

16886), inviting comments on this rulemaking. The deadline for comments passed on May 20, 1996, with no objections or other comments received. In accordance with 5 U.S.C. 553, good cause exists for making the rule effective less than 30 days after Federal Register publication. Delay in the effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to property or the environment at the time of the scheduled event.

#### Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.c of the Coast Guard Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation, and has so certified in the docket file.

#### Federalism

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

#### Regulatory Evaluation

This regulation is considered to be nonsignificant under Executive Order 12866 on Regulatory Planning and Review and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034 of February 26, 1979).

#### Small Entities

The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that, it will not have a significant economic impact on a substantial number of small entities.

#### 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 165

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

**Regulations:** In consideration of the foregoing, the Coast Guard amends Subpart C of Part 165 of title 33, Code of Federal Regulations 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), 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary regulation is added to read as follows:

#### **§ 165.T09-002 Safety Zone: Lake Erie, From Detroit, MI to Cleveland, OH.**

(a) Location. The following area is a moving safety zone: Within 200 yards of the M/V AMERICAN REPUBLIC as it transits Lake Erie from Detroit, MI to Cleveland, OH.

(b) Effective Date. This section is effective at 8 a.m. on June 9, 1996, and terminates at 11 p.m. on June 9, 1996, unless terminated earlier by the Coast Guard Captain of the Port Detroit or Cleveland.

(c) Regulations. In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: 29 May 1996.

Paul J. Pluta,

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

[FR Doc. 96-14423 Filed 6-6-96; 8:45 am]

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#### **33 CFR Part 165**

**[COTP Huntington 96-008]**

**RIN 2115-AA97**

#### **Safety Zone; Ohio River, miles 309.0 to 312.5; Vicinity of the Huntington West End Bridge, Huntington, WV**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard has established an emergency safety zone on the Ohio River, miles 309.0 to 312.5, in the vicinity of the Huntington West End Bridge, Huntington, WV. This regulation is needed to control vessel traffic in the regulated area to prevent potential safety hazards for transiting vessels and the general public resulting from a sunken hopper barge located approximately 300 feet downstream from the West End Bridge and subsequent salvage operations. The barge extends from the center line of the channel towards the left descending bank and is at a depth of 9 feet at normal pool of 24.7 feet on the Huntington gauge. The barge is marked with two lighted buoys and attended during periods of darkness and inclement weather by the M/V BUNKER BEAVER, monitoring marine radio channels 13 and 16. This regulation prohibits navigation in the regulated area during periods of periodic navigation in the

regulated area during periods of periodic closure without the express permission of the Captain of the Port for the safety of vessel traffic and the protection of life and property along the river. Periods of closure will be announced via normally scheduled Coast Guard Broadcast Notice to Mariners or by Coast Guard personnel onscene.

**EFFECTIVE DATES:** This regulation is effective 7 p.m. EST on May 24, 1996. It terminates on June 12, 1996 at 7 a.m. EST, unless terminated sooner by the Captain of the Port Huntington, WV.

**FOR FURTHER INFORMATION CONTACT:** LTJG Todd A. Childers, Assistant Chief of the Port Operations Department, Captain of the Port, Huntington, West Virginia at (304) 529-5524.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

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. Following normal rulemaking procedures will be impracticable. Specifically, a sunken barge at mile 310.8, Ohio River, has created a situation which presents an immediate hazard to navigation, life, and property. The Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

##### **Background and Purpose**

The activities requiring this regulation are the hazards posed by the sunken hopper barge and salvage operations that will be conducted for the recovery of the sunken barge at mile 310.8, Ohio River. The barge sank after taking on water following an allision with the Huntington West End Bridge while being pushed by the M/V E.W. THOMPSON on May 14, 1996. Due to river conditions salvage operations will not begin until on or about May 29, 1996. During salvage operations, the designated area will be subject to periodic closure and to traffic restrictions as deemed necessary by on scene Coast Guard representatives. This regulation is also required by falling water conditions on the Ohio River which are resulting in reduced water clearance over the sunken barge, making passage over the barge by transiting vessels extremely hazardous. The Captain of the Port, Huntington, WV will monitor the water conditions and the salvage operations once initiated. In order to provide for the safety of vessel traffic, the Captain of the Port Huntington intends to regulate vessel

