

§ 165.1305 Commencement Bay, Tacoma, WA.

(a) *Location.* The following area is a safety zone: All portions of Commencement Bay bounded by the following coordinates: Latitude 47° 17' 34" Longitude 122° 28' 36" W; thence to Latitude 47° 17' 06" N, Longitude 122° 27' 40" W; thence to Latitude 47° 16' 42" N, Longitude 122° 28' 06" W; thence to Latitude 47° 17' 10" W, Longitude 122° 29' 02" W; thence returning to the origin. This safety zone resembles a rectangle lying adjacent to the shoreline along Ruston Way. Floating markers will be placed by the sponsor of the event to delineate the boundaries of the safety zone.

(b) *Effective dates.* These regulations become effective annually on July the fourth from 2 p.m. to 12:30 a.m. July the fifth unless otherwise specified by **Federal Register** notice.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

Dated: March 29, 1995.

R. K. Softye,

Captain, U.S. Coast Guard, Captain of the Port of Puget Sound.

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33 CFR PART 165

[CGD13-95-007]

RIN 2115-AA97

Safety Zone Regulations; Elliott Bay, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to adopt permanent safety zone regulations for the annual Fourth of July Ivar's Fireworks Display in Seattle, Washington. This event is held each year on the Fourth of July on the waters of Elliott Bay. In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during this event. However, because the event recurs annually, the Coast Guard is proposing to adopt a permanent description of the event and permanent regulations to better inform the boating public.

DATES: Comments must be received on or before June 9, 1995.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Group Seattle, 1519 Alaskan Way So., Seattle,

WA 98134. The comments and other materials referenced in this notice will be available for inspection and copying at the above address in Building One, Room 130, Operations Division. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

LT Susan Workman, Assistant Operations Officer, U.S. Coast Guard Group Seattle, (Telephone: (206) 217-6009).

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, and arguments. Persons submitting comments should include their names and addresses, identify this notice, specify the section of this notice to which each comment applies, and give the reason concurrence with, or any recommended changes in, the proposal. Two copies of each comment should be provided in an unbound format. All comments should be on paper no larger than 8½ by 11 inches and should be suitable for copying and electronic filing. Persons desiring acknowledgment of receipt of their comments should enclose stamped, self-addressed postcards or envelopes.

The proposed regulations may be changed in light of comments received. All comments received during the comment period will be considered before final action is taken on this proposal.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the above address. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentation will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are LT Susan Workman, Assistant Operations Officer, U.S. Coast Guard Group Seattle, and LCDR John Odell, project attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Proposed Regulation

The Coast Guard is proposing to adopt permanent safety zone regulations for the annual Fourth of July Ivar's Fireworks in Seattle, Washington. This event is held on the water of Elliott Bay

each year from 9:30 p.m. to 11 p.m. on July fourth. In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during the event. However, because the event recurs annually, the Coast Guard is proposing to adopt a permanent description of the event and permanent regulations in the code of Federal Regulations (CFR) to better inform the boating public. The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. The Ivar's Fourth of July Fireworks Display is being held as part of the celebration for the Fourth of July Independence Day in Seattle, Washington. This event is sponsored by Ivar's, Incorporated. The fireworks display is conducted from a barge located on the waters of Elliott Bay, Seattle, Washington. This one day event attracts a large number of spectators gathered on the waters near the fireworks display. Spectators who approach the fireworks barge at close range may be struck by falling debris from the overhead fireworks display. To promote the safety of both the spectators and participants and to keep spectators away from the fireworks barge during the fireworks display, the proposed regulations would establish a safety zone and prohibit entry into the area that surrounds the fireworks barge during the event. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal agencies.

Regulatory Evaluation

This proposal is not a significant 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 proposal to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The safety zone established by the proposed regulation would encompass less than a half of one square nautical mile on Elliott Bay adjacent to Myrtle Edwards Park. Entry into the safety zone would be restricted for less than three hours on the day of the event. These restrictions would have

little effect on maritime commerce in the area.

Small Entities

Under the Regulatory Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposal will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

Federalism

The Coast Guard has analyzed this action in accordance with 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 proposed regulation and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this proposed regulation is categorically excluded from further environmental documentation. Appropriate environmental analysis of the Ivar's Fourth of July Fireworks Display will be conducted in conjunction with the marine event permitting process each year. Any environmental documentation required under the National Environmental Policy Act will be completed prior to the issuance of a marine event permit for this event.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping

requirements, Security measures, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, 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 new section 165.1307 is added to read as follows:

§ 165.1307 Elliott Bay, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of Elliott Bay bounded by the following coordinates: Latitude 47°37'22" N, Longitude 122°22'06" W; thence to Latitude 47°37'06" N, Longitude 122°21'55" W; thence to Latitude 47°36'54" N, Longitude 122°22'05" W; thence to Latitude 47°36'09" N, Longitude 122°22'25" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone.

(b) *Effective dates.* These regulations become effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by **Federal Register** notice.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

Dated March 29, 1995.

R.K. Softye,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

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DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 211

Excessing of Lands within the Fort Berthold Reservation of the Three Affiliated Tribes at Lake Sakakawea and the Standing Rock Sioux Tribe Reservation at Lake Oahe

AGENCY: Army Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: The Corps of Engineers proposes to expand its policy regarding excess lands with Indian reservations. This action flows from Congressional intent expressed in Public Law 102-575, language in Public Law 103-211 encouraging the Corps to proceed with the Department of the Interior to identify excess lands and transfer them to the Tribes, the President's policies regarding Native Americans, and our desire to give to the Tribes as much interest in the project lands at Lakes Sakakawea and Oahe as possible under existing law. If approved, this policy will enable the Corps to retain sufficient real property interests in certain Corps administered lands to fulfill project purposes, yet declare certain other interests in the lands excess to project needs, thereby permitting eventual transfer to the Department of Interior to be held in trust for the Tribes.

DATES: Comments must be received on or before July 10, 1995; dates for public hearings will be announced to the public at a later date.

ADDRESSES: Comments should be mailed to U.S. Army Corps of Engineers District, Omaha, ATTN: CEMRO-OP-TN (Mike George), 215 North 17th Street, Omaha, NE 68102-4978. Addresses for public hearings will be announced to the public at a later date.

FOR FURTHER INFORMATION CONTACT: Mike George at (402) 221-3988.

SUPPLEMENTARY INFORMATION:

Background

As part of the Garrison Diversion Unit Commission, authorized by P.L. 98-360, the Joint Tribal Advisory Committee (JTAC) was formed for the purpose of assessing impacts to the Three Affiliated Tribes (TAT) of the Fort Berthold Reservation and the Standing Rock Sioux Tribe (SRST) resulting from the construction of the Garrison Dam/Lake Sakakawea Project and the Oahe Dam and Lake Project. In its recommendations, the JTAC stated that