

operation the span is normally in the open position displaying flashing green signals to allow the movement of water traffic. When a train approaches the bridge the lights go to flashing red, a horn sounds 4 blasts, pauses, then repeats 4 blasts. After an 8 minute delay, the draw lowers and locks, providing scanning equipment reveals nothing under the span. The draw remains down for a period of 8 minutes or while the approach track circuit is occupied. After the train clears, the draw opens and the lights return to flashing green.

The automatic remote control method was discontinued in 1984 when ownership of the bridge was transferred from the Florida East Coast Railroad to the Kennedy Space Center (NASA). The purpose of this change is to describe in the regulation how the bridge is actually being operated.

#### Discussion of Comments and Changes

No comments were received on the proposed rule. The final rule is therefore unchanged from the proposed rule published on February 22, 1996.

#### 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 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 action 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" may include small businesses and not for profit organizations that are independently owned and operated and are not dominant in their field and governmental jurisdictions with populations of less than 50,000. Because it expects the impact of the action to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final 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

The Coast Guard has analyzed the 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 section 2.B.2.e.(32) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where listed under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Final Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

#### **PART 117—[AMENDED]**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.261 is amended by revising paragraph (j) to read as follows:

#### **§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo**

\* \* \* \* \*

(j) NASA Railroad bridge, mile 876.6 at Kennedy Space Center.

(1) The draw is not constantly tended.

(2) The draw is normally in the fully open position displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge, it stops and the operator initiates a command to lower the bridge. The lights go to flashing red and the draw lowers and locks, providing scanning equipment reveals nothing under the draw. The draw remains down until a manual raise command is initiated, or will raise automatically 5 minutes after the intermediate track circuit is no longer occupied by a rail car.

(4) After the train has cleared, the draw opens and the lights return to flashing green.

\* \* \* \* \*

Dated: May 21, 1996.

Roger T. Rufe, Jr.,

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

[FR Doc. 96–14864 Filed 6–11–96; 8:45 am]

BILLING CODE 4910–14–M

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

[CGD 05–96–038]

RIN 2115–AA97

#### **Safety Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk, VA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around the Nauticus National Maritime Center Norfolk, VA. The zone is needed to protect U.S. Coast Guard Change of Command participant vessels and mariners operating in the vicinity from 8 a.m. to 2 p.m. on June 14, 1996. Entry into this zone is prohibited unless authorized by the Captain of the Port or his designated representative.

**EFFECTIVE DATES:** This regulation is effective from 8 a.m. to 2 p.m. on June 14, 1996, unless sooner terminated by the Captain of the Port, Hampton Roads, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer John Pekich, Project Officer, USCG Marine Safety Office Hampton Roads, telephone number (804) 484–8192.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) was not published for this rule and good cause exists for making it effective less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the vessels involved in the Change of Command Ceremony and other mariners operating in the vicinity.

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

This temporary rule is issued to protect vessels involved in Change of Command ceremonies at the Nauticus National Maritime Center, Norfolk, VA, or those transiting the area on the Elizabeth River, Norfolk, VA. Therefore, the Coast Guard is establishing a 100 yard radius safety zone around the

maritime center's piers while the ceremony is conducted. The safety zone will be in effect from 8 a.m. to 2 p.m. on June 14, 1996, unless terminated sooner by the Captain of the Port. This safety zone will prohibit access by all unauthorized persons to all waters within a 100 yard radius from a point located at 36°54'.28" N 076°05'.31" W during these operations. A safety zone is necessary to protect both the vessels involved with the operation and those operating in the vicinity.

#### 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) (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 collection of information requirements under 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 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 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, Vessels, Waterways.

For the reasons set out in the preamble, 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. A new temporary section 165.T05–038 is added to read as follows:

#### **§ 165.T05–038 Safety Zone: Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk, Virginia.**

(a) *Location:* The following area is a safety zone: All waters within a 100 yard radius from a point located at 36°54'.28" N, 076°05'.31" W, on the Elizabeth River at the Nauticus National Maritime Center, Norfolk, Virginia, during the Change of Command Ceremony.

(b) *Definitions:* *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(c) (1) In accordance with the general regulations in section 165.23 and 165.501 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port. The general requirements of section 165.23 and 165.501 also apply to this regulation.

(2) Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port. The Coast Guard vessels enforcing the safety zone can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (804) 484–8192.

(d) 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).

Dated: June 6, 1996.

D.A. Sande,

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.*

[FR Doc. 96–14861 Filed 6–11–96; 8:45 am]

BILLING CODE 4910–14–M

### 33 CFR Part 165

[COTP San Francisco Bay 96–003]

RIN 2115–AA97

#### **Safety Zone; San Francisco Bay, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the waters

of San Francisco Bay, California around the Coast Guard Cutter *Boutwell* which will be moored at the Coast Guard Island Pier, Alameda. The event requiring a safety zone is a military change of command ceremony. The zone will encompass a water area extending 25 yards forward, aft, and to the outboard side of the ship which will be moored at the following location: Latitude: 37°46'50"N, Longitude: 122°15'01"W. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This safety zone will be in effect on June 12, 1996, between 9:30 a.m., PDT, and 1:30 p.m., PDT, unless canceled earlier by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Rob Lee, Coast Guard Marine Safety Office San Francisco Bay, CA; (510) 437–3073.

**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. Publishing an NPRM and delaying its effective date would be contrary to the public interest since the cope of activities potentially attracting a number of spectator craft and thus requiring a safety zone was not finalized until a date fewer than 30 days prior to the event date.

#### Discussion of Regulation

The military change of command event requiring this regulation will begin at approximately 10:30 a.m. PDT on June 12, 1996. This safety zone is necessary to prevent spectator recreational and commercial craft from collecting within 25 yards of the cutter *Boutwell*, creating possible safety concerns for these vessels and the Coast Guard cutter. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port.

#### 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 significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040;