

(2) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels or persons signalled shall stop and comply with the orders of the patrol vessels; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) *Effective Dates:* This section becomes effective on July 4, 1995, at 9 p.m. (PDT) and terminate on July 4, 1995, at 11 p.m. (PDT), unless sooner terminated by the Captain of the Port.

Dated: June 16, 1995.

C.E. Bills,

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

[FR Doc. 95-16145 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-95-072]

RIN 2115-AA97

Safety Zone: Larchmont Shore Club Centennial Fireworks, Long Island Sound, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Larchmont Shore Club Centennial fireworks program located on Long Island Sound, New York. The safety zone is in effect from 8:45 p.m. until 10 p.m. on Saturday, July 29, 1995, with a rain date of Sunday, July 30, 1995, at the same times. The safety zone temporarily closes all 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.

EFFECTIVE DATE: This rule is effective 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.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York, (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would effectively cancel this event. Cancellation of this event is contrary to the public interest.

Background and Purpose

Bay Fireworks, Inc. submitted an Application for Approval of Marine Event to hold a fireworks program in the waters of Long Island Sound. The fireworks program is being sponsored by the Larchmont Shore Club. This regulation establishes a temporary safety zone in all 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). The safety zone 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. The safety zone prevents vessels from transiting this portion of Long Island Sound along its northern bank and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The safety zone closes a portion of Long Island Sound to vessel traffic 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. Although this regulation prevents

traffic from transiting the area, the effect of this regulation is not significant for several reasons: the duration of the event is limited; the event is at a late hour; vessel traffic can transit safely to the south, east and west of the zone; and the extensive, advance advisories which will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

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 or 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 the reasons set forth in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation 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.

Collection of Information

This regulation 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 regulation 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. Under the National Environmental Policy Act, the Approval of the Permit for Marine Event for this event is a federal action which is categorically excluded in accordance with section 2.B.2.e(35)(h) of Commandant Instruction M16475.1B, as amended, July 29, 1994. This fireworks

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