bridge began shortly after completion 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 February 1, 1995 at mile 308.7 on the Ohio River. Completion of the bridge removal is expected to occur on or before June 1, 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 and vehicular traffic and the general public, the Captain of the Port Huntington intends to regulate vessel traffic in that portion of the Ohio River and Symmes Creek 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 1,000 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 Ohio River, the entrance to

Symmes Creek, and adjacent landside areas in proximity to the blast site will be subject to periodic closures. No vessels will be allowed to transit either waterway when blasting and steel removal operations will affect 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 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 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 (the contractor must be able to see from bank to bank before blasting). No blasting will take place unless the river stage is at or below 5 feet above normal pool and falling.

Unless overtaken by circumstances, periodic river and creek closures will be less than 24 hours in duration. Closures of Symmes Creek will be very abbreviated, during blasting operations only. Closures of the Ohio 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 and creek. Notification of the reopening of the river and creek will be via VHF radio on channel 16. The entrance to Symmes Creek will be reopened to vessel traffic entering the Ohio River upon the conclusion of each blasting operation. Vessels transiting to or from Symmes Creek must contact the on scene contractor vessels 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.