

terms by reference (*i.e.* without stating their full text) into the waybill or other document embodying the contract of carriage for the scheduled transportation of cargo in foreign air transportation, *provided that*:

(1) The notice, inspection, explanation and other requirements set forth in 14 CFR 221.177(a)(1), (a)(2), (a)(4), (b), (c) and (d) are complied with, to the extent applicable, except that the notice required under 14 CFR 221.177(b)(1) shall refer to the title or general nature of the publication(s) or document(s) containing the full text of the referenced terms rather than to "terms and conditions filed in public tariffs with U.S. authorities";

(b) In addition to other remedies at law, a carrier may not claim the benefit as against a shipper or consignee of, and a shipper or consignee shall not be bound by, any contract term which is incorporated by reference under this part unless the requirements of paragraph (a)(1) of this section are complied with, to the extent applicable; and

(c) The purpose of this section is to set uniform disclosure requirements, which preempt any State requirements on the same subject, for terms incorporated by reference into contracts of carriage for the scheduled transportation of cargo in foreign air transportation.

§ 292.22 Effectiveness of tariffs on file.

(a) Cargo rate tariffs on file with the Department, including related classification and/or applicability rules, cease to be effective as tariffs under 49 U.S.C. 41504 and 41510, as well as under the provisions of 14 CFR Part 221, and they are canceled by operation of law.

(b) As of March 1, 1996, all remaining cargo tariffs on file with the Department cease to be effective as tariffs under 49 USC 41504 and the provisions of 14 CFR part 221, and are cancelled by operation of law. Any such tariffs may be cancelled voluntarily prior to that date. With respect to terms expressly agreed in the contract of carriage, carriers, agents and other persons are relieved from the requirement of adherence to filed tariffs in 49 USC 41510 and the related provisions of 14 CFR part 221 as of November 30, 1995.

(c) Applications for filing and/or effectiveness of any cargo tariffs pending on November 30, 1995 are dismissed by operation of law. No new filings or applications will be permitted except as provided under § 292.11.

Issued in Washington, D.C. on November 13, 1995.

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

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Coast Guard

33 CFR Part 165

[CGD13-95-008]

RIN 2115-AA97

Safety Zone Regulations; Bellingham Bay, Bellingham, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual Fourth of July Blast Over Bellingham Fireworks Display in Bellingham, Washington. This event is held each year on the Fourth of July on the waters of Bellingham 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 the event. However, because the event recurs annually, the Coast Guard is adopting a permanent rule to better inform the boating public.

EFFECTIVE DATE: January 2, 1996.

ADDRESSES: Documents referred to in this preamble are available for inspection or copying at U.S. Coast Guard Group Seattle, 1519 Alaskan Way South, Building One, Room 130, Seattle, WA 98134. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Drafting Information: The principal persons involved in drafting this document are LT Susan Workman, Project Manager, U.S. Coast Guard Group Seattle, and LCDR John Odell, Project Counsel, Thirteenth Coast Guard District Legal Office.

Regulatory History

On April 10, 1995, the Coast Guard published a Notice of Proposed Rulemaking (entitled Safety Zone Regulations, Bellingham Bay, Bellingham, WA) in the Federal Register (60 FR 18063). The Coast Guard received no letters commenting on the proposal. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard is adopting permanent safety zone regulations for the annual Fourth of July Blast Over Bellingham in Bellingham, Washington. This event is held on the waters of Bellingham Bay each year from 9:30 p.m. to 11 p.m. on July fourth and is sponsored by the Whatcom County Chamber of Commerce. The Coast Guard (by adopting a permanent safety zone through this action) intends to promote the safety of spectators and participants during this event. The fireworks display is conducted from a barge located on the waters of Bellingham Bay, Bellingham, Washington. To promote the safety of both the spectators and participants and to keep spectators away from the fireworks barge during the fireworks display, this rule establishes a safety zone around the fireworks barge and prohibits 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 rule 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 regulation 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 this regulation would encompass less than a half of one square nautical mile on Bellingham Bay adjacent to Squalicum Harbor. Entry into the safety zone will be restricted for less than three hours on the day of the event. These restrictions will have little effect on maritime commerce in the area.

Small Entities

The impact on small entities is expected to be minimal. Therefore, 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 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 this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation. Appropriate environmental analysis of the Blast Over Bellingham 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 the event.

List of Subjects in 33 CFR Part 165

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

Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR 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 new section 165.1304 is added to read as follows:

§ 165.1304 Bellingham Bay, Bellingham, WA

(a) *Location.* The following area is a safety zone: All portions of Bellingham Bay bounded by the following coordinates: Latitude 48°44'09" N, Longitude 122°30'07" W; thence to Latitude 48°44'09" N, Longitude 122°29'57" W; thence to Latitude 48°44'02" N, Longitude 122°29'57" W; thence to Latitude 48°44'02" N, Longitude 122°30'07" W; thence returning to the origin. This safety zone resembles a square centered around the

barge from which the fireworks demonstration will be launched. Floating markers will be placed by the sponsor of the fireworks demonstration to delineate the boundaries of the safety zone. [Datum: NAD 1983].

(b) *Effective dates.* This section is 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: November 13, 1995.

R.K. Softye,

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

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33 CFR Part 165

[CGD13-95-009]

RIN 2115-AA97

Safety Zone Regulations; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual Fourth of July Freedom Fair Airshow and Fireworks Display in Tacoma, Washington. This event is held each year on the Fourth of July on the waters of Commencement 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 adopting a permanent rule to better inform the boating public.

EFFECTIVE DATE: January 2, 1996.

ADDRESSES: Documents referred to in this preamble are available for inspection or copying at U.S. Coast Guard Group Seattle, 1519 Alaskan Way So., Building One, Room 130, Seattle, WA 98134. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Ben White, Assistant Operations Officer, U.S. Coast Guard Group Seattle, (Telephone: (206) 217-6009).

SUPPLEMENTARY INFORMATION:

Drafting Information: The principal persons involved in drafting this document are LT Susan Workman, Project Manager, U.S. Coast Guard Group Seattle, and LCDR John Odell, Project Counsel, Thirteenth Coast Guard District Legal Office.

Regulatory History

On April 10, 1995, the Coast Guard published a Notice of Proposed Rulemaking (entitled Safety Zone Regulations, Commencement Bay, Tacoma, WA) in the Federal Register (60 FR 18066). The Coast Guard received no letters commenting on the proposal. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard is adopting permanent safety zone regulations for the annual Fourth of July Freedom Fair Airshow and Fireworks Display in Tacoma, Washington. This event is held on the waters of Commencement Bay each year from 2 p.m. on July fourth to 12:30 a.m. on July fifth and is sponsored by the Tacoma Fourth of July Commission. The Coast Guard, (by adopting a permanent safety zone through this action), intends to promote the safety of spectators and participants in this event. The airshow is conducted over the waters of Commencement Bay just off shore from Ruston Way and the Old Town area. The Federal Aviation Administration (FAA) requires that the waters below the airshow aerobatics be closed to all spectators. This required closed area measures 1000 yards by 1800 yards on the waters of Commencement Bay, Tacoma, Washington, along the shoreline of Ruston Way. The fireworks display is conducted from a barge located inside the airshow closure area. The fireworks display will take place late in the evening after the airshow is complete. To promote the safety of both the spectators and participants, and to keep spectators away from both the airshow aerobatics area and the fireworks barge during the events, this rule establishes a safety zone and prohibits entry into the area surrounding the events. 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 rule 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