

Special Local Regulations permit Coast Guard control of vessel traffic in order to ensure the safety of spectators and participant vessels. In accordance with the regulations in 33 CFR 100.1102, no spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

Dated: February 16, 1996.

R.A. Appelbaum,  
Rear Admiral, U.S. Coast Guard, Commander,  
Eleventh Coast Guard District.

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### 33 CFR Part 165

[CGD07-96-009]

RIN 2115-AE84

#### Regulated Navigation Area Regulations; Fort Pierce, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary regulated navigation area at the Peter P. Cobb bridge in Fort Pierce, Florida. This regulated navigation area is needed to protect all vessels from a safety hazard created by damage to the Peter P. Cobb bridge and associated debris in the surrounding area. Entry into this zone is prohibited unless authorized by the Captain of the Port, Miami, Florida.

**EFFECTIVE DATE:** This regulation is effective from 12 p.m. on February 24, 1996 and terminates at 12 p.m. on March 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** BMC J. L. Belk, Port Management and Response Department, USCG Marine Safety Office Miami, Florida at (305) 536-5693.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

At approximately 4 p.m. on November 7, 1995, a vessel allided with the east side of the fender system of the Peter P. Cobb Bridge (also known as the South Bridge) on the Indian River South Section at Fort Pierce, Florida. The center section of the east fender system was destroyed leaving the bridge support piling unprotected. Construction crews are replacing the fender system which was destroyed.

A regulated navigation area has been established on the Indian River South Section which includes the area under

the main span of the bridge extending 100 feet either side of the bridge within the main channel. A previous regulated navigation area (CGD07-95-073) was established for this area. This regulation will terminate at 12 p.m. on February 24, 1996. Since repairs on the Peter P. Cobb bridge have not been completed, a new regulation is needed to continue the repairs without creating unusual hazards on the waterway for vessels traversing the area. This area will have the following restrictions and conditions for vessel traffic.

All barge traffic must obtain permission from the Captain of the Port or his designated representative prior to transiting. Any barges allowed to transit the zone by the Captain of the Port will be required to meet the following conditions: the barge must be assisted by two tugs made fast fore and aft; tugs must be of adequate horse power to fully maneuver the barge; and the zone shall be transited by barge traffic at slack water only. All other vessel traffic shall stay clear of the damaged section of the bridge and the repair work underway.

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 notice of proposed rulemaking and delay of effective date would be contrary to public interest because immediate action is necessary to prevent vessels from alliding with the bridge support pilings, causing potential danger to the public.

##### 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 significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44FR 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.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently

owned and operated 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 reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

##### Federalism

The action has been analyzed under the principles and criteria contained in executive order 12612 and has determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Section 2.B.2. of Commandant Instruction M16475.1B that this action is categorically excluded from further environmental documentation. A categorical exclusion checklist and categorical exclusion determination have been completed and are available for inspection and copying.

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

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Safety measures, Waterways.

##### Final Regulations

For the reasons set out in the preamble the Coast Guard amends 33 CFR Part 165 as follows:

#### PART 100—[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.T07-009 is added to read as follows:

#### § 165.T07-009 Regulated Navigation Area; Indian River South Section, Peter P. Cobb Bridge, Fort Pierce, FL.

(a) *Location.* The following area is a regulated navigation area:

All waters under the main bridge span extending 100 feet either side of the bridge within the main channel.

(b) *Regulations.* In accordance with general regulations in § 165.11 of this

part, no vessel may operate within the regulated navigation area contrary to this regulation. All barge traffic must obtain permission from the Captain of the Port or his designated representative prior to transiting. Any barges allowed to transit the zone by the Captain of the Port will be required to meet the following conditions: the barge must be assisted by two tugs made fast fore and aft; tugs must be of adequate horsepower to fully maneuver the barge; and the zone shall be transited by barge traffic at slack water only. All other vessel traffic shall stay clear of the damaged section of the bridge and repair work underway. The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Effective dates.* This section is effective at 12 p.m. on February 24, 1996 and terminates at 12 p.m. on March 31, 1996.

Dated: February 23, 1996.

Roger T. Rufe, Jr.,

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

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### 33 CFR Part 165

[CGD 05-96-007]

RIN 2115-AA97

#### **Safety Zone: Atlantic Intracoastal Waterway, Vicinity of Marine Corps Base Camp Lejeune, NC**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard Captain of the Port, Wilmington, has established a safety zone in the Atlantic Intracoastal Waterway (AICW) along Marine Corps Base Camp Lejeune (Marine Corps Base), North Carolina. The safety zone encompasses the waters of the Atlantic Intracoastal Waterway between lighted dayboards 64 and 65A. The safety zone is needed to protect people, vessels, and property from safety hazards associated with the launching of inert line charges in support of amphibious assault training. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**EFFECTIVE DATE:** This rule is effective from 8 a.m. March 8 to 6 a.m. March 14 1996 unless sooner terminated by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** LTJG K.J. DELOOFF, USCG, Project Officer, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 272 North Front Street, Wilmington, North Carolina 28401-3907. Phone: (910) 343-4895, Extension 108.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion of Regulation**

Marine Corps Base Camp Lejeune will conduct training assaults on a simulated mined beach. Up to three exercises will be held each day and each exercise will last 30-45 minutes. Each assault involves firing an inert line charge which clears the simulated minefield. The inert charge is propelled by a 5 foot solid fuel rocket from which the inert explosives trail. The rocket is typically prevented from flying its full flight by a cable attached to the firing point. If this cable breaks, the rocket motor, and possibly the inert line charge could impact in the Atlantic Intracoastal Waterway. The Coast Guard is establishing a safety zone to prevent damage or injury which could result from this training exercise and will prevent vessels from transiting during the firing of the line charge.

The safety zone will be effective from 8 a.m. on March 8, 1996 to 6 a.m. on March 14, 1996 unless terminated sooner by the Captain of the Port Wilmington (COTP). The actual times the waterway will be closed will be approximately 30-45 minute periods one to three times per day. Before firing the inert line charge, the COTP will announce via VHF channel 16 that this section will be enforced and the waterway will be closed to traffic. Vessels from either the U.S. Coast Guard or U.S. Navy will patrol each end of the safety zone to inform and control vessel traffic.

The safety zone includes:

The waters of the Atlantic Intracoastal Waterway from lighted dayboard number 64 at approximately 34°33' 59.7" North, 077°16' 50.5" West to lighted dayboard 65A at approximately 34°32' 40.0" North, 077°19' West.

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 this regulation effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying the effective date would be contrary to the public interest since immediate action is needed to protect mariners from potential hazards associated with potential flight of an rocket propelled inert line charge over navigable waters. The final schedule for this event and other related activities was not finalized and communicated to

the Coast Guard in sufficient time to allow for a period for comments.

#### **Assessment**

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 rule 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.*).

#### **Federalism**

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.

#### **Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e(34) of Commandant Instruction M16475.1B (amended by 59 FR 38654), 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, 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; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T05.007 is added to read as follows:

**§ 165.T05.007 Safety Zone: Atlantic Intracoastal Waterway, Marine Corps Base Camp Lejeune, North Carolina.**

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