

(10) General Counsel, St A-7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031-2137.

(11) Deputy Director for Acquisition, St A-3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031-2137.

(12) Deputy Director for Command Information, St A-11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031-2137.

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4. Section 320.11 is revised to read as follows:

§ 320.11 Specific exemptions.

All systems of records maintained by the Defense Mapping Agency and its components shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1), to the extent that the system contains any information properly classified under Executive Order 12356 and that is required by that Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption is applicable to parts of all systems of records including those not otherwise specifically designated for exemptions herein which contain isolated items of properly classified information.

Dated: February 2, 1995.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP St. Louis 95-001]

RIN 2115-AA97

Safety Zone; Mississippi River, mile 57.8 to mile 55.8

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Mississippi River. This regulation is needed to control vessel traffic in the regulated area to facilitate construction of stone filled weirs in or near the navigable channel to ensure the safety of the construction workers. The regulation will restrict navigation in the regulated area.

EFFECTIVE DATE: This regulation is effective on January 30, 1995 and will terminate on March 31, 1995.

FOR FURTHER INFORMATION CONTACT: LT Siddall, Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG Andrew Cheney, Project Officer, Marine Safety Office, St. Louis, Missouri and LT S. M. Moody, 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, the construction of the weirs can only be undertaken below certain river stages and due to the dynamic nature of the river, insufficient time exists to publish a notice of proposed rulemaking. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

Background and Purpose

The Army Corps of Engineers continues to improve channel maintenance through constructing passive channelizing structures. The construction of the stone filled weirs is necessary in this historically troublesome area. As a result of this construction this regulation is necessary to provide safe working conditions and navigation within the affected area.

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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10E of the regulatory policies and procedures of DOT is unnecessary because the restrictions are anticipated to be of short duration. Changes will be announced by Marine Safety Information Radio

Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHZ). Mariners may also call the Port Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823 for current information.

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), Records and recordkeeping requirements, Security measures, Waterways.

Temporary Regulation

In consideration of the foregoing, Subpart F 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 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T02-027 is added, to read as follows:

§ 165.T02-027 Safety Zone: Mississippi River.

(a) *Location.* The Mississippi River between mile 57.8 and 55.8 is established as a safety zone.