

display lasts less than 30 minutes and is expected to involve less than 200 spectator craft.

#### List of Subjects in 33 CFR Part 165

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

#### Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 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 § 165.T01-072, is added to read as follows:

#### § 165.T01-072 Safety Zone; Larchmont Shore Club Centennial Fireworks, Long Island Sound, New York.

(a) *Location.* The safety zone includes the waters of Long Island Sound within a 330 yard radius of a fireworks barge anchored approximately 400 yards south of the Horseshoe Harbor entrance, Larchmont, New York, at or near 40°54'46" N latitude, 073°44'51" W longitude (NAD 1983).

(b) *Effective period.* This section is in effect from 8:45 p.m. until 10 p.m. on July 29, 1995, with a rain date of July 30, 1995, at the same times, unless extended or terminated sooner by the Captain of the Port New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 20, 1995.

#### T.H. Gilmour,

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 95-16149 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 165

[CGD01-95-031]

RIN 2115-AA97

#### Safety Zone: Macy's 1995 Fourth of July Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the annual Macy's Fourth of July Fireworks program in the East River, New York. The safety zone is in effect on Tuesday, July 4, 1995, from 7 p.m. until 11 p.m. With the exception of certain vessels, which may enter designated portions of the safety zone, the East River will be temporarily closed to vessel transits. This safety zone is needed to protect mariners from the hazards associated with fireworks exploding in the area, and from the dangers associated with vessels operating with limited maneuverability in confined waters.

**EFFECTIVE DATE:** This rule is effective on July 4, 1995, from 7 p.m. until 11 p.m., unless extended or terminated by the Captain of the Port New York.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant R. Trabocchi, Chief, Planning and Readiness Division, Coast Guard Group/Captain of the Port New York (212) 668-7934.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of this notice are LT R. Trabocchi, Project Manager, Coast Guard Group/Captain of the Port New York and LDCR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### Regulatory History

On May 11, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 25189). Interested persons were requested to submit comments on or before June 12, 1995. Seven letters commenting on the proposed rulemaking were received. A public hearing was not requested and one was not held.

Due to the NPRM comment period deemed necessary to give adequate public notice, there was insufficient time to publish this final rule 30 days prior to the event. Good cause exists for making this rule effective less than 30 days after publication. This is a nationally televised event in celebration of Independence Day. Any delay in making this rule effective would cause cancellation of this major event.

Adequate measures are being taken to ensure mariners are made aware of this regulation. This rule will be locally published in the First Guard District's Local Notice to Mariners, electronically transmitted to major port interests, and announced via Safety Marine Information Broadcasts.

#### Background and Purpose

Macy's notified the Coast Guard that it intends to sponsor its annual Independence Day fireworks program on July 4, 1995. Macy's and The City of New York selected the East River as the location for this program. This regulation establishes a safety zone that will temporarily close the East River to vessel transits from 7 p.m. until 11 p.m. on July 4, 1995. This safety zone includes all waters of the East River, shore to shore, east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York (40°42'16" N latitude 074°01'07" W longitude (NAD 1983)) to the Governors Island Light at the northwest point of Governors Island, New York (40°41'35" N latitude 074°01'11" W longitude (NAD 1983)); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, to the northwest corner of Pier 6, Brooklyn, New York; south of a line drawn from Lawrence Point to Stony Point, and south of the Harlem River Footbridge. This safety zone also includes all waters of Newtown Creek, Brooklyn, New York, west of 073°57'37" W longitude (NAD 1983); and, within the boundaries of the safety zone, all waters inward of the pierheads and bulkheads south of Roosevelt Island. There will be seven (7) fireworks barge configurations between the southern tip of Roosevelt Island and the southern boundaries of this safety zone. No vessel may enter the safety zone without permission of the Captain of the Port New York. Certain designated vessels may enter this safety zone. These designated vessels are defined as follows: (1) Vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may enter the safety zone and remain north of the southern tip of Roosevelt Island to view the fireworks. Such vessels may enter the safety zone and proceed to a position north of the southern tip of Roosevelt Island through the safety zone's northern boundaries at all times. Such vessels desiring to enter the safety zone through the safety zone's southern boundaries must be in a position north of the southern tip of Roosevelt Island prior to 7 p.m.; after 7 p.m. these vessels will only be permitted to enter the safety zone through the safety zone's

