

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 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 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 regulation 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:

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 § 100.35 T09-025 is added to read as follows:

§ 100.35 T09-025 NFBRA Red Dog Kilo Time Trials, Niagara River, Tonawanda, NY

(a) *Regulated area.* That portion of the Niagara River, Tonawanda Channel, between Tonawanda Channel Buoy 31 to approximately ½ mile southwest of Twomile Creek along a line drawn from 43°00'45" N 078°55'06" W to 43°00'28" N 078°54'56" W (Sipco Oil Company). (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 Buffalo, NY). 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 10:30 a.m. until 5 p.m. on September 23, 1995, unless extended or terminated sooner by the Coast Guard Group Commander Buffalo, NY.

Dated: August 17, 1995.

Paul J. Pluta,

Captain, U.S. Coast Guard, Commander, Ninth Coast Guard District Acting.

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BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 07-95-054]

RIN 2115-AE84

Regulated Navigation Area: Atlantic Ocean, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area in the territorial waters of the United States offshore from Charleston, South Carolina. The area is needed to protect federal interests in the sunken submarine CSS HUNLEY, from any unauthorized activity that may disturb the site.

EFFECTIVE DATE: This regulation becomes effective at noon on August 11, 1995.

FOR FURTHER INFORMATION CONTACT: LCDR Michael Millar, Chief of Maritime Safety, U.S. Coast Guard Marine Safety Office, Charleston, SC 29401, (803) 724-7683.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The remains of the CSS HUNLEY, a submarine sunk off the coast of Charleston, South Carolina in 1864, have been located near the site of the sunken vessel USS HOUSATONIC, the vessel sunk by the CSS HUNLEY during the Civil War. In order to prevent damage to the submarine, looting or unauthorized salvage, a regulated navigation area is needed to protect the vessel, considered property of the United States government, from being disturbed.

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. 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 protect the submarine from damage and looting due to unauthorized activity.

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 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 proposal 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.*).

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.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B,

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, Vessels, 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 § 165.714 is added to read as follows:

§ 165.714 Regulated Navigation Area; Atlantic Ocean, Charleston, SC

(a) *Location.* The following area is a Regulated Navigation Area: A trapezoid at the water surface, and the entire water column from surface to seabed inclusive of the vessel, bounded by the following four coordinates:

	Latitude	Longitude
West- ern bound- ary.	32°42'56" N	79°47'34" W
South- ern bound- ary.	32°42'32" N	79°46'42" W
Eastern bound- ary.	32°43'26" N	79°45'27" W
North- ern bound- ary.	32°43'56" N	79°46'08" W

(NAD 83)

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, all vessels and persons are prohibited from anchoring, diving, laying cable or conducting salvage operations in this zone except as authorized by the Captain of the Port.

Dated: August 11, 1995.

R. T. Rufe, Jr.,

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

[FR Doc. 95–21553 Filed 8–29–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD01–95–129]

RIN 2115–AA97

Safety Zone: Brick Summerfest Fireworks, Metedeconk River, Brick, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on August 31, 1995, from 8 p.m. until 10 p.m., for the Brick Summerfest fireworks display located in the Metedeconk River, Brick, New Jersey. This safety zone closes all waters of the Metedeconk River within a 300 yard radius from the center of the fireworks platform located on Windward Beach, Brick, New Jersey.

EFFECTIVE DATE: This rule is effective August 31, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Coast Guard Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York, (212) 668–7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG K. Messenger, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM, and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would effectively cancel this event. Cancellation of this event is contrary to the public interest. Adequate measures are being taken to ensure mariners are made aware of this regulation. Notification of this rule will be published in the First Coast Guard District's Local Notice to Mariners, and announced via Safety Marine Information Broadcasts.

Background and Purpose

The Brick Township Chamber of Commerce submitted an Application for Approval of Marine Event for a fireworks program on Windward Beach in the Metedeconk River. This regulation establishes a temporary safety zone in the waters of the Metedeconk River on August 31, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Coast Guard Captain of the Port New York. This safety zone prevents vessels from transiting a portion of the Metedeconk River within a 300 yard radius of the fireworks platform located on the "T dock" pier, on Windward Beach, Brick, New Jersey, in the approximate position 40°03'25" N latitude, 074°06'47" W longitude (NAD 1983). It is needed to protect mariners from the hazards associated with fireworks exploding in the 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 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the Metedeconk River, off of Windward Beach, to vessel traffic on August 31, 1995, from 8 p.m. until 10 p.m., unless extended or termination sooner by the Captain of the Port, New York. No commercial vessels are known to transit this river. Although this regulation prevents vessel traffic from transiting through the portion of the Metedeconk River affected by the safety zone, the effect of this regulation will not be significant for several reasons: The duration of the event is limited; the event is at a late hour; mariners can transit past the safety zone to the south of the affected area; and the extensive, advance advisories that will be made.

Accordingly, the Coast Guard expects the economic 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