

Notice of this safety zone and updates on periodic closures will also be published in the Local Notice to Mariners.

The establishment of this safety zone regulation ensures that vessels will not transit on the Ohio River in the vicinity of the blasting area during explosive detonations or when the main channel is obstructed by submerged steel to eliminate attendant risks associated with these operations. The Captain of the Port will also work with local law enforcement officials to protect the safety of the general public in adjacent landside areas. The safety zone also ensures that communication is established between the contractors and vessels transiting the waters within the safety zone during the non-critical phases of the demolition project. With proper communication between both parties, the contractor is assured of having ample time to comply with any request to relocate work boats temporarily to allow a vessel to navigate through the safety zone.

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, due to the limited duration of actual river closures.

Small Entities

The Coast Guard finds that the impact on small entities 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. A Categorical Exclusion Determination is available in the docket for inspection.

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 F of Part 165 or 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.T02–002 is added, to read as follows:

§ 165.T02–002 Safety Zone: Ohio River, Symmes Creek, and Adjacent Landside Areas

(a) *Location.* The Ohio River between 308.0 and 310.0, the entrance to Symmes Creek, Chesapeake, Ohio, and adjacent landside areas within 1,000 feet of each specific blast site are established as a safety zone.

(b) *Effective dates.* This section becomes effective on February 1, 1995 at 6 a.m. EST. It terminates on June 1, 1995 at 8 p.m. EDT, unless terminated sooner by the Captain of the Port Huntington.

(c) *Regulations.* (1) Except with the permission of the Captain of the Port, all vessels must:

(i) Remain outside the safety zone during all periods of closure, as announced by Coast Guard Broadcast Notice to Mariners and as enforced on scene by personnel from the Coast Guard Marine Safety Office Huntington, WV.

(ii) Communicate with the contract vessel M/V MISS MAY or M/V MICHAEL D on channel 16 VHF–FM to arrange for safe passage through the safety zone at all other times, providing at least twenty (20) minutes advance notice prior to transiting through the regulated area.

(iii) Provide the contract vessel M/V MISS MAY or M/V MICHAEL D at least twenty (20) minutes advance notice to

move/suspend operations in any case where the transiting vessel operator believes the safe passage of any vessel or tow is jeopardized by the presence/operation of the crane barge during operations not involving river closure.

(2) Except with the permission of the Captain of the Port, vessels involved with the 6th Street Bridge demolition operations must:

(i) M/V MISS MAY or M/V MICHAEL D: Communicate with and arrange safe passage through the safety zone for all vessels not involved in the demolition project.

(ii) M/V MISS MAY or M/V MICHAEL D: Initiate appropriate broadcast notices to local mariners over channel 16 VHF–FM 24 hours, 2 hours, and 5 minutes prior to initiation of blasting operations.

(iii) M/V MISS MAY or M/V MICHAEL D: Ensure that all vessel traffic is outside the area of the safety zone and the waterside blast area is secured prior to any explosive detonation, with that information effectively communicated to the contractors conducting the blasting.

(iv) M/V MISS MAY or M/V MICHAEL D: Monitor operations involving steel and debris removal after each detonation and, following clearance of the river, the conduct of subsequent subsurface sweeps of the main channel.

(v) M/V MISS MAY or M/V MICHAEL D: Notify the Coast Guard Captain of the Port Huntington once a successful sweep has determined that the Ohio River main shipping channel is clear (a minimum underwater clearance of 20 feet below normal river pool), with no obstructions to impede the safe navigation of vessels.

(vi) All other contract vessels: Relocate to a safe area prior to any blasting operations.

(3) Except with the permission of the Captain of the Port, C. J. MAHAN CONSTRUCTION COMPANY must:

(i) Not detonate explosives if a vessel not involved with the blasting operation is inside the safety zone, or if any contract vessel has not relocated to a safe distance away from the blast area, as verified and communicated by the M/V MISS MAY or M/V MICHAEL D.

(ii) Not initiate any blasting operations until local law enforcement officials have verified and communicated that landside security is established and that landside portions of the safety zone are clear.

(iii) Not initiate any blasting operations in periods of restricted visibility (operator must ensure there is clear bank-to-bank visibility).