

Background and Purpose

On April 16, 1996, Fireworks by Grucci, Inc., submitted an Application for Approval of Marine Event to hold a fireworks program on the waters of Upper New York Bay in Federal Anchorage 20C. The fireworks program is being sponsored by the National Ethnic Coalition of Organizations. This regulation establishes a temporary safety zone in all waters of Upper New York Bay within a 300 yard radius of the fireworks barge anchored approximately 300 yards east Liberty Island, New York, at approximately 40°41'18" N latitude, 074°02'25" W longitude (NAD 1983). The safety zone is in effect from 10:15 p.m. until 11:30 p.m. on May 19, 1996, unless extended or terminated sooner by the Captain of the Port, New York. The safety zone prevents vessels from transiting this portion of the Upper New York Bay, adjacent to the eastern shoreline of Liberty Island, and is needed to protect mariners from the hazards associated with fireworks exploding from a barge 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. This regulation closes a portion of Upper New York Bay off of Liberty Island, New York, in Federal Anchorage 20C, to vessel traffic from 10:15 p.m. until 11:30 p.m. on May 19, 1996, unless extended or terminated sooner by the Captain of the Port, New York. Federal Anchorage 20C is mainly used by commercial sightseeing vessels and recreational vessels. Although the regulation prevents traffic from transiting this area, the effect of the regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; the zone is located within a Federal Anchorage and does not impact a navigable channel; vessel traffic may safely pass to the east of this area; 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" may include (1) small businesses and not-for-profit organizations that are not independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation, 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 *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 regulation does not have 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. (34)(g) of Commandant Instruction M16475.1B (as revised by 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.

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.T01–028, is added to read as follows:

§ 165.T01–028 Safety Zone: National Ethnic Coalition of Organizations Fireworks, Upper New York Bay, New York and New Jersey.

(a) *Location.* The waters of Upper New York Bay within a 300 yard radius of the fireworks barge anchored approximately 300 yards east of Liberty Island, New York, in Federal Anchorage 20C, at approximately 40°41'18" N latitude, 074°02'25" W longitude (NAD 1983).

(b) *Effective period.* This section is effective from 10:15 p.m. until 11:30 p.m. on May 19, 1996, 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: May 6, 1996.

T. H. Gilmour,
Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 96–12258 Filed 5–15–96; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD01–96–013]

RIN 2115–AA97

Safety Zone: Fleet Week 1996 Parade of Ships, Port of New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone on May 22, 1996, for the Fleet Week 1996 Parade of Ships. This moving safety zone includes all waters 500 yards fore and aft, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey.

EFFECTIVE DATE: This rule is effective from 9:45 a.m. to 4:30 p.m. on Wednesday, May 22, 1996, unless extended or terminated sooner by the Coast Guard Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander R. Trabocchi, Chief, Coordination and Analysis Branch, Waterways Management Division, Coast Guard Activities, New York, (212) 668-7906.

SUPPLEMENTARY INFORMATION:

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, and for making this regulation effective less than 30 days after Federal Register publication. Due to the date that specific, detailed information on the arrival and departure plans of the naval vessels visiting New York City was made available to the Coast Guard, there was insufficient time to draft and publish an NPRM. Immediate action is needed to protect the maritime public from the hazards associated with large naval vessels transiting the Port of New York and New Jersey in close proximity.

Background and Purpose

The Intrepid Museum Foundation is sponsoring a parade of U.S. Coast Guard, U.S. Navy, and foreign naval ships through the Port of New York and New Jersey on May 22, 1996. This regulation establishes a moving safety zone to include all waters 500 yards forward of the lead parade vessel, 500 yards aft of the last parade vessel, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey between the Verrazano Narrows Bridge and the waters of the Hudson River west of Riverbank State Bank, between West 137th and West 144th Streets, Manhattan, New York. As the vessels turn in the waters west of Riverbank State Park and proceed southbound in the Hudson River, the moving safety zone will expand to include all waters within a 200 yard radius of each vessel from its turning point until it is safely berthed at various locations within the Port of New York and New Jersey. The safety zone will also expand briefly to include the waters of the Hudson River between Piers 84 and 88, Manhattan, New York, from the parade vessel column east to the Manhattan shoreline as the column passes in front of Piers 84 through 88. The purposes of this expansion is to allow the public an unobstructed view of the parade from the pierside reviewing stand. This regulation is effective from 9:45 a.m. to 4:30 p.m. on May 22, 1996, unless extended or terminated sooner by the Coast Guard Captain of the Port, New York. No vessel will be permitted to

enter or move within this safety zone unless authorized by the Captain of the Port, New York.

