

February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the Upper New York Bay to vessel traffic on June 30, 1995, from 9:45 p.m. until 11 p.m., unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: the safety zone is located within an anchorage area; the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass to the east of this safety zone; and the extensive, advance advisories that will be made. Accordingly, the Coast Guard expects the impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation 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).

For the reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July

29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For 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 temporary section, 165.T01-073 is added to read as follows:

§ 165.T01-073 Safety Zone; Main Stay Funds Fireworks, Upper New York Bay, New York and New Jersey.

(a) *Location.* All waters of Federal Anchorage 20C, Upper New York Bay, within a 300 yard radius of the fireworks barges anchored approximately 300 yards east of Liberty Island, New York, at or near 40°41'17"N latitude, 074°02'25"W longitude (NAD 1983).

(b) *Effective period.* This section is in effect on June 30, 1995, from 9:45 p.m. until 11 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR Section 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 19, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 95-15759 Filed 6-26-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD13-95-028]

Security and Safety Zone Regulation: Sinclair Inlet, Puget Sound, Bremerton, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a combined security and safety zone on the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard (PSNY), Bremerton, Washington. This action is necessary to safeguard U.S. Navy vessels and repair facilities from sabotage and other subversive acts, accidents, or other incidents of a similar nature. This action is also necessary to protect vessels and individuals from the dangers associated with the industrial waterfront facilities at the shipyard. Entry into this zone is prohibited unless otherwise authorized by these regulations or the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective on June 12, 1995, and remains in effect until September 9, 1995, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LCDR J. A. Bigley, c/o Commander, Thirteenth Coast Guard District (mps), 915 Second Avenue, Seattle, Washington 98134, (206) 220-7210.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective less than 30 days after the date of publication in the **Federal Register**. Publishing an NPRM and delaying the effective date of this regulation would be contrary to the public interest because immediate action is necessary to safeguard the security of the Puget Sound Naval Shipyard and to ensure public safety on the navigable waters of the United States. A recent Federal court decision indicates that the Naval Restricted Area (NRA) regulation for the Puget Sound Naval Shipyard, as presently codified at 33 CFR 334.1240, is not sufficient to meet the needs of national security and public safety. Immediate regulatory action is therefore needed as an interim measure until such time as the NRA regulation can be amended by the U.S. Army Corps of Engineers (COE). Amendment of the NRA regulation by COE may take as long as 90 days. For these reasons, following normal rulemaking procedures in this case would have been impracticable.

Drafting Information

The drafters of this notice are LCDR J. A. Bigley, Project Officer, and LCDR John Odell, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Regulation

In the past, the U.S. Navy has relied on Naval Restricted Area (NRA) regulations established by the U.S. Army Corps of Engineers (COE) to meet the needs of national security and public safety on the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard (PSNY). These NRA regulations are codified at 33 CFR 334.1240. A recent Federal court decision indicates that these regulations do not apply to swimmers, divers, and other individuals not embarked on vessels.

In light of this court decision, the Commanding Officer, Puget Sound Naval Shipyard, reviewed the physical security and safety conditions around the shipyard's active piers and drydocks. Based in this review, the Commanding Officer concluded that swimmers, divers, and other individuals not embarked in vessels may pose a serious threat to the security of the shipyard if these individuals are allowed to enter the waters of Sinclair Inlet adjacent to the shipyard. Moreover, persons swimming or diving in these waters may be exposed to numerous dangers associated with the industrial waterfront facilities at the shipyard. These dangers include maneuvering U.S. Navy vessels, underwater pump suction and discharges, rotating propellers, and rigging and crane operations over the water. Based on this review of the security and safety conditions at the shipyard, the U.S. Navy requested the Coast Guard to establish a limited access area in the waters surrounding the shipyard.

In response to the U.S. Navy's request, the Coast Guard is establishing a combined security and safety zone on the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard. This combined security and safety zone approximates and overlaps the existing NRA.

The Coast Guard has determined that a security zone is warranted and appropriate because a security zone is intended for the protection of assets which are vital to the national interest. Vessels moored or drydocked at the shipyard can easily be approached from the water and are vulnerable to acts of sabotage. Regulating access to the water areas around the shipyard provides a means of countering this threat without unnecessarily interfering with the

public's use of the waterway. The security zone will keep unauthorized persons and vessel away from vessels and facilities at the shipyard and will allow early detection of unauthorized entry.

The Coast Guard has determined that a safety zone is also warranted because a safety zone is intended to ensure the safety of the public on the navigable waters of the United States. Persons and vessels operating in and on the waters of Sinclair Inlet adjacent to the shipyard are exposed to the numerous hazards associated with a waterfront industrial facility. Excluding unauthorized persons and vessels from this area of Sinclair Inlet will reduce the risk of accidents and injuries involving members of the public without unnecessarily interfering with the public's use of the waterway.

These regulations exempt certain categories of persons and vessels from some or all of the restrictions imposed by the security and safety zone. Other exemptions may be granted where the Captain of the Port, Puget Sound, and Commanding Officer, Puget Sound Naval Shipyard, have agreed that access to the shipyard does not pose a threat to security or safety at the shipyard and it is in the national interest. Persons and vessels requesting an exemption to enter the security and safety zone must request and receive authority from the Captain of the Port, Puget Sound, via the Security Officer, Puget Sound Naval Shipyard, Bremerton, Washington.

This combined security and safety zone will be enforced by the Captain of the Port, Puget Sound, and by his designated representatives. Designated representatives of the Captain of the Port may include Coast Guard commissioned officers and petty officers. The U.S. Navy may assist the Coast Guard in the patrol, monitoring, and enforcement of the security and safety zone.

