

**DEPARTMENT OF TRANSPORTATION****33 CFR Part 100**

[CGD07-02-049]

**RIN 2115-AE46****Special Local Regulations; Savannah Waterfront Association July 4th Fireworks Display, Savannah River, Savannah, GA****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established on the Savannah River for the Savannah Waterfront Association July 4th Celebration Fireworks Display, Savannah, GA. This rule creates a regulated area on the waters of the Savannah River around the fireworks launch point located ashore but close to the river's edge. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 9 p.m. until 11 p.m. on July 4, 2002.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of docket [CGD07-02-049] and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St., Charleston, SC 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Martinez, Coast Guard Group Charleston at (843)724-7632.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public from aerial fireworks and because there will be numerous spectator craft in the area.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Background and Purpose**

This rule is required to provide for the safety of life on navigable waters

because of the inherent danger associated with the aerial fireworks for the Savannah Waterfront Association July 4th Fireworks Display, Savannah, GA. The event sponsor expects approximately 120 spectator craft to observe the show. The fireworks launch point will be located ashore, approximately 35 yards from the river's edge, in approximate position 32°04.991' N, 081°05.309' W. This rule creates a regulated area only on the waters of the Savannah River within 175 yards of the launch point, which is located ashore. This rule creates no restrictions on land. It prohibits non-participant persons and vessels from entering the regulated area during the event without the permission of the Coast Guard Patrol Commander.

**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. The Office of Management and Budget has not reviewed it 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) because the rule minimally impacts navigation: The regulated area will be enforced for two hours, vessels will still be able to transit the waterway around the regulated area (the regulated area extends approximately 140 yards into the channel for a small portion of the river adjacent to the launch site, which leaves approximately 25 yards around the zone in which to navigate), and vessels may be allowed to enter the regulated area with the permission of the Coast Guard Patrol Commander.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in a portion of the Savannah River from 9 p.m. to 11 p.m., July 4, 2002. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because it

minimally impacts navigation: the regulated area will be enforced for two hours, vessels will still be able to transit the waterway around the regulated area (the regulated area extends approximately 140 yards into the channel for a small portion of the river adjacent to the launch site, which leaves approximately 25 yards around the zone in which to navigate), and vessels may be allowed to enter the regulated area with the permission of the Coast Guard Patrol Commander.

**Assistance for Small Entities**

Under section 213 (a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offer to assist small entities in understanding this rule so that they may better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a

State, local, or tribal government in the aggregate, or by the private sector, of \$100,000,000 or more in any one year. Although this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or safety that may disproportionately affect children.

### Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1D, that this action is categorically excluded from further environmental documentation.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of

Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

## PART 100—MARINE EVENTS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. From 9 p.m. until 11 p.m. on July 4, 2002, add temporary § 100.35T-07-049 to read as follows:

### § 100.35T-07-049 Savannah Waterfront Association July 4th Fireworks Display, Savannah River, Savannah GA.

(a) *Regulated area.* A regulated area is established for the waters in Savannah River, Savannah, GA, encompassing a 175-yard radius around a point located ashore at approximate position 32° 04.991' N, 081° 05.309' W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Coast Guard Group Charleston, SC.

(c) *Special local regulations.* Entry into the regulated area by non-participant persons or vessels is prohibited, unless expressly authorized by the Coast Guard Patrol Commander.

(d) *Dates.* This section will be enforced from 9 p.m. until 11 p.m. on July 4, 2002.

Dated: June 27, 2002.

**J.W. Stark,**  
*Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.*

[FR Doc. 02-16747 Filed 7-2-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

**[CGD07-02-074]**

**RIN 2115-AE46**

### Special Local Regulations; APBA Off-Shore Boat Race, Tybee Island, GA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for the APBA Off-Shore Boat Race, Tybee Island, Georgia. This rule restricts the movement of non-participating vessels in the regulated area around the race course located off-shore of Tybee Island. This rule is needed to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 11 a.m. on July 6, 2002 until 6 p.m. on July 8, 2002.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07-02-074] and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St, Charleston S.C. 29401 between 7:30 a.m. and 3 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Martinez, Coast Guard Group Charleston at (843) 724-7632.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public from a high speed boat race and because there will be numerous spectator craft in the area.

For the same reason, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

### Background and Purpose

This rule is required to provide for the safety of life on navigable waters because of the inherent danger associated with a high-speed power boat race. This rule prohibits non-participating vessels from entering the designated regulated area off-shore of Tybee Island, Georgia during the event. A Coast Guard Patrol Commander will be present during this event to enforce this rule.

### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory