

less than 30 days after **Federal Register** publication. Following normal rulemaking procedures could not be done in a timely fashion because the full parameters of the safety zone necessary to accommodate the dredging for the San Diego Channel project were not known until a date fewer than 30 days prior to the project start date. For these reasons, the Coast Guard finds good cause, under 5 U.S.C. 553(b)(B) and (d)(3), that notice, and public procedure on the notice, before the effective date of this rule are unnecessary and that this rule should be made effective in less than 30 days after publication.

Background and Purpose

Dredging for the San Diego Channel project officially begins on September 9, 1997. This safety zone is necessary for safeguarding recreational and commercial vessels from the dangers of the dredging activities in the project area and to prevent interference with vessels and barges engaged in these operations.

Discussion of Interim Rule

This rule creates a safety zone pursuant to the Ports & Waterways Safety Act, 33 U.S.C. 1221 *et seq.* All persons and vessels are prohibited from entering into, transmitting through or anchoring within the safety zone unless authorized by the Captain of the San Diego, CA, or a designated representative thereof.

Regulatory Evaluation

This interim 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) (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 the Department of Transportation is unnecessary. Only minor delays to mariners are foreseen as vessel traffic can be easily diverted around the area of the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers the economic impact on small entities of each rule for which a general notice of proposed rulemaking is required. Small entities include small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, the Coast Guard has reviewed it for potential economic impact on small entities and determined that the rule is not expected to have a significant economic impact on any entity regardless of its size.

Therefore, the Coast Guard believes that this rule will not have a significant economic impact on any small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This interim rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this interim 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 interim rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This regulation is expected to have no significant effect on the environment.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends subpart F of 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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. Section 165.T11–040 is added to read as follows:

§ 165.T11–040 Safety Zone: San Diego Bay, CA

(a) Location. A safety zone shall exist around the dredge Florida, 75 yards on all sides when the dredge Florida is within the navigable waters of San Diego Bay, CA.

(b) Effective Date. This regulation will be in effect from 6:00 a.m. PDT on September 9, 1997 until 11:59 p.m., PDT December 15, 1997, unless canceled earlier by the Captain of the Port.

(c) Regulations. In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port San Diego, CA, or a designated representative thereof.

Dated: September 9, 1997.

J.A. Watson, IV,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–97–104]

RIN 2115–AA97

Security Zone Regulations: New London Harbor, CT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is disestablishing two of four existing security zones in the Thames River, New London, Connecticut. Security Zone A and Security Zone D are being disestablished as these zones were used to safeguard moored Navy vessels which no longer moor at the facilities in these areas. The two remaining security zones, Security Zone B and Security Zone C shall remain in effect and will be renamed Security Zones A and B respectively.

DATES: This final rule is effective October 3, 1997.

ADDRESSES: Documents relating to this final rule are available for inspection

and copying at U.S. Coast Guard Marine Safety Office Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T. J. Walker, Chief of Port Operations, Coast Guard Marine Safety Office, Long Island Sound at (203) 468-4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

This rule is being published as a final rule and is being made effective on the date of publication. Pursuant to 5 U.S.C. 553, good cause exists for promulgating this rule without a notice of proposed rulemaking (NPRM) and for making this rule effective less than 30 days after publication in the **Federal Register**. The facilities located in the areas protected under the disestablished security zones are no longer used by the Navy to moor vessels and therefore the security zones are of no further use. No purpose is served by restricting the boating public's access to the facilities and surrounding waters for a longer period of time due to delays associated with the normal rulemaking process. No adverse effects upon local commerce and/or public conveyances is expected under the proposed regulation changes. For these reasons, the Coast Guard finds good cause, under 5 U.S.C. 553, that notice, and public procedure on the notice, before the effective date of this rule are unnecessary and that this rule should be made effective in less than 30 days after publication.

Background and Purpose

Pursuant to consultations with the US Navy and the State of Connecticut, this final rule will remove two existing security zones on the Thames River, New London, Connecticut. Security Zone A, (33 CFR 165.140(a)(1)) restricted access to the waters surrounding the New London State Pier. Security Zone D, (33 CFR 165.140(a)(4)), restricted access to the waters surrounding the former Naval Underwater Warfare Center. These zones were used to safeguard Navy vessels moored at these facilities. The facilities mentioned above are no longer used by the Navy. The Navy stopped using the State Pier in 1992 and decommissioned the Naval Underwater Warfare Center in 1996. Therefore, these security zones are no longer necessary.

Security Zone B, (33 CFR 165.140(a)(2)), restricting access to the waters surrounding General Dynamics' Electric Boat facility and Security Zone

C, (33 CFR 165.140(a)(3)) restricting access to the waters surrounding the Naval Submarine Base shall remain in effect.

Regulatory Evaluation

This final 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. For the reasons stated in the Regulatory History, the Coast Guard expects the economic impact of this regulation to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this rule will have a significant impact upon a substantial number of small entities. Small entities include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. For the reasons addressed under the Regulatory History above, the Coast Guard finds that this rule will not have a significant 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

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed 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 rule and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, as revised by 59 FR 38654, July 29, 1994,

this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (waters), Reporting and Recordkeeping requirements, Security measures, Waterways.

For the reasons discussed 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; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.50.

§ 165.140 [Amended]

2. Section 165.140 is amended as follows:

- a. Remove paragraph (a)(1).
- b. Remove paragraph (a)(4).
- c. Redesignate paragraphs (a)(2) and (a)(3) as (a)(1) and (a)(2).
- d. In the new paragraph (a)(1), and remove the words "Security Zone B" and add, in their place, the words "Security Zone A".
- e. In the new paragraph (a)(2), remove the words "Security Zone C" and add, in their place, the words "Security Zone B".
- f. In paragraph (b) remove the words "SECURITY ZONES A or B" and replace them with the words "SECURITY ZONE A", and remove the words "SECURITY ZONE B" and replace them with "SECURITY ZONE A".

Dated: September 16, 1997.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-A121

Disinterments From National Cemeteries

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is issuing a final rule to amend regulations concerning disinterments from national cemeteries. Current regulations permit disinterment of persons buried in a national cemetery with the consent of immediate family