Regulatory Evaluation

This action 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 CFR 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. This

expectation is based on the fact that the NRA regulations already prohibit commercial navigation from entering the waters adjacent to the shipyard.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant 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.

For the reasons stated under the Regulatory Evaluation above, the Coast Guard expects the impact of this action to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this action will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary final 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 action under the principals and criteria contained in Executive Order 12612 and has determined that this action does not have sufficient federal implications to warrant the preparation of a Federal Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying were indicated under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows: 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 Section 165T.13-026 is added to read as follows:

§ 165.T13-026 Security and Safety Zone; Sinclair Inlet, WA

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

All waters of Sinclair Inlet, Puget Sound, Bremerton, Washington, bounded by a line commencing at latitude 47°33'04" N, longitude 122°39'41" W; thence to latitude 47°33'04" N, longitude 122°39'07" W; thence to latitude 47°33'07" N, longitude 122°38'59" W; thence to latitude 47°33'07" N, longitude 122°38'29" W; thence to latitude 47°33'23" N, longitude 122°37'45" W; thence to latitude 47°33'39" N, longitude 122°37'27" W; thence to latitude 47°33'42" N, longitude 122°37'28" W; and thence along the shoreline to the point of origin.

This combined security and safety zone roughly conforms to the configuration of the shoreline of the Puget Sound Naval Shipyard, measuring approximately 3500 yards along the shoreline and extending approximately 150 yards into Sinclair Inlet.

[Datum: NAD 83]

(b) *Regulations.* (1) In accordance with the general regulations in Sections 165.23 and 165.33 of this part, no person or vessel may enter or remain in this zone unless specifically listed in subparagraph (b)(2) of this section or authorized by the Captain of the Port, Puget Sound, or his designated representatives.

(2) The general regulations in Sections 165.23 and 165.33 of this part do not apply to the following persons or vessels:

(i) Public vessels of the United States.
(ii) Vessels performing work at Puget Sound Naval Shipyard under contract with the United States Navy.

(iii) Any other vessel or person mutually agreed upon in advance by the Captain of the Port, Puget Sound, and Commanding Officer, Puget Sound Naval Shipyard. Vessels or persons entering the security and safety zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their entry in the zone from the Security Office, Puget Sound Naval Shipyard, Bremerton, Washington. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on movement and activities within the zone as have been previously agreed upon by the Captain of the Port, Puget Sound, and

Commanding Officer, Puget Sound Naval Shipyard. The certificate of exemption shall be maintained onboard the exempted vessel or on the person of the exempted individual at all times when present in the zone.

(c) *Enforcement.* This combined security and safety zone will be enforced by the Captain of the Port, Puget Sound, and by his designated representatives. Designated representatives of the Captain of the Port may include Coast Guard commissioned officers and petty officers. The U.S. Navy may assist the Coast Guard in the patrol, monitoring, and enforcement of the security and safety zone.

(d) *Effective dates.* This section becomes effective on June 12, 1995 at 5 p.m. (PDT) and terminates on September 9, 1995 at 4:30 p.m. unless sooner terminated by the Captain of The Port.

Dated: June 12, 1995.

J. A. Pierson,

*Capt., U.S. Coast Guard Commander,
Thirteenth Coast Guard District, Acting.*
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-5226-1]

National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This action corrects errors and clarifies regulatory text in the final rule published on January 25, 1995, at 60 FR 4948 concerning national emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.

EFFECTIVE DATE: These corrections become effective June 27, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Lalit Banker, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5420.

SUPPLEMENTARY INFORMATION: On January 25, 1995, the EPA promulgated in the **Federal Register** (60 FR 4948) final national emission standards for

chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. These standards were promulgated as subpart N in 40 CFR part 63. As published, the final regulations contain errors which may prove to be misleading and are in need of clarification. This document contains corrections to editorial errors in the final standards.

List of Subjects in 40 CFR Part 63

Environmental Protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 15, 1995.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, part 63 subpart N of the Code of Federal Regulations is corrected as follows:

PART 63—[CORRECTED]

1. On page 4963, in the first column, the designations (b)(4) and (5) are corrected to read (b)(5) and (6) in § 63.14 and amendatory instruction number 2 is corrected to read:

"2. Section 63.14 is amended by adding paragraphs (b)(5) and (6) to read as follows:"

2. On page 4966, in the second column, § 63.342 in paragraph (f)(3)(iv) line 8, is corrected to read "for that even and shall report by phone such".

3. On page 4966, in the third column, § 63.343 in paragraph (a)(2) last line, is corrected to read "schedule of § 63.6 (b)(1)."

4. On page 4967, in the second column, § 63.343 in paragraph (a)(5) last line, is corrected to read "that the large designation is met, or by the compliance date specified in paragraph (a)(1)(ii) of this section, whichever is later."

5. On page 4979, in the first column, paragraph 1.2, after the first sentence add the sentence "The sample time has to be at least 2 hours."

6. On page 4986, in the third column, paragraph 3.1.1, in line 2, the word "inner" is corrected to read "inside."

7. On page 4988, in the first column, paragraph 3.1.4, in line 4, the word "absorbing" is corrected to read "pollutant in the absorbing." Also, in line 8, the word "bleak-tight" is corrected to read "leak-tight."

8. On page 4988, in the third column, paragraph 5.1.1.1, in line 9, the word "velocity" is corrected to read "velocity pressure."

9. On page 4990, in the second column, paragraph 5.1.1.3, in lines 4 and 5, remove the words "using velocity