

Subpart F of Part 165 of Title 33, Code of Federal Regulations, 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 § 165.205 is added to read as follows:

#### § 165.205 Ohio River at Cincinnati, OH; regulated navigation area.

(a) *Location.* The following is a regulated navigation area (RNA)—The waters of the Ohio River between mile 466.0 and mile 473.0.

(b) *Activation.* The restrictions in paragraphs (c) (i) through (iv) are in effect from one-half hour before sunset to one-half hour after sunrise when the Cincinnati, Ohio, Ohio River Gauge is at or above the 45 foot level. The Captain of the Port, Louisville, Kentucky will publish a notice in the Local Notice to Mariners and will make announcements by Coast Guard Marine Information Broadcasts whenever the river level measured at the gauge activates or terminates the navigation restrictions in this section.

#### (c) *Regulations.*

(i) Transit through the RNA 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.

(ii) No vessel shall loiter, anchor, stop, remain or drift without power at any time within the navigation channel of the RNA.

(iii) All commercial vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(iv) Between Ohio River miles 464.0 and 466.0, downbound vessels shall make a broadcast in the blind, on VHF-FM channel 13 announcing their estimated time of entering the RNA.

Dated: January 9, 1996.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard, Commander,  
Second Coast Guard District, St. Louis, MO.  
[FR Doc. 96-1386 Filed 1-25-96; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[COTP Louisville 96-001]

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 January 19, 1996, at 2 p.m. est. It will terminate at 8 a.m. est. on February 1, 1996, 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 regulation 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 gage, 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 regulation 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 regulation 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 regulation 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 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.

##### Environment

The Coast Guard considered the environmental impact of this regulation 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:

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.T02-071 is added, to read as follows:

**§ 165.T02-071 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 regulation becomes effective on January 19, 1996, at 2 p.m. est. It will terminate at 8 a.m. est on February 1, 1996, 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: January 19, 1996.

B.D. Branham,

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

[FR Doc. 96-1387 Filed 1-25-96; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 165**

[COTP Philadelphia, PA 96-004]

RIN 2115-AA97

**Safety Zone Regulations: Delaware Bay, Delaware River, Marcus Hook, PA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Delaware River and Delaware Bay from Marcus Hook, Pennsylvania, to the Delaware Breakwater. This safety zone is needed to protect vessels, the port community and the environment from potential safety and environmental hazards associated with the transit of the T/V HAVPRINS.

**EFFECTIVE DATES:** This rule is effective from 11:59 p.m., on January 19, 1996 and terminates at 11:59 a.m., on January 29, 1996. The Captain of the Port, Philadelphia, may, at an earlier date, advise mariners by Broadcast Notice to

Mariners that the safety zone will not be enforced.

**FOR FURTHER INFORMATION CONTACT:** LTJG S.J. Kelly, Project Officer c/o U.S. Coast Guard Captain of the Port, 1 Washington Ave., Philadelphia, PA. 19147-4395, Phone: (215) 271-4909.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. The Coast Guard was informed by the owner/operator of the T/V HAVPRINS on January 11, 1996 of the intended transit of the T/V HAVPRINS along the Delaware River. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to protect the environment and mariners against potential hazards associated with the transit of the T/V HAVPRINS while carrying liquefied petroleum gas.

**Drafting Information:** The drafters of this regulation are LTJG S.J. Kelly, project officer for the Captain of the Port, Philadelphia, and CDR T.R. Cahill, Project Attorney, Fifth Coast Guard District Legal Staff.

**Discussion of the Regulation**

This safety zone is a specified area around the LPG vessel while underway, at anchor and during cargo operations. It will be in effect during the T/V HAVPRINS's inbound transit of the Delaware River and Delaware Bay and during cargo operations. The circumstances requiring this regulation are the potential hazards associated with the transportation of liquefied petroleum gas by a large tankship in heavily trafficked areas of the Delaware River and Delaware Bay as well as in the Ports of Philadelphia. This transit consists of T/V HAVPRINS's inbound transit to Marcus Hook, Pennsylvania, and cargo operations at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania. Coast Guard Captain of the Port Philadelphia may impose transit restrictions on vessels operating within the safety zone while the T/V HAVPRINS is loaded with LPG that exceeds 2% of the vessel's cargo carrying capacity.

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

**Environment**

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e. (34) of Commandant Instruction M16475.1B (as amended by 59 FR 38654; 29 July 1994), this rule is categorically excluded from further environmental documentation.

**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**

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

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, waterways.

**Temporary Regulation**

In consideration of the foregoing, Subpart F of 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 § 165.T05-004 is added to read as follows:

**§ 165.T05-004 Safety Zone: Marcus Hook, PA and the Delaware Breakwater.**

(a) *Location:* A safety zone is established for:

(1) All waters within an area which extends 500 yards on either side and 1,000 yards ahead and astern of the T/V HAVPRINS while the T/V HAVPRINS is underway on the Delaware River in a loaded condition in the area bounded by the Delaware Breakwater and the Sun Refining and Marketing Refinery terminal at Marcus Hook, Pennsylvania.

(2) All waters within a 200 yard radius of the T/V HAVPRINS while it is moored at the Sun Refining and