

## 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 Sandy Hook Bay approximately 700 yards west of Sandy Hook Lighthouse, New Jersey, to vessel traffic from 9 p.m. until 10:45 p.m. on Saturday, June 29, 1996, with a rain date of Sunday, June 30, 1996, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. This section of Sandy Hook Bay is mainly used by recreational vessels and a limited number of commercial fishing 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 not located within a marked channel; vessel traffic may safely pass to the west 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.

Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or

organization qualifies as a small entity and that this rule will have significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

## 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 § 165.T01–051, is added to read as follows:

**§ 165.T01–051 Safety Zone: 100th Anniversary of Fort Hancock Fireworks Display, Sandy Hook Bay, New Jersey.**

(a) *Location.* The waters of Sandy Hook Bay within a 330 yard radius of the fireworks barge anchored approximately 700 yards west of Sandy Hook Lighthouse at approximately 40°27'40" N latitude, 074°00'36" W longitude (NAD 1983).

(b) *Effective period.* This section is effective from 9 p.m. until 10:45 p.m. on

June 29, 1996. In case of inclement weather, this section is effective on June 30, 1996, 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 C.F.R. 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 18, 1996.

T.H. Gilmour,

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

[FR Doc. 96–16599 Filed 6–27–96; 8:45 am]

BILLING CODE 4910–14–M

## 33 CFR Part 165

[CGD01–96–047]

RIN 2115–AA97

## Safety Zone: Heritage of Pride Fireworks Display, Hudson River, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Heritage of Pride fireworks display located on the Hudson River, NY. The safety zone is in effect from 9:30 p.m. until 11:30 p.m. on Sunday, June 30, 1996. The safety zone temporarily closes all waters of the Hudson River within a 300 yard radius of a fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between Pier 32 and Pier 26.

**EFFECTIVE DATE:** This rule is effective from 9:30 p.m. until 11:30 p.m. on Sunday, June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant J. W. Green, Waterways Oversight Branch, Coast Guard Activities New York, at (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 on which complete information regarding this 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 protect the maritime public from the hazards associated with fireworks exploding from a barge on the waters on the Hudson River.

#### Background and Purpose

Heritage of Pride Inc., submitted an Application for Approval of Marine Event to hold a fireworks program on the Hudson River. This regulation establishes a temporary safety zone in all waters of the Hudson River within a 300 yard radius of the fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between pier 32 and pier 26. The safety zone is in effect from 9:30 p.m. until 11:30 p.m. on June 30, 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 Hudson River 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. This regulation closes a portion of the Hudson River to vessel traffic from 9:30 p.m. until 11:30 p.m. on June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area on the eastern side of the Hudson River, the effect of the regulation will not be significant for several reasons: the duration of the event is limited; the event is at a later hour; vessel traffic may safely pass to the west of this area; the advance advisories which will be made; and that this event has been held annually for the past several years between pier 45 and pier 49 without incident or

complaint. 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.

Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

#### 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 environment 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 § 165.T01–047, is added to read as follows:

#### § 165.T01–047 Safety Zone: Heritage of Pride Fireworks Display, Hudson River, New York.

(a) *Location.* All waters of the Hudson River within a 300 yard radius of the fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between Pier 32 and Pier 26.

(b) *Effective period.* This section is effective from 9:30 p.m. until 11:30 p.m. on June 30, 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: June 18, 1996.

T.H. Gilmour,

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

[FR Doc. 96–16600 Filed 6–27–96; 8:45 am]

BILLING CODE 4910–14–M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 8

[FRL–5528–8]

#### Removal of Outdated Regulations Governing Contractor Compliance With Equal Employment Opportunity Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.