

Dated: February 8, 1995.

G.A. Penington,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation, Safety and Waterways Services.
[FR Doc. 95-3833 Filed 2-15-95; 8:45 am]

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33 CFR Part 165

[COTP Memphis 95-001]

RIN 2115-AA97

Safety Zone; Lower Mississippi River, Mile 579.0 to mile 581.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Lower Mississippi River mile 579.0 to mile 581.0. This regulation is needed to restrict vessel traffic in the regulated area to prevent a collision with vessel salvage equipment and to provide a safe work area for salvage personnel. The regulation restricts navigation in the regulated area and may have an effect on commercial traffic.

EFFECTIVE DATES: This regulation is effective on January 7, 1995, and will terminate on December 31, 1995.

FOR FURTHER INFORMATION CONTACT: LT Byron Black, Chief, Port Operations, Captain of the Port, Memphis, Tennessee at (901) 544-3941.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LT Byron Black, Project Officer, Marine Safety Office, Memphis, Tennessee and LCDR A. O. Denny, Project Attorney, Second Coast Guard District Legal Office.

Regulatory History

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, river conditions are now favorable to salvage three sunken barges located mid-channel at mile 580.0 in the Lower Mississippi River. Traffic restrictions are required for salvage personnel to safely conduct salvage operations during windows of favorable conditions. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

Background and Purpose

On November 8, 1994, the Coast Guard was notified of three sunken barges in the vicinity of Lower Mississippi River mile 580. The salvage of the sunken barges located mid-channel will pose a substantial threat to safe navigation. After an investigation by Marine Safety Office Memphis, it was recommended that a safety zone be issued in order to safely salvage the barges and to limit access to unauthorized vessels as a safety precaution. The safety zone will be limited to the Lower Mississippi River mile 579.0 to mile 581.0.

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 proposal 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 impact on businesses which use the river for commercial purposes, Captain of the Port, Memphis, Tennessee will monitor river conditions and salvage operations and will authorize unrestricted entry into the zone 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 the Port Operations Officer, Captain of the Port, Memphis, Tennessee at (901) 544-3941.

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, this regulation 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.

Temporary Regulation

In consideration of the foregoing, Subpart C 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 1.051(g), 604-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T02-001 is added to read as follows:

§ 165-T02-001 Safety Zone: Lower Mississippi River.

(a) *Location.* The Lower Mississippi River mile 579.0 to mile 581.0 is established as a safety zone.

(b) *Effective date.* This section becomes effective on January 7, 1995 and will terminate on December 31, 1995.

(c) *Regulations.* Under the general regulations of 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: January 6, 1995.

A.L. Thompson, Jr.,

Commander, U.S. Coast Guard, Captain of the Port.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK6-1-6587a; AK5-1-6437a; AK3-1-5851a; FRL-5147-8]

Approval and Promulgation of Implementation Plans: Alaska

AGENCY: Environmental Protection Agency.