This regulation is needed to protect the maritime public from possible hazards to navigation associated with a parade of naval vessels transiting the waters of New York harbor in close proximity. These vessels have limited maneuverability and require a clear traffic lane to safely navigate.

Regulatory Evaluation

This rule 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 not been reviewed 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) for the regulatory policies and procedures of DOT is unnecessary. This moving safety zone prevents vessels from transiting portions of Upper New York Bay and the Hudson River in the Port of New York and New Jersey on Wednesday, May 22, 1996. Although there is a regular flow or traffic through this area, there is not likely to be a significant impact on recreational or commercial vessel traffic for several reasons: Due to the moving nature of the safety zone, no single location will be affected for a prolonged period of time; commercial and recreational vessels could transit on either side of the moving safety zone except along the Manhattan side between Piers 84 and 88 as the parade passes in front of these Piers; and alternate routes are available for commercial and recreational vessels that can safely navigate the Harlem and East Rivers, Kill Van Kull, Arthur Kill, and Buttermilk Channel. Similar safety zones have been established for several past Fleet Week parades of ships and minimal or no disruption to vessel traffic or other interests in the port. In addition, extensive, advance notifications will be made to the maritime community so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of this rule. "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.

For reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have significant 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 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under 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 the rule and concluded that, under 2.B.2.e.(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

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.T01-013, is added to read as follows:

§ 165.T01-013 Safety Zone: Fleet Week 1996 Parade of Ships, Port of New York and New Jersey.

(a) Location.

(1) This moving safety zone includes all waters within 500 yards forward of the lead parade vessel, 500 yards aft of the last parade vessel, and 200 yards on each side of the designated column of parade vessels as it transits between the Verrazano Narrows Bridge and the

waters of the Hudson River west of Riverbank State Park, between West 137th and West 144th Streets, Manhattan, New York.

(2) The moving safety zone includes all waters within a 200 yard radius of each parade vessel from its turning point near Riverbank State Park until the vessel is safely berthed at various locations in the Port of New York and New Jersey.

(3) The safety zone includes all waters of the Hudson River Piers 84 and 88, Manhattan, New York, from the parade vessel column east to the Manhattan shoreline as the column passes in front of Piers 84 through 88.

(b) *Effective period.* This section is effective from 9:45 a.m. to 4:30 p.m. on May 22, 1996, 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 to this safety zone.

(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: May 6, 1996.

T.H. Gilmour,

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

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33 CFR Part 165

[CGD01-96-020]

RIN 2115-AA97

Safety Zone: Greenwood Lake Powerboat Race, Greenwood Lake, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a powerboat race located on Greenwood Lake, New Jersey. This safety zone is in effect from 10 a.m. until 7 p.m. on Saturday, May 18, and Sunday, May 19, 1996. The safety zone temporarily closes a southern portion of Greenwood Lake to protect racing participants and spectator craft from the hazards associated with high speed powerboat racing.

EFFECTIVE DATE: This rule is effective from 10 a.m. until 7 p.m. on May 18, and May 19, 1996 unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander R. Trabocchi, Chief, Coordination and Analysis Branch, Waterways Management Division, Coast Guard Activities New York (212) 668-7906.

SUPPLEMENTARY INFORMATION:

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 and for making this regulation effective less than 30 days after Federal Register publication. Due to the date the application for the event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close this waterway and protect the maritime public from the hazards associated with high speed power boats racing in confined waters.

Background and Purpose

The Greenwood Lake Powerboat Association and the West Milford Chamber of Commerce submitted an Application For Approval of Marine Event to hold a powerboat race on the waters of Greenwood Lake. This safety zone encompasses a southern portion of Greenwood Lake, New Jersey, shore to shore, south of latitude 41°09' N, and north of latitude 41°08' N (NAD 1983). The safety zone is rectangular in shape with the northern and southern boundaries marked by four temporary buoys. The safety zone is in effect from 10 a.m. until 7 p.m. on May 18, and May 19, 1996, unless extended or terminated sooner by the Captain of the Port, New York. This safety zone precludes all vessels not participating in the event from transiting this portion of Greenwood Lake and is needed to protect mariners from the hazards associated with high speed powerboats racing in confined waters. Participating vessels include race participants and race committee craft. All other vessels, swimmers, and personal watercraft of any nature are precluded from entering or moving within the safety zone.

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. This safety zone closes a one mile segment in the southern portion of Greenwood Lake to all vessel traffic from 10 a.m. until 7 p.m. on May 18, and May 19, 1996, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: the limited duration of the race, the event is taking place on an inland lake which has no commercial traffic, this is annual event with local support, and the notifications that will be made to the maritime community via local notices to mariners.

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" 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) government jurisdictions with populations less than 50,000.

For the reasons given in the Regulatory Evaluation, 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 *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 regulation does not have 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