northern boundaries. (2) Vessels greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may enter the safety zone and take position at least 200 yards off the west bank of the East River between the Williamsburg Bridge and the chartered position of Buoy 18 (LLNR 27335). These vessels may enter the safety zone and proceed to this area between 7 p.m. and 8 p.m. only through the safety zone's southern boundaries and must remain in position until released by the Captain of the Port New York. (3) The Staten Island and Coast Guard ferries may continue services to their ferry slips at the Battery, Manhattan, New York, but will not be permitted to transit east of the Coast Guard ferry slip, also known as Slip 6, at the Battery, Manhattan, New York. On scene patrol personnel will monitor the number of designated vessels entering into the viewing areas of the zone. If it becomes apparent that the addition of designated vessels in either viewing area will create a safety hazard, the Patrol Commander may prevent additional vessels from entering into that viewing area.

Vessels not meeting this criteria have a significant potential to create a hazardous condition in this area of the East River, due in great part, to the extremely strong currents. Restricting vessels in the safety zone as described above will minimize the threat posed by vessels with limited maneuverability. Continuing ferry services in the southwestern portion of the safety zone will not create a hazard nor be threatened by the fireworks display because Vessel Traffic Service New York will monitor and control the transits of these ferries. Failure to allow these continued ferry services will have a negative impact on residents of Governors Island, New York, and those persons traveling to and from Manhattan at the end of the business holiday.

This safety zone covers the minimum area needed to ensure the protection of all vessels and fireworks handlers aboard the barges.

#### Discussion of Comments and Changes

Two comments opposed the provisions of the rule permitting vessels to enter designated areas of the East River in order to view the fireworks on the grounds that the congestion of vessels and changing tide would create an unsafe condition. The Coast Guard has carefully considered these comments in view of the tide and currents, expected number of spectator craft, and previous experience enforcing safety zones in the East River. The Coast

Guard believes that this regulation as written, and as enforced by Coast Guard patrol craft, sufficiently provides for the safety of the event.

Three comments objected to the safety zone going into effect at 6 p.m., vice 8 p.m. as had been done last year, on the basis of financial hardship in having no cancel daytime commitments to allow evening charters and the burden of having passengers on board for an extended period of time. The Coast Guard considered these comments and has modified the final rule to specify, and make clear, the times and locations that designated vessels may enter into the safety zone in order to take position in the established viewing areas. The entry point for vessels over 20 meters is clarified. Vessels over 20 meters will be permitted to enter the safety zone and proceed to their preidentified viewing area only through the safety zone's southern boundaries. This is to avoid the unsafe and potentially hazardous situation that could arise should vessels over 20 meters attempt to transit through the viewing area preidentified for vessels less than 20 meters. Numerous vessels less than 20 meters are expected to take position in their preidentified viewing area located in the channels of the East River on either side of Roosevelt Island. The start time of the safety zone was also changed from 6 p.m. to 7 p.m. The Coast Guard is unable to make the zone effective at 8 p.m. due to the additional time required to accommodate movement and set up within the safety zone of the seven barge configurations participating in the event this year as opposed to the four barge configurations that participated last year. For the same reason, the Coast Guard is unable to project termination of the zone prior to 11 p.m. The numerous fireworks barges will need adequate time to secure equipment and fireworks on deck, and move from the center of the River to safe areas along the bank of the River before vessels can be permitted to transit again.

Two letters were received which did not comment on the NPRM itself, but requested permission from the Captain of the Port New York to enter and transit within the safety zone differently than that provided for in the NPRM. The Coast Guard will respond separately to these requests for entry.

#### Regulatory Evaluation

This proposal 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the extensive, advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the fact that the event is taking place at a late hour on a federal holiday, and that vessel traffic is expected to be somewhat reduced due to this Federal holiday falling on a weekday not immediately proceeding or following a weekend. In addition, the Coast Guard has established two viewing areas to accommodate vessels desiring to take position within the safety zone to view the fireworks display. The 7 p.m. start time of the safety zone allows sufficient time for those desiring to engage in daytime fishing trips prior to arriving for the fireworks display to do so and, for those dinner cruise operators desiring to carry persons to view the fireworks display as part of that night's cruise, to board their guests at a reasonable hour. The Staten Island and Governors Island ferries will be permitted to continue its ferry services but may operate no further east than Coast Guard ferry slip 6, at the Battery, Manhattan, New York. Accordingly, the Coast Guard expects the impact of this regulation to be minimal.

#### Small Entities

Under the Regulatory Flexibility 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" 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).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

### 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 raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program will be conducted in conjunction with the marine event permitting process.

### List of Subjects in 33 CFR Part 165

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

### Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 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.T01–031 is added to read as follows:

**165.T01–031 Safety Zone; Macy's 1995 Fourth of July Fireworks, East River, New York.**

(a) *Location.* This safety zone includes all waters of the East River, shore to shore, east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York (40°42'16"N latitude 074°01'07"W longitude (NAD 1983)) to the Governors Island Light at the northwest point of Governors Island, New York (40°41'35"N latitude 074°01'11"W longitude (NAD 1983)); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, to the

northwest corner of Pier 6, Brooklyn, New York; south of a line drawn from Lawrence Point to Stony Point, and south of the Harlem River Footbridge. This safety zone also includes all waters of Newtown Creek, Brooklyn, New York, west of 073°57'35"W longitude (NAD 1983); and, within the boundaries of the safety zone, all waters inward of the pierheads and bulkheads south of Roosevelt Island.

(b) *Effective period.* This section is effective from 7 p.m. until 11 p.m. on July 4, 1995, unless extended or terminated sooner by the Captain of the Port New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR section 165.23 apply to this safety zone.

(2) No vessels will be allowed to enter the safety zone without permission of the Captain of the Port New York.

(3) The following vessels may enter the safety zone:

(i) Vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may enter the safety zone and remain north of the southern tip of Roosevelt Island. Such vessels may enter the safety zone and proceed to a position north of the southern tip of Roosevelt Island through the safety zone's northern boundaries at all time. Such vessels desiring to enter the safety zone through the safety zone's southern boundaries must be in a position north of the southern tip of Roosevelt Island prior to 7 p.m.; after 7 p.m. these vessels will only be permitted to enter the safety zone through the safety zone's northern boundaries.

(ii) Vessels greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may enter the safety zone and take position at least 200 yards off the west bank of the East River between the Williamsburg Bridge and the charted position of Buoy 18 (LLNR 27335). These vessels may enter the safety zone and proceed to this area between 7 p.m. and 8 p.m. only through the safety zone's southern boundaries and must remain in position until released by the Captain of the Port New York.

(iii) The Staten Island and Coast Guard ferries may continue services to their ferry slips at the Battery, Manhattan, New York, but will not be permitted to transit east of the Coast Guard ferry slip, also known as Slip 6, at the Battery, Manhattan, New York.

(4) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel

include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 21, 1995.

**T.H. Gilmour,**

*Captain, U.S. Coast Guard, Captain of the Port of New York.*

[FR Doc. 95–16148 Filed 6–29–95; 8:45 am]

BILLING CODE 4910–14–M

### 33 CFR Part 165

[CGD13–95–029]

RIN 2115–AA97

#### Safety Zone Regulations; Port Townsend Bay Fourth of July Jefferson Day Fireworks Display, Port Townsend, WA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the Fourth of July Jefferson Day Fireworks Display in Port Townsend, Washington. This event will be held on Tuesday, July 4, 1995, from 10 p.m. (PDT) to 12 midnight (PDT) on the waters of Port Townsend Bay, Washington. This safety zone is needed to protect persons, facilities and vessels from safety hazards associated with the fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation becomes effective July 4, 1995, from 10 p.m. (PDT) to 12 midnight (PDT), unless sooner terminated by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** LT K.M. Paquette, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134, (206) 217–6232.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and good cause exists for making it effective less than 30 days after *Federal Regulation* publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to ensure the safety of structures and vessels operating in the area of the fireworks display. If normal notice procedures were followed, this rule would not become effective until after the date of the event. For this reason, following