traffic in that portion of the Ohio River from miles 309.0 to 312.5 for all vessels except those engaged in salvage or surveying operations until this hazard is mitigated. Transit of the area will be on a case-by-case basis and only upon specific approval and direction of the Captain of the Port Huntington during periods of river closure. The Ohio side of the center channel is restricted in width, and the West Virginia alternate channel has been opened to provide safe navigational waters. Representatives of the Captain of the Port Huntington can be reached via marine radio on channels 13 or 16. Salvage operators can be reached by contacting the M/V ARKANSAS TRAVELER on marine radio channels 13 or 16. The M/V BUNKER BEAVER will be stationed on scene from 7 p.m. to 7 a.m. EST to render assistance as needed to transiting vessels. The M/V BUNKER BEAVER will be monitoring marine radio channels 13 and 16. Regularly scheduled Broadcast Notice to Mariners will be issued to keep vessel operators appraised of the status of the safety zone.

#### 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 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 such that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary, due to the duration of the actual river closure.

#### Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

#### 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.

#### Environmental Assessment

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

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

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

#### Temporary Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended 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.T02–008 is added, to read as follows:

#### § 165.T02–008 Safety Zone: Ohio River

(a) *Location.* The Ohio River between miles 309.0 and 312.5 is established as a safety zone.

(b) *Effective Dates.* This section is effective from 7 p.m. e.s.t. on May 24, 1996. It terminates on June 12, 1996 at 7 a.m. e.s.t. unless terminated sooner by the Captain of the Port Huntington, WV.

#### (c) Regulations.

(1) Periods of river closure will be announced by Broadcast Notice to Mariners, and/or by Coast Guard representatives on-scene via channel 13 and 16.

(2) Under the general regulations of section 165.23 of this part, entry of vessels into this zone during periods of closure is prohibited unless authorized by the Captain of the Port.

#### (3) All vessels must:

(i) Communicate with on-scene by personnel from the Coast Guard Marine Safety Office, Huntington, WV, and/or the contract vessel M/V ARKANSAS TRAVELER on channel 13 or 16 VHF–FM to arrange for safe passage through the safety zone during all periods of closure.

(ii) Communicate with the contract vessel M/V BUNKER BEAVER on

channel 13 or 16 VHF–FM to arrange for safe passage through the safety zone at all other times between the hours of 7 p.m. and 7 a.m. e.s.t. or during periods of inclement weather.

(4) Vessels engaged in conducting or supporting salvage operations may continue to operate as necessary.

Dated: May 24, 1996, 5 p.m. e.s.t.

G.H. Burns, III,

*Lieutenant Commander, U.S. Coast Guard, Captain of the Port, Acting, Huntington, WV.*  
[FR Doc. 96–14425 Filed 6–6–96; 8:45 am]

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#### 33 CFR Part 165

[COTP Miami 96–039]

RIN 2115–AA97

#### Security Zone Regulations: U.S. Coast Guard Base Miami Beach; Miami Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** These regulations are initiated to remove 33 CFR § 165.T0706. This security zone regulation was established to protect U.S. Coast Guard Base Miami Beach and vessels moored thereto from potential subversive acts by any unknown person(s) hostile to the United States. The potential threat stemmed from the United States' support of the United Nations Resolutions calling for the removal of Iraqi military forces from Kuwait. The Iraqi military forces have been removed from Kuwait and the danger of subversive acts is no longer present. Therefore, the Coast Guard is removing 33 CFR § 165.T0706.

**EFFECTIVE DATE:** June 7, 1996.

#### FOR FURTHER INFORMATION CONTACT:

BMC J.L. Belk, project officer, Port Management and Response Department, USCG Marine Safety Office at (305) 536–5693.

**SUPPLEMENTARY INFORMATION:** The Coast Guard finds in accordance with 5 U.S.C. 553, good cause exists for proceeding directly to a final rule and making this rule effective in less than 30 days. This final rule removes a temporary security zone put in place during the Gulf War 1991. The potential threat to U.S. Coast Guard Base Miami Beach has not existed since 1991 and the end of hostilities with Iraq. Therefore, publishing an NPRM or delaying the effective date of this final rule is unnecessary and the Coast Guard is proceeding directly to final rule, effective on publication in the Federal Register.