

federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard is conducting an environmental analysis for this event in accordance with section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, and the Coast Guard Notice of final agency procedures and policy for categorical exclusions found at (59 FR 38654; July 29, 1994).

Economic Assessment and Certification

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 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). 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 the DOT is unnecessary.

Collection of Information

This rule will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35—T09—010 is added to read as follows:

§ 100.35—T09—010 Geneva Offshore Grand Prix, Lake Erie, Geneva-on-the-Lake, OH.

(a) *Regulated Area:* That portion of Lake Erie from:

Latitude	Longitude
41°51.5'N	080°58.2'W, thence to
41°52.4'N	080°53.4'W, thence to
41°53'N	080°53.4'W, thence to
41°52.2'N	080°58.2'W, thence to
41°51.5'N	080°58.2'W.

Datum: NAD 83

(b) *Special local regulation:* This section restricts general navigation in the regulated area for the safety of spectators and participants. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander.

(c) *Patrol Commander:* (1) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Ashtabula, OH). The Patrol Commander may be contacted on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander."

(2) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Any vessel so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(3) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(4) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(5) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life, limb, or property.

(6) All persons in the area shall comply with the orders of the Coast Guard Patrol Commander.

(d) *Effective Date:* This section is effective from 11 a.m. (estd) until 3 p.m. (edst) on May 28, 1995, unless otherwise terminated by the Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Ashtabula, OH).

Dated: May 16, 1995.

Rudy K. Peschel,

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

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33 CFR Part 165

[COTP Louisville 95-002]

RIN 2115-AA97

Safety Zone; Ohio River, Cincinnati, OH

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Ohio River. The regulation is needed to control commercial vessel traffic in the regulated area while transiting downbound at night during high water conditions. The regulation will restrict commercial navigation in the regulated area for the safety of vessel traffic and the protection of life and property along the river.

EFFECTIVE DATES: This regulation is effective on May 18, 1995, at 4 p.m. edst. It will terminate at 6 p.m. edst, on May 30, 1995, unless sooner terminated by the Captain of the Port, Louisville, Kentucky.

FOR FURTHER INFORMATION CONTACT: LT Paul D. Thorne, Supervisor, Coast Guard Marine Safety Detachment, Cincinnati, Ohio at (513) 922-3820.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The situation requiring this rule is high water in the Ohio River in the vicinity of Cincinnati, Ohio. The Ohio River in the Cincinnati area is hazardous to transit under the best conditions. To transit the area, mariners must navigate through several sweeping turns and seven bridges. When the water level in the Ohio River reaches 45 feet, on the Cincinnati gauge, river currents increase and become very unpredictable, making it difficult for downbound vessels to maintain steerageway. During hours of darkness the background lights of the city of Cincinnati hamper mariners' ability to maintain sight of the front of their tow. The rule is intended to protect the public and the environment, at night during periods of high water, from a potential hazard of large downbound tows carrying hazardous material through the regulated area.

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 high water periods in the Cincinnati, Ohio area are natural events which cannot be predicted with any reasonable accuracy. The Coast Guard deems it to be in the public's best interest to issue a rule now, as the situation presents an immediate hazard to navigation, life, and property.

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 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). Because the duration of this emergency situation is anticipated to be short, 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.

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 authorize entry of restricted vessels into 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 LT Paul D. Thorne, Supervisor, Coast Guard Marine Safety Detachment, Cincinnati, Ohio at (513) 922-3820 for current information.

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 rule 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.

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.

Lists 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 § 165.T02-008 is added, to read as follows:

§ 165.T02-008 Safety Zone: Ohio River, Cincinnati, OH.

(a) *Location.* The following area is a safety zone: The Ohio River between miles 468.5 and 473.0.

(b) *Effective Dates.* This section becomes effective on May 18, 1995, at 4 p.m. EDT. It will terminate at 6 p.m. EDT on May 30, 1995, unless sooner terminated by the Captain of the Port, Louisville, Kentucky.

(c) *Regulations.* In accordance with the general regulations of § 165.23 of this part, entry into this zone by all downbound vessels towing cargoes regulated by Title 46, Code of Federal Regulations, Subchapters D and O, with a tow length exceeding 600 feet, excluding the tow boat, is prohibited from one-half hour before sunset to one-half hour after sunrise. The Captain of the Port will notify the maritime community of river conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: May 18, 1995.

W.J. Morani, Jr.,

Captain, U.S. Coast Guard, Captain of the Port, Louisville, Kentucky.

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33 CFR Part 165

[COTP Paducah 95-001]

RIN 2115-AA97

Safety zone; Tennessee River, Mile 161.5 to 162.5

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Tennessee River from mile 161.5 to 162.5. The zone is needed to protect life and property during the salvage of a highway bridge that collapsed into the river. The regulation restricts navigation into the zone.

EFFECTIVE DATE: This regulation becomes effective at 9:30 a.m. on May 19, 1995 and terminates at 8 p.m. on June 30, 1995.

FOR FURTHER INFORMATION CONTACT:

LTJG Patrick S. Reilly, Operations Officer, Captain of the Port, Paducah, Kentucky at (502) 442-1621.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The situation requiring this rule is the reduction of the navigation channel at mile 161.9 on the Tennessee River due to the collapsing of a highway over the river. Construction equipment will be onscene to remove the obstruction to navigation and the remainder of the bridge in the water has reduced a navigable channel to approximately 150 feet. The rule is intended to limit commercial tows to no more than three barges long by one barge wide and to require tows to use the assist tug provided by the bridge construction company. Commercial tows can transit the safety zone only during daylight hours. Light commercial boats and recreational vessels will be allowed to transit the zone twenty four hours, but must contact the Coast Guard representative onscene for transiting instructions. All vessels must contract Coast Guard representative onscene via VHF-FM channel 13 or 16 for passing instructions.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this rule 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. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent injury to human life or damage to property of vessels that would be transiting the area.

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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the short duration of the closure.