

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

requirements, Security measures, Waterways.

In consideration of the foregoing, the Coast Guard amends Subpart C of Part 165 Title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

1. The authority citation of 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 165.5; 49 CFR 1.46

§ 165.T96-073 [Removed]

2. Section 165.T96-073 is removed.

Dated: February 24, 1997.

C.E. Bone,

Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc. 97-17066 Filed 6-30-97; 8:45 am]

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DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 222

RIN 1810-AA84

Impact Aid Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations governing the Impact Aid Program under title VIII of the Elementary and Secondary Education Act of 1965 (ESEA or Act), as amended by the Improving America's Schools Act of 1994 (IASA). The program, in general, provides assistance for maintenance and operations costs to local educational agencies (LEAs) that are affected by Federal activities. These regulations implement a number of changes from the previous Impact Aid laws, Pub. L. 81-874 and Pub. L. 81-815, which were repealed when title VIII of the ESEA was enacted, and clarify and improve the administration of the program. In addition, these regulations make technical amendments to implement legislative changes made to title VIII of the ESEA by the Impact Aid Technical Amendments of 1996 (Pub. L. 104-195) and the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201).

These regulations cover the following subjects: Application requirements, overpayment forgiveness (section 8012 of the Act), payments for Federal property (section 8002 of the Act), payments for children with severe

disabilities (section 8003(g) of the Act), withholding and related procedures for Indian policies and procedures (sections 8004(d)(2) and 8004(e) (8) and (9) of the Act), determinations under section 8009 of the Act, and administrative hearings and judicial review (section 8011 of the Act).

EFFECTIVE DATE: These regulations take effect on July 31, 1997.

FOR FURTHER INFORMATION CONTACT: For further information on this part, please contact Catherine Schagh. Telephone: (202) 260-3858. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On October 20, 1994, the President signed into law the IASA (Pub. L. 103-382). The IASA reauthorized the Impact Aid Program as title VIII of the ESEA, and made a number of changes to the program. Under the Impact Aid Program, assistance is provided for maintenance and operations costs to LEAs affected by Federal activities, including the presence of tax-exempt Federal property and an increased student population due to Federal property ownership or activities.

Generally, in implementing the IASA, the Department is issuing regulations only where absolutely necessary, or to provide increased flexibility or reduce burden. As a part of that process, the Secretary published in the **Federal Register** on September 29, 1995, a final Impact Aid regulation removing regulations that were obsolete due to changes made in the statute by the IASA, or that were unnecessary because they simply repeated statutory provisions. The Secretary indicated in those technical regulations that he intended to publish a notice of proposed rulemaking (NPRM) in the future to implement provisions of the new law that were not included in those final regulations, and to make any substantive changes that were identified as needed under the Secretary's reinvention review.

On October 7, 1996, the Secretary published an NPRM to accomplish those objectives (61 FR 52564). These final regulations, which contain the following provisions, are substantially similar to that NPRM:

- In subpart A (General), existing § 222.4 is amended to conform the proof of mailing requirements to those accepted under other Department programs, which do not accept private metered postmarks or mail receipts that are not dated by the U.S. Postal Service,

and new §§ 222.12-222.18 are added to implement the authority in section 8012 of the Act for forgiveness of certain Impact Aid overpayments;

- In subpart B (Payments for Federal Property under Section 8002 of the Act), existing § 222.22 is amended to provide clarification about the treatment of revenues from activities conducted on Federal property, and a new § 222.23 is added to implement the new statutory method for valuing Federal property.

- A new subpart F is added (Payments to Local Educational Agencies for Children with Severe Disabilities under Section 8003(g) of the Act—§§ 222.80-222.85) to implement the authority in section 8003(g) for supplemental payments for children with severe disabilities;

- In subpart G (Special Provisions for Local Educational Agencies that Claim Children Residing on