

Background and Purpose

The BT Global Challenge Race, an around the world race consisting of 14 yachts approximately 67 feet in length. Boston, MA has been designated as one of the port calls for this event. The sponsor, Challenge Business Limited, has requested for Coast Guard assistance when the yachts line up to begin the race, and while they are departing Boston Harbor. Due to the public interest expected in this event, and the natural flow of commercial traffic a safety zone is needed to protect the yachts from the hazards of collision. The safety zone is in effect on June 29, 1997, from 12 p.m. until 2:30 p.m. The safety zone temporarily closes all waters of Boston Harbor within 200 yards of the yachts while they set up for the race and during their departure of Boston Harbor.

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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Costs to the shipping industry from these regulations, if any, will be minor and have no significant adverse financial effect on vessel operators. Deep draft vessel traffic, fishing vessels, and tour boats may experience minor delays in departures or arrivals due to the safety zone. In addition, due to the limited number and duration of the arrivals, departures and harbor transits, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

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.

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 a rule for which a general notice of proposed rulemaking is required. "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 the reasons addressed under the Regulatory Evaluation above, the Coast Guard finds that this rule will not have a significant 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 a significant 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.

Environment

The Coast Guard has considered the environmental impact of this rule and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 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 165.T01-042, is added to read as follows:

§ 165.T01-042 Safety Zone: BT Global Challenge Race, Boston Harbor, MA.

(a) *Location.* The following area is a safety zone: All waters of Boston Harbor between a western boundary line drawn from the northern most pier of Rowes Wharf (42°21'27" N, 071°02'58" W) in Boston to the southeast corner of Pier 1 in East Boston (42°21'51" N, 071°02'32" W) and an eastern boundary line drawn from the northeast corner of the Boston Fish Pier in South Boston (42°21'13" N, 071°02'23" W) to the Cashmans Dry Dock in East Boston (42°21'39" N, 071°02'01" W) [Datum: NAD 1983]

(b) *Effective Date.* This regulation becomes effective on June 29, 1997, from 12:00 p.m. until 2:30 p.m.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the COTP Boston.

Dated: June 11, 1997.

J.J. O'Brien, Jr.,

Commander, U.S. Coast Guard, Acting Captain of the Port, Boston, Massachusetts.

[FR Doc. 97-17090 Filed 6-26-97; 10:13 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-97-041]

RIN 2115-AA97

Safety Zone: Macy's 1997 Fourth of July Fireworks, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the annual Macy's Fourth of July Fireworks program in New York Harbor. The event will take place on Friday, July 4, 1997, from 7:30 p.m. until 11:30 p.m. on the East River. This safety zone temporarily closes a major portion of the East River to vessel transits.

EFFECTIVE DATE: This rule is effective from 7:30 p.m. until 11:30 p.m. on July 4, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Dave Gefell, (718) 354-4195, Waterways Management Division, Coast Guard Activities New York, 212 Coast Guard Drive, Fort Wadsworth, Staten Island, New York, 10305.

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 conclusive information regarding this event was determined, 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 the event is intended for public entertainment and immediate action is needed to protect

the maritime public from the hazards associated with large amounts of fireworks exploding from four separate barge locations in the waters of the East River.

Background and Purpose

Macy's has submitted an Application for Approval of Marine Event to hold a fireworks program on the waters of the East River. This regulation establishes a temporary safety zone in the waters of the East River. The safety zone includes all waters of the East River, shore to shore, north of the Brooklyn Bridge, and south of a line drawn from Lawrence Point at position 40°47'27" N latitude, 073°54'35" W longitude, (NAD 1983), to Stony Point at position 40°47'48" N latitude 073°54'42" W longitude (NAD 1983), and south of the Harlem River Foot Bridge, New York. This safety zone area also includes all waters of Newtown Creek west of the Pulaski Bascule Bridge. No vessel may enter the safety zone without permission of the Captain of the Port New York. In order to facilitate an orderly viewing of and departure after the event, vessels will be allowed to take position within the zone as follows: vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks, may take position in the northern area of the zone, north of the southern tip of Roosevelt Island, and in the southern area of the zone, south of the Williamsburg Bridge at least 200 yards off the bulkhead on the west bank, and in Newtown Creek, east of the Pulaski Bascule Bridge. Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may take position in an area at least 300 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and a line drawn from East 15th Street, Manhattan, to a point due east on the Brooklyn shore north of the entrance to Bushwick Inlet.

Once in position within the zone, all vessels must remain in position until released by the Captain of the Port New York. On scene patrol personnel will monitor the number of designated vessels taking position in the viewing areas of the zone. If it becomes apparent that any additional spectator vessels in a specific viewing area will create a safety hazard, the patrol commander may prevent additional vessels from entering into that viewing area. All vessels must be in their respective viewing areas no later than 7:30 p.m. After the event has concluded, and the fireworks barges have safely relocated

outside of the main channel, vessels will be allowed to depart by the separate viewing area as directed by patrol commander.

