The requirements of the Unfunded Mandates Reform Act of 1995 (Public Law 104–5) do not apply to non-notice rules issued under 5 U.S.C. 553(b).

Regulatory Flexibility Analysis

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Public Law 96–354, 94 Stat. 1165, 5 U.S.C. 601 *et seq.* pertaining to regulatory flexibility analysis, do not apply to this rule. See 5 U.S.C. 601(2). In any event, this rule will not have a significant economic impact on a substantial number of small entities. The obligations and responsibilities established under the regulations to be removed from title 29 have either ceased or have been repealed.

Document Preparation. This document was prepared under the direction and control of Maria Echaveste, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects

29 CFR Part 517

Employment, Investigations, Labor, Law enforcement, Training.

29 CFR Part 526

Agriculture, Employment, Labor, Wages.

Promulgation of Final Rule

For the reasons set out in the preamble:

PART 517—[REMOVED]

1. Under the authority of 5 U.S.C. 301 and Reorganization Plan Number 6 of 1950 (64 Stat. 1263) and 5 U.S.C. 552–556, Title 29, Code of Federal Regulations, is hereby amended by removing part 517.

PART 526—[REMOVED]

2. Under the authority of 5 U.S.C. 301 and Reorganization Plan Number 6 of 1950 (64 Stat. 1263) and 5 U.S.C. 552–556, Title 29, Code of Federal Regulations, is hereby amended by removing part 526.

Signed at Washington, D.C., on this 20th day of October, 1995.

Maria Echaveste,

Administrator, Wage and Hour Division.

[FR Doc. 95–26533 Filed 10–25–95; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–95–023]

Drawbridge Operation Regulations; York River, Yorktown, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting as final the interim rule published in the Federal Register on June 14, 1995, changing the regulations governing the operation of the drawbridge across York River, mile 7.0, at Yorktown, Virginia, by extending the periods of restricted bridge openings during the morning and evening rush hours. This is intended to provide relief to highway traffic during the extended rush hours on the roads and highways linked by this drawbridge, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on November 27, 1995.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Drafting Information: The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Administration Section, and CAPT R. A. Knee, Project Counsel, Fifth Coast Guard District Legal Office.

Regulatory History

On June 14, 1995, the Coast Guard published an interim final rule with request for comments entitled York River, Yorktown, Virginia, in the Federal Register (60 FR 31246). The comment period ended September 12, 1995. The Coast Guard received no comments on the interim final rule. On July 7, 1995, the Coast Guard issued Public Notice 5–857 requesting comments on the interim final rule. The comment period ended September 12, 1995. The Coast Guard received no comments on the public notice. A public hearing was not requested and one was not held.

Background and Purpose

The Virginia Department of Transportation requested further regulation of the George P. Coleman Memorial Bridge across York River, mile 7.0, at Yorktown, Virginia, during the morning and evening rush hours. The Coast Guard is extending the periods of restricted bridge openings during the morning and evening rush hours by requiring the bridge to remain closed from 5 a.m. to 8 a.m. and from 3 p.m. to 7 p.m., Monday through Friday, except Federal holidays, year round. Vessels in distress, or in an emergency situation will be allowed passage through the bridge at any time as stated in Title 33 CFR 117.31(b).

The Virginia Department of Transportation's (VDOT) request was based in part on traffic problems associated with current construction of a new bridge at this location. VDOT also cited an increase in highway traffic crossing the bridge since the Park Service recently closed access to Route 17 at the Colonial Parkway and a change in the operating schedule of the Newport News Shipbuilding and Drydock which has resulted in motorists crossing the bridge earlier in the morning and later in the evening.

In developing this schedule, the Coast Guard considered all views, and believes this final rule will not unduly restrict vessel passage through the bridge, since vessel operators can plan transits around the operating schedule. The Coast Guard believes that it is in the public interest to further limit openings of the Coleman Bridge.

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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the U.S. Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this 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 this rule under the principals and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking 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)(e) of Commandant Instruction M16475.1B, (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Accordingly, the interim rule amending 33 CFR part 117 which was published at 60 FR 31246 on June 14, 1995, is adopted as a final rule without change.

Dated: October 11, 1995.

W.J. Ecker,

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

[FR Doc. 95–26524 Filed 10–25–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD 05–95–068]

RIN 2115–AA97

Safety Zone: Atlantic Intracoastal Waterway, MCB Camp Lejeune, NC

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard Captain of the Port, Wilmington, has established a safety zone in the Atlantic Intracoastal Waterway (AICW) along Marine Corps Base Camp Lejeune (MCB), North Carolina. The safety zone encompasses the waters of the Atlantic Intracoastal Waterway between lighted dayboards 64 and 65. The safety zone is needed to protect people, vessels, and property from safety hazards associated with the launching of inert line charges in support of amphibious assault training. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective from 8 a.m. on October 28, through 6 p.m. October 31, 1995 local time, unless sooner terminated by the Captain of the Port Wilmington.

FOR FURTHER INFORMATION CONTACT: Ltjg K.J. Delooff, USCG, Project Officer, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 272 North Front Street, Wilmington, North Carolina 28401–3907. Phone: (910) 343–4895, Extension 108.

SUPPLEMENARY INFORMATION:

Drafting Information

The drafters of this regulation are Ltjg K.J. Delooff, project officer for the Captain of the Port, October Wilmington, North Carolina, and Lt K.A. Duignan, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulation

The Coast Guard has been requested by MCB Camp Lejeune to establish a safety zone to prevent damage or injury which could result from a training exercise. The exercise involves a training assault on a simulated mined beach. The assault involves firing an inert line charge which clears the simulated minefield. The line charge is propelled by a 5 foot solid fuel rocket which trails the inert explosives. The rocket is typically prevented from flying its full flight by a cable attached to the firing point. If this cable breaks, the rocket motor and possibly the line charge could impact in the Atlantic Intracoastal Waterway. The safety zone will prevent vessels from transiting during the firing of the line charge and prevent possible property damage, injury, or death.

The safety zone will be effective from 8 a.m. on October 28, 1995 and will cease at 6 p.m. on October 31, 1995 unless terminated sooner by the Captain of the Port Wilmington. The actual times the waterway will be closed will be approximately 30–90 minute periods one to three times per day. When actual firing is not scheduled to take place, the waterway will be open for traffic. Mariners will be notified via VHF channel 16 when the waterway is about to be closed for firing. Vessels from either the U.S. Coast Guard or U.S. Navy will be patrolling each end of the safety zone to inform and control vessel traffic.

The safety zone can be described as follows:

The waters of the Atlantic Intracoastal Waterway from lighted dayboard number 64 at approximately 34° 33′ 59.7″ North, 077° 16′ 50.5″ West to lighted dayboard 65 at approximately 34° 33′ .03″ North, 077° 18′ 30″ West.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making this regulation effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying the effective date would be contrary to the public interest since immediate action is needed to protect mariners from potential hazards associated with potential flight of an inert rocket propelled line charge over navigable waters. The final schedule for this event and other related activities was not communicated to the Coast Guard in sufficient time to allow for a period for comments.

Assessment

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 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 information collection requirements under the 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 this proposal 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 conclude that, under paragraph 2.B.2.e(34) of Commandant Instruction M16475.1B (amended by 59 FR 38654),