

East 10th Street, Manhattan, east through the charter position of Buoy 18 (LLNR 27335) to the foot of North 8th Street, Brooklyn.

(iii) Vessels taking position within the safety zone in either of these viewing areas must be in their respective viewing area not later than 7:30 p.m.

(4) 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.

Dated: June 20, 1996.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc. 96-16894 Filed 7-3-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 05-96-045]

RIN 2115-AA97

Safety Zone Regulations: 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 from Marcus Hook, Pennsylvania, to the Delaware Breakwater. 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 outbound transit of the T/V EMSGAS.

EFFECTIVE DATES: This rule is effective from 11:59 p.m. June 23, 1996, and terminates at 11:59 p.m. July 5, 1996. The Captain of the Port, Philadelphia, may, at an earlier date, advise mariners by Broadcast Notice to Mariners that the safety zone will not be enforced.

FOR FURTHER INFORMATION CONTACT: LTJG S.J. Kelly, Project Officer at the Captain of the Port, Philadelphia, (215) 271-4909.

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 EMSGAS on June 19, 1996 of

the intended transit of the T/V EMSGAS 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 EMSGAS while it is loaded with liquefied petroleum gas.

Drafting Information

The drafters of this regulation are LTJG Scott J. Kelly, project officer for the Captain of the Port, Philadelphia, and CDR T. Cahill, project Attorney, Maintenance and Logistics Command Atlantic, Legal Division.

Discussion of the Regulation

This safety zone includes a specified area around the vessel during cargo operations and while underway outbound. It will be in effect during the T/V EMSGAS's transit of the Delaware River and Delaware Bay and during cargo operations at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania. The circumstances requiring this regulation are the potential hazards associated with the transportation of liquefied petroleum gas by a large tankship in heavily trafficked areas of the Delaware River and Delaware Bay as well as in the Ports of Philadelphia. The transit consists of T/V EMSGAS's outbound transit on the Delaware River and the Delaware Bay between the vessel's berth at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania and the Delaware Breakwater. Coast Guard Captain of the Port Philadelphia may impose transit restrictions on vessels operating within the safety zone while the T/V EMSGAS is loaded with LPG that exceeds 2% of the vessel's cargo carrying capacity.

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 FR 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.

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 49 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and Record Keeping Requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended 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), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.T05-045 is added to read as follows:

§ 165.T05-045 Safety Zone: Delaware Bay, Delaware River

(a) *Location.* A safety zone is established for:

(1) All waters within an area which extends 500 yards on either side and 1,000 yards ahead and astern of the T/V EMSGAS while the vessel is in the loaded condition and underway in the area bounded by the Delaware Breakwater and the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania.

(2) All waters within a 200 yard radius of the T/V EMSGAS while it is moored at the Sun Refining and Marketing Refinery terminal.

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

(c) As a condition of entry, the COTP may order that each vessel:

(1) Maintain a continuous radio guard on channels 13 and 16 VHF-FM while underway;

(2) Not overtake the T/V EMSGAS unless the overtaking is to be completed before any bends in the channel, and the pilots, masters and operators of both vessels clearly agree on all action including speeds, time and location of overtaking.

(3) Operate at a minimum no wake speed sufficient to maintain steerage while T/V EMSGAS is moored at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania;

(4) Proceed as directed by the Captain of the Port or by his designated representative.

(d) The COTP 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.

(e) *Definitions:*

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

Loaded Condition means loaded with LPG that exceeds 2 percent of the vessel's cargo carrying capacity.

Dated: June 20, 1996.

John E. Veentjer,

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

[FR Doc. 96-16893 Filed 7-3-96; 8:45 am]

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Alaska. This revision clarifies the applicability of those NPS regulations that apply in all National Park System areas to waters subject to federal jurisdiction located within park boundaries, including navigable waters.

In order to protect wildlife and the other values and purposes of the National Park System, NPS developed general regulations intended to be applicable on navigable waters located within park boundaries irrespective of ownership of submerged lands. However, litigation concerning a seal shot in the navigable waters of a national park revealed that a 1987 editorial correction to 36 CFR 1.2(b), aimed at clarifying a separate and distinct application of the regulations, had the unforeseen and unintended effect of arguably linking federal title to submerged lands with the exercise of management authority over activities occurring on navigable waters. This rulemaking will clarify the regulations and ensure the continued protection of wildlife and other National Park System values and purposes on navigable waters within parks, regardless of ownership of submerged lands. The revision clarifies that NPS regulations continue to apply on navigable waters, as they have for years. Two definitions, "park area" and "boundary," are modified by this revision. This rulemaking clarifies and interprets existing NPS regulatory intent, practices and policies, and generally would not place new or additional regulatory controls on the public.

EFFECTIVE DATE: August 5, 1996.

FOR FURTHER INFORMATION CONTACT:

Dennis Burnett, Ranger Activities Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127, Telephone (202) 208-4874.

SUPPLEMENTARY INFORMATION:

Background

The NPS Organic Act of 1916 directs the Secretary of the Interior and the NPS to manage national parks and monuments to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1. The organic act also grants the secretary the authority to implement "rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments and reservations under the jurisdiction of the National Park Service." 16 U.S.C. § 3. In the Redwood Expansion Act of 1978,

Congress gave further direction to the secretary to ensure that:

The authorization of activities shall be construed and the protection, management and administration of [NPS] areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. 16 U.S.C. § 1a-1.

In to general regulatory authority delegated in 16 U.S.C. § 3, in 1976 Congress amended the 1970 Act for Administration (known as the General Authorities Act) and authorized NPS to "[p]romulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States." 16 U.S.C. § 1a-2(h). "Waters subject to the jurisdiction of the United States" include navigable waters. See, H. Rep. No. 1569, 94th Cong., 2nd Sess., 4292 (1976). Under these authorities the NPS has managed and regulated activities occurring on and in the waters of the National Park System.

Before 1966, NPS regulations for boating, sanitation, and other water-use regulations were scattered throughout 36 CFR parts 1 and 2. In 1966, NPS published consolidated boating regulations as 36 CFR part 3. The regulations provided for the enforcement of U.S. Coast Guard regulations by NPS "on navigable waters of the United States" located within park boundaries (31 FR 16650). In 1983, NPS moved water-use activity regulations from part 2 to part 3 (48 FR 30290). In addition to regulations generally applicable in all national park areas, NPS has promulgated special park-specific regulations that NPS enforces on and in navigable waters within the boundaries of particular National Park System units. See, e.g., 36 CFR 7.45(f)-(h) (Everglades National Park, Fishing and Boating); 36 CFR 7.38(b) (Isle Royale National Park, Underwater diving); 36 CFR 7.83(a) (Ozark National Scenic Riverways, Boating); 36 CFR 13.65(b) (Glacier Bay National Park, Vessel Management/Whale protection).

Applicability and Scope Provision

In 1982-83 NPS undertook a comprehensive review of general regulations that apply in virtually all NPS administered areas (47 FR 11598). The applicability and scope provisions adopted pursuant to the 1983 rulemaking included navigable waters.

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1 and 13

RIN 1024-AC21

General Regulations for Areas Administered by the National Park Service and National Park System Units in Alaska

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is revising portions of its general regulations for areas it administers that define the primary scope and applicability and contain definitions for terms used in the text of the regulations. NPS is also modifying regulations that relate to National Park System units in