

**Environmental Assessment**

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C of Commandant Instruction M16475.1B, (as revised by 59 FR 38654; July 29, 1994) this rule is excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 100**

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

**Temporary Regulations**

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 § 100.35.T02-061 is added, to read as follows:

**§ 100.35-T02-061 Lower Mississippi River near Memphis, Tennessee.**

(a) *Regulated Area.* L. Mississippi River mile 734.5-737.0

(b) *Special local regulations.* (1) Except for official regatta vessels and patrol craft no person or vessel may enter or remain in the regulated area without permission of the Patrol Commander.

(2) The Coast Guard Patrol Commander will be a commissioned or petty officer designated by the Commanding Officer, Marine Safety Office Memphis, Tennessee and may be contacted, during the event, on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." The Patrol Commander may:

(i) Direct the anchoring, mooring, or movement of any vessel within the regulated area.

(ii) Restrict vessel operation within the regulated area to vessels having particular operating characteristics,

(iii) Terminate the marine event or the operation of any vessel when necessary for the protection of life and property, and

(iv) Allow vessels to transit the regulated area whenever an event is not being conducted and the transit can be completed.

(3) Coast Guard commissioned or petty officers will patrol the event on board patrol vessels which display the Coast Guard Ensign. If radio or other voice communications are not available to communicate with a vessel, they will use a series of sharp, short blasts by whistle or horn to signal the operator of

any vessel in the vicinity of the regulated area to stop. When signaled, the operator of any vessel in the immediate vicinity of the regulated area shall stop the vessel immediately and shall proceed as directed.

(4) Vessels desiring to transit the regulated area may do so only with the prior approval and direction of the Patrol Commander.

(5) The Patrol Commander will terminate enforcement of this section at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective date.* This section becomes effective from 2 p.m. to 6 p.m. local time on September 2, 1995.

Dated: August 17, 1995.

**Paul M. Blaney,**

*Rear Admiral, U.S. Coast Guard, Commander, Second Coast Guard District.*

[FR Doc. 95-21551 Filed 8-29-95; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 100**

[CGD 09-95-025]

**Special Local Regulation; NFBRA Red Dog Kilo Time Trials, Niagara River, Tonawanda, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** A special local regulation is being adopted for the NFBRA Red Dog Kilo Time Trials. This event will be held on the Niagara River, Tonawanda, NY, on September 23, 1995. The NFBRA Red Dog Kilo Time Trials will have an estimated 40-45 offshore race boats racing a closed course race on the Niagara River, Tonawanda Channel, which could pose hazards to navigation in the area. This regulation will restrict general navigation on the Niagara River, Tonawanda Channel, between Tonawanda Channel Buoy 31 to approximately 1/2 mile southwest of Twomile Creek, and is needed to provide for the safety of life, limb, and property on navigable waters during the event.

**EFFECTIVE DATE:** This regulation is effective from 10:30 a.m. until 5 p.m. September 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** Marine Science Technician Second Class Jeffrey M. Yunker, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, Room 2083, 1240 East Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3990.

**SUPPLEMENTARY INFORMATION:** 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. The application to hold this event was not received by the Commander, Ninth Coast Guard District, until August 7, 1995, and there was not sufficient time remaining to publish a proposed final rule in advance of the event. The Coast Guard has decided to proceed with a temporary rule for this year's event and publish a NPRM, as part of the Great Lakes annual marine events list, prior to next year's event.

**Drafting Information**

The drafters of this notice are Lieutenant Junior Grade Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, and Lieutenant Charles D. Dahill, Project Attorney, Ninth Coast Guard District Legal Office.

**Discussion of Regulation**

The NFBRA Red Dog Kilo Time Trials will be held on the Niagara River, Tonawanda Channel, Tonawanda, NY on September 23, 1995. This event will have an estimated 40-45 offshore race boats racing a closed course race on the Niagara River, Tonawanda Channel, which could pose hazards to navigation in the area. The effect of this regulation will be to restrict general navigation on the Niagara River, Tonawanda Channel, between Tonawanda Channel Buoy 31 to approximately 1/2 mile southwest of Twomile Creek, for the safety of spectators and participants. This regulation is necessary to ensure the protection of life, limb, and property on navigable waters during this event. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer in Charge, U.S. Coast Guard Station Buffalo, NY).

This regulation is issued pursuant to 33 U.S.C. 1233 as set out in the authority citation for all of Part 100.

**Federalism Implications**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard is conducting an environmental analysis for this event pursuant to 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 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 NFBR 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 1/2 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.*

[FR Doc. 95-21560 Filed 8-29-95; 8:45 am]

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#### 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,