

### 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 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of Long Island Sound to vessel traffic on November 18, 1995, from 9 p.m. until 9:30 p.m., unless extended or terminated sooner by the Captain of the Port Long Island Sound. Although this regulation prevents traffic from transiting a portion of Long Island Sound, the effect of this regulation will not be significant for several reasons: the safety zone will not impact a navigable channel; the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass seaward of this safety zone; and extensive, advance advisories will be made.

### 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 the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this final 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 action in accordance with the principles and criteria contained in Executive

Order 12612, and has determined that these regulations do 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 an 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.

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; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01-162, is added to read as follows:

#### § 165.T01-162 Yale Party Fireworks, Bayville, NY.

(a) *Location.* The safety zone includes all waters of Long Island Sound within a 1,200-foot radius of the barge designated as the fireworks launching platform, located offshore Ferry Beach, Bayville, NY, in approximate position 40°54'55" N, 073°32'58" W. (NAD 1983)

(b) *Effective date.* This section is effective on November 18, 1995, from 9 p.m. until 9:30 p.m., unless extended or terminated sooner by the Captain of the Port Long Island Sound. There is no rain date scheduled for this event.

(c) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

Dated: November 11, 1995.

T.W. Allen,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

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### 33 CFR Part 165

[CGD01-95-010]

RIN 2115-AA97

#### Safety Zone: Annual South Street Seaport New Year's Eve Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent safety zone for the annual South Street Seaport New Year's Eve fireworks program located on the East River, New York. The safety zone is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. The safety zone temporarily closes all waters of the East River, shore to shore, south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York.

**EFFECTIVE DATE:** This rule is effective on December 15, 1995.

**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 CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### Regulatory History

On April 3, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (60 FR 16820). Interested persons were requested to submit comments on or before June 2, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

##### Background and Purpose

For the last several years, South Street Seaport, Inc. has submitted an Application for Approval of Marine Event for a New Year's Eve fireworks program on the East River. This regulation establishes a permanent safety zone on all waters of the East River, shore to shore, south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York. The safety zone is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on

January 1, unless extended or terminated sooner by the Captain of the Port New York. The safety zone prevents all vessels from transiting this area of the East River and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation provides notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. The effective period of the safety zone will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

#### 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 the East River to vessel traffic annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting this area of the East River, 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; pleasure craft and some commercial vessels can take an alternate route via the Hudson and Harlem Rivers; the event has been held annually for the past several years without incident or complaint; 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 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 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, it 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 under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

#### 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. Section 165.174, is added to read as follows: *§ 165.174 Safety Zone; Annual South Street Seaport New Year's Eve Fireworks Display, East River, New York.*

(a) *Location.* All waters of the East River south of the Brooklyn Bridge and

north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York.

(b) *Effective period.* This section is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(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: November 2, 1995.

J. Rutkovsky,

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

[FR Doc. 95-28105 Filed 11-14-95; 8:45 am]

BILLING CODE 4910-14-M

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#### POSTAL SERVICE

**39 CFR Parts 224, 261, 262, 263, 264, 265, 266, 267 and 268**

#### Release of Information and Records Management

**AGENCY:** Postal Service.

**ACTION:** Final rule.

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**SUMMARY:** This rule revises organizational names and titles contained in Postal Service regulations relating to the policies for the release of information and records management. These names and titles changed as a result of agency restructuring. The revisions reflect to whom the public should address issues relating to the release of information and records management. This action will bring organizational mentions in agency regulations up to date with the current structure of the Postal Service.

**EFFECTIVE DATE:** December 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Betty Sheriff, Records, (202) 268-2608.

**SUPPLEMENTARY INFORMATION:** As a result of an agency restructuring, Postal Service regulations governing the release of information and records management contain outdated organizational names and titles. This