Vessels not complying with this criteria have a significant potential to create a hazardous condition in this area of the East River, due in great part to the extremely strong currents.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all vessels and the fireworks handlers aboard the barges.

Regulatory Evaluation

This temporary 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This proposed safety zone temporarily closes a major portion of the East River to vessel traffic. There is a regular flow of traffic through this area; however, due to the limited duration of the event; the extensive, advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the fact that the event is taking place at a late hour; that the event has been held for twenty years in succession and is therefore anticipated annually, that small businesses may experience an increase in revenue due to the event, the fact that the event sponsor has established and advertised a telephone "hotline" at (212) 494-5247 which waterways users may call prior to the event for details of the safety zone, the impact of this regulation is expected to be minimal.

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 small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. For the reasons set forth in the Regulatory Evaluation section above, the Coast

Guard expects this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that the your business or organization qualifies as a small entity and that the proposed rule will have a significant economic impact on your business or organization, please submit a comment (see For Further Information Contact) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

Collection of Information

This rule does not provide for a collection of information requirement under the Paperwork Reduction Act (44 U.S.C. *et seq.*).

Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.e.(34) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 33 CFR Part 165

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

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.T01-041 is added to read as follows:

§ 165.T01-041 Safety Zone: Macy's 1997 Fourth of July Fireworks, East River, New York.

(a) *Location.* The safety zone includes all waters of the East River, shore to shore, north of the Brooklyn Bridge, and

south of a line drawn from Lawrence Point (40°47'27" N latitude, 073°54'35" W longitude, NAD 1983) to Stony Point (40°47'48" N latitude, 073°54'42" W longitude, NAD 1983), and south of the Harlem River Foot Bridge, New York. This safety zone area also includes all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Effective period.* This section is effective from 7:30 p.m. until 11:30 p.m. on July 4, 1997.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply to this safety zone.

(2) No vessels will be allowed to transit the safety zone without permission of the Captain of the Port New York.

(3) Vessels may remain in the safety zone for the purpose of viewing the event in accordance with the following preestablished viewing areas:

(i) Vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display may take position within the zone north of the southern tip of Roosevelt Island, south of the Williamsburg Bridge and at least 300 yards off the bulkhead on the west bank, and in the waters of Newtown Creek, east of the Pulaski Bascule Bridge.

(ii) Vessels greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display may take position within an area at least 300 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and a line drawn from the foot of 15th Street, Manhattan, to a point due east on the Brooklyn shore north of the entrance to Bushwick Inlet.

(iii) Vessels must be positioned in their respective viewing areas within the safety zone not later than 7:30 p.m.

(4) 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 19, 1997.

Richard C. Vlaun,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Savannah 97-004]

RIN 2115-AA97

Safety Zone Regulations; Savannah, GA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations are initiated to remove 33 CFR Section 165.T96073.

This safety zone regulation was established to protect vessel traffic from the hazards created by the allision of a vessel with the Savannah Light Tower and its subsequent destruction. Since the publishing of the Temporary Final Rule, the damaged container and debris field recovery operations have been completed. Therefore, the safety zone is no longer necessary.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT:

LCDR Linda Fagan, project officer, Coast Guard Marine Safety Office Savannah, GA at (912) 652-4353.

SUPPLEMENTARY INFORMATION: The Coast Guard finds in accordance with 5 U.S.C. 553, good cause exists for proceeding directly to a final rule and making this rule effective in less than 30 days. The final rule removes a temporary safety zone put in place on December 5, 1996. The potential threat to mariners was eliminated after the debris from the tower was removed. Therefore, publishing an NPRM or delaying the effective date of this final rule is unnecessary and the Coast Guard is proceeding directly to final rule, effective upon publication in the **Federal Register**.

Discussion of Regulation

A temporary final rule was published creating a temporary safety zone in a 1,000 yard radius of the Savannah Light Tower (61 FR 68156; December 27, 1996). The safety zone was necessary to provide for the safety of life on the navigable waters and protect salvage personnel engaged in recovery operations. Since the publishing of the temporary rule, the recovery operations have been completed, and the rule is no longer necessary.

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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This final rule cancels a safety zone regulation that was only in place until the debris from the Savannah Island Light was removed.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated 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).

The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this action will not have a significant economic impact on a substantial number of small entities, because this rule only cancels a temporary safety zone around the Savannah Island Light tower.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2 of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994). Specifically, section 2.B.2.e.(34)(g) does not require a Categorical Exclusion Determination and the preparation of an Environmental Analysis Checklist.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping