

MAC

42068

DEPARTMENT OF TRANSPORTATION  
USCG-98-4306 - 6  
Coast Guard

DEPT. OF TRANSPORTATION  
DOCKET SECTION  
98 AUG 31 PM 2:40

33 CFR Part 165

[COTP Houston-Galveston 98-007]

RIN 2115-AA97

**Safety zone; Bayport Ship Channel, Bayport, TX**

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary **safety zone covering the Bayport Ship Channel between Bay-port light 9 and the Bayport Turning Basin, Harris County, Texas.** The zone is needed to protect **vessels and the public** from a hazard created **by a shoreside facility% tank, containing methyl acrylate that has started to polymerize.** Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

DATES: This regulation becomes effective at **7:15 a.m.** on **Jun 14, 1998** and terminates at **10:00 a.m.** on **Jun 16, 1998.**

FOR FURTHER INFORMATION CONTACT: LTJG Matt York, Chief Port Waterways Management Branch, Coast Guard Captain of the Port Houston-Galveston, 9640 Clinton Drive, Houston, Texas 77029 Phone (713)671-5100.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The purpose of this zone is to **protect vessels and the public from the dangers presented by a shoreside facility's tank product that has started to polymerize.**

~~6 1998 # 543 Lawe~~

~~Emergency Temporary Safety or Security Zone 1st Ed. 02/95~~

MAC  
7/7/08

Drafting Information

The drafters of this regulation are LTJG Matt York, Project Manager for the Captain of the Port, Houston-Galveston, and LTJG Michele Woodruff, Project Counsel, Eighth Coast Guard District Legal Office.

MMW  
7/7/98

SMALL ENTITIES: Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider **whether** this regulation 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). **Since the impact of** this regulation on non-participating small entities is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic **impact on a substantial number of small** entities. **This regulation will only be in effect for several hours and the impacts on small entities are expected to be minimal.**

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 it effective in less than 30 days after Federal Register publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent **a potential hazard to transiting vessels and the public.**

#### Regulator-v 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 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 proposal 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

WMC 7/7/98  
The Coast Guard considered the environmental impact of this rule and concluded that, under ~~paragraph 2.B.2~~ <sup>Section 2-1, Paragraph (34)(g)</sup> of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 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; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section 165.T is added to read as follows:

WMC 7/7/98  
§ 165.T <sup>06-03</sup> COTP Houston-Galveston 98-0071 Safety Zone:

Bayport Ship Channel, Bayport, TX.

(a) Location. The following area is a **safety zone**: **The Bayport Ship Channel between Bayport light 9 and Bayport Turning Basin, Harris County, Texas.**

(b) Effective dates. This section becomes effective at 7:15 a.m. on ~~June 14~~, 199'8 and terminates at 10:00 a.m. on ~~June 16~~, 1998.

~~Emergency Temporary Safety or Security Zone 1st Ed. 02/95~~

(c) Regulations. In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

DATED: 14 June 98

Wayne D. Gusman

WAYNE D. GUSMAN  
Captain, USCG  
Captain of the Port  
Houston-Galveston