

naval ship: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the location of the sidelights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided that USS GREENEVILLE (SSN 772) is a member of the SSN 688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing table

of § 706.3, are equally applicable to USS GREENEVILLE (SSN 772).

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

**§ 706.2 [Amended]**

2. Table One of § 706.2 is amended by adding the following vessel:

TABLE ONE

Vessel	No.	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
USS GREENEVILLE.	SSN-772.	3.5

3. Table 3 of § 706.2 is amended by adding the following vessel:

TABLE 3

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance in-board of ship's sides in meters; 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relationship of aft light to forward light in meters; 2(K) annex 1
USS GREENEVILLE .....	SSN-772	.....	.....	209	4.4	6.1	3.4	1.7 below.

Dated: September 26, 1995.  
 C.E. Schaff,  
*LCDR, JAGC, U.S. Navy, Acting Deputy Assistant Judge Advocate General (Admiralty).*  
 [FR Doc. 95-25312 Filed 10-12-95; 8:45 am]  
 BILLING CODE 3810-FF-P

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD02-95-018]

[RIN 2115-AE46]

**Special Local Regulations; Tall Stacks 1995; Ohio River Mile 467.0-474.0**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** A special local regulation is being adopted for the Tall Stacks 1995 which will be held on the Ohio River near Cincinnati, Ohio on October 11-15, 1995. The sponsor of this event is Greater Cincinnati Tall Stacks Commission. This regulation is needed to control vessel traffic in the immediate vicinity of the event. The regulation will restrict general navigation in the

regulated area for the safety of spectators, participants and through traffic.

**EFFECTIVE DATES:** This regulation is effective from 6 a.m. to 2:30 a.m. local time on October 11 through October 14 and from 6 a.m. to midnight on October 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** LCDR J.O. Jaczinski, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832. The telephone number is (314) 539-3971, fax (314) 539-2685.

**SUPPLEMENTARY INFORMATION:**

Drafting Information

The drafters of this regulation are LCDR J.O. Jaczinski, Project Officer, Second Coast Guard District, Boating Safety Division and LT S. 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.

Background and Purpose

The Tall Stacks 1995 consists of a national celebration of the steamboating era in America. The event will run from 6 a.m. to 2:30 a.m. local time on October 11 through October 14, 1995 and 6 a.m. to midnight on October 15, 1995. In order to provide for the safety of spectators and participants, and for the safe passage of through traffic, the Coast Guard will restrict vessel movement in the regulated area. The river will be closed during part or all of the effective period to all vessel traffic except official regatta vessels and patrol craft. These regulations are issued pursuant to 33 U.S.C. and 33 CFR 100.35.

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 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 because of the event's short duration.

#### Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule 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 rule and concluded that under section 2.B.2.C of Commandant Instruction M16475.1B, (as revised by 59 FR 38654; July 29, 1994) this rule is excluded from further environmental documentation.

#### List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

#### Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

### **PART 100—[AMENDED]**

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35.T02-062 is added, to read as follows:

#### **§ 100.35-T02-062 Ohio River near Cincinnati, Ohio.**

(a) *Regulated area.* Ohio River mile 467.0 to 474.0.

(b) *Special local regulations.* (1) Except for official regatta vessels and patrol craft no person or vessel may enter or remain in the regulated area without permission of the Patrol Commander.

(2) The Coast Guard Patrol Commander will be a commissioned or petty officer designated by the Commanding Officer, Marine Safety Office Louisville, Kentucky and may be contacted, during the event, on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander." The Patrol Commander may:

(i) Direct the anchoring, mooring, or movement of any vessel within the regulated area,

(ii) Restrict vessel operation within the regulated area to vessels having particular operating characteristics,

(iii) Terminate the marine event or the operation of any vessel when necessary for the protection of life and property, and

(iv) Allow vessels to transit the regulated area whenever an event is not being conducted and the transit can be completed.

(3) Coast Guard commissioned or petty officers will patrol the event on board patrol vessels which display the Coast Guard Ensign. If radio or other voice communications are not available to communicate with a vessel, they will use a series of sharp, short blasts by whistle or horn to signal the operator of any vessel in the vicinity of the regulated area to stop. When signaled, the operator of any vessel in the immediate vicinity of the regulated area shall stop the vessel immediately and shall proceed as directed.

(4) Vessels desiring to transit the regulated area may do so only with the prior approval and direction of the Patrol Commander.

(5) The Patrol Commander will terminate enforcement of this section at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective Dates.* This section becomes effective from 6 a.m. to 2:30 a.m. local time on October 11-14, 1995 and from 6 a.m. to midnight on October 15, 1995.

Dated: September 6, 1995.

Paul M. Blayney,

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

[FR Doc. 95-25460 Filed 10-12-95; 8:45 am]

BILLING CODE 4910-14-M

### **33 CFR Part 117**

[CGD07-94-087]

RIN 2115-AE47

#### **Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is changing the regulations governing the operation of the State Road 100 bridge, mile 810.6, at Flagler Beach by permitting the number of openings to be limited during certain periods. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** October 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536-4103.

#### **SUPPLEMENTARY INFORMATION:**

##### Drafting Information

The principal persons involved in drafting this document are Walt Paskowsky, Project Manager, and LTJG Julia Diaz, Project Counsel.

##### Regulatory History

On December 15, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations, Atlantic Intracoastal Waterway, FL in the Federal Register (59 FR 8428). The Coast Guard received no comments on the proposal. A public hearing was not requested and one was not held.

##### Background and Purpose

The bridge presently opens on signal. The City of Flagler Beach be opened only on the hour to ease vehicle congestion. The bridge owner, the Florida Department of Transportation, requested openings on the hour and half hour. A Coast Guard analysis of highway traffic completed on July 8, 1994 showed that the normally light highway traffic is affected by significant increases in bridge openings during the fall and spring vessel migrations. During these periods the drawbridge may open as many as 5 times per hour which does not allow the waiting traffic to disperse before the next opening. This action will reduce the number of back-to-back openings to reduce the impact to vehicular traffic. Holding conditions near the bridge are considered adequate for vessels to safely maneuver while awaiting the next bridge opening.

##### Discussion of Comments and Changes

No comments were received. The final rule is therefore unchanged from the proposed rule published on November 28, 1994. Since no comments were received, and the new bridge opening schedule applies to the fall vessel migration period, which began October 1, this rule will reduce the burden on the bridge owner if it is made effective for the remainder of this period. Therefore, under 5 U.S.C. 553(b), good cause exists to make this rule effective immediately upon publication.

##### 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