

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05-97-063]

RIN 2115-AA97

Safety Zone: Delaware Bay, Delaware River

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Delaware Bay and Delaware River between the Delaware Breakwater and Marcus Hook, Pennsylvania. This safety zone is needed to protect vessels, the port community and the environment from potential safety and environmental hazards associated with the loading and transit of the T/V TARQUIN RANGER while it is loaded with more than 2% of its cargo carrying capacity of Liquefied Hazardous Gas.

DATES: This rule is effective from 11:59 p.m. July 31, 1997, and terminates at 11:59 p.m. August 12, 1997.

FOR FURTHER INFORMATION CONTACT: Lt. S.A. Budka, Project Officer, U.S. Coast Guard Captain of the Port, 1 Washington Avenue, Philadelphia, PA 19147-4395, Phone: (215) 271-4889.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (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 TARQUIN RANGER on July 30, 1997 of the intended transit of the T/V TARQUIN RANGER 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 respond to protect the environment and vessel traffic against potential hazards associated with the transit of the T/V TARQUIN RANGER while it is loaded with Liquefied Hazardous Gas.

Discussion of the Regulation: This temporary rule establishes a safety zone in a specified area around the T/V TARQUIN RANGER while underway in the loaded condition and during cargo operations. The safety zone will be in effect during the T/V TARQUIN RANGER'S transit of the Delaware Bay and Delaware River and during cargo operations at the Sun Marcus Hook Refinery on the Delaware River, at Marcus Hook Pennsylvania. This temporary rule is intended to minimize

the potential hazards associated with the transportation of Liquefied Hazardous Gas by a large tankship in heavily trafficked areas of the Delaware Bay and Delaware River as well as in the Ports of Philadelphia. Entry into this zone is prohibited unless authorized by the Captain of the Port, Philadelphia, PA. The Captain of the Port may impose certain restrictions on vessels allowed to enter the safety zone.

Regulatory Evaluation: This temporary 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 CFR 11040; February 26, 1979). The Coast Guard expects the economic impact of this temporary 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 temporary rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

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.

Environment: The Coast Guard considered the environmental impact of this temporary rule and concluded that under section 2.B.2.e(34) 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 (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, the Coast Guard amends 33 CFR 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; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.T05-063 is added to read as follows:

§ 165.T05-063 Safety Zone: Delaware Bay and Delaware River from the Delaware Breakwater to Marcus Hook, PA.

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

(1) All water within an area which extends 500 yards on either side and 1000 yards ahead and astern of the T/V TARQUIN RANGER while the vessel is in the loaded condition and underway in the area of the Delaware River and Delaware Bay bounded by the Sun Marcus Hook Refinery on the Delaware River, at Marcus Hook, Pennsylvania and the Delaware Breakwater.

(2) All waters within a 200 yard radius of the T/V TARQUIN RANGER while it is moored at the Sun Marcus Hook Refinery on the Delaware River, at Marcus Hook, Pennsylvania.

(b) **Effective Dates.** This rule is effective from 11:59 p.m. July 31, 1997, and terminates at 11:59 p.m. August 12, 1997.

(c) **Definitions.** (1) *Captain of the Port* or *COTP* means the Captain of the Port of Philadelphia or any Coast Guard commissioned, warrant or petty officer authorized to act on his behalf.

(2) *Loaded Condition* means loaded with LHG that exceeds 2% of the vessel's cargo carrying capacity.

(d) No vessel may enter the safety zone unless its operator obtains permission of the Captain of the Port or his designated representative.

(e) As a condition of entry, the COTP may order that:

(1) All vessels operating within the safety zone must maintain a continuous radio guard on channels 13 and 16 VHF-FM while underway;

(2) Overtaking may take place only under conditions where overtaking is to be completed well before any bends in the channel. Before any overtaking, the pilots, masters, and operators of both vessels must clearly agree on all factors including speeds, time, and location of overtaking.

(3) Meeting situations on river bends shall be avoided to the maximum extent possible.

(4) The operator of any vessel in the safety zone shall proceed as directed by the Captain of the Port or by his designated representative.

(f) The senior boarding officer enforcing the safety zone may be contacted on VHF channels 13 & 16. The Captain of the Port of Philadelphia and the Command Duty officer at the Marine Safety Office, Philadelphia, may be contacted at telephone number (215) 271-4940.

Dated: July 31, 1997.

John E. Veentjer,

Captain, U.S. Coast Guard, Captain of the Port, Philadelphia, PA.

[FR Doc. 97-21029 Filed 8-7-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-97-063]

RIN 2121-AA97

Safety Zone: Albany Bicentennial Fireworks, Hudson River, Troy, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Albany Bicentennial Fireworks program. The safety zone will close all waters of the Hudson River, shore to shore, south of the Green Island Bridge and north of the Congress Street Bridge, Troy, New York. The safety zone is necessary to protect the maritime public from the hazards associated with fireworks launched from a barge in the Hudson River.

DATES: This final rule is effective from 8:45 p.m. until 10:15 p.m. on August 10, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Dave Gefell, Waterways Oversight Branch, Coast Guard Activities New York, (718) 354-4195, 212 Coast Guard Drive, Staten Island, New York 10305.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date that conclusive information for this event was received, there was insufficient time to draft and publish an NPRM. Following normal rulemaking procedures would cause the event to be delayed or cancelled and would be contrary to the public interest since the event is intended for public entertainment.

Background and Purpose

On July 15, 1997, the Albany Bicentenary Commission submitted an application to hold a fireworks program in the Hudson River for the purpose of

celebrating the 200th birthday of the city of Albany. The safety zone prevents vessels from transiting this portion of the Hudson River, and is needed to protect mariners from the hazards associated with fireworks launched from a barge. This regulation establishes a temporary safety zone in all waters of the Hudson River, shore to shore, south of the Green Island Bridge and north of the Congress Street Bridge, Troy, New York. The safety zone is in effect from 8:45 p.m. until 10:15 p.m. on August 10, 1997.

Regulatory Evaluation

This temporary 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Although this regulation would prevent traffic from transiting this area, the effect of this regulation would not be significant. This finding is based on the following: the duration of the event is limited, the limited vessel traffic in the area, the event is at a late hour, and extensive, advance advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this proposal will have a significant economic impact on 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 discussed in the Regulatory Evaluation section above, the Coast Guard expects this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule does not provide for a collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T01-063, is added to read as follows:

§ 165.T01-063 Safety Zone; Albany Bicentennial Fireworks Display, Hudson River, New York.

(a) *Location.* All waters of the Hudson River, shore to shore, south of the Green Island Bridge and north of the Congress Street Bridge, Troy, New York.

(b) *Effective period.* This safety zone is in effect on August 10, 1997, from 8:45 p.m. until 10:15 p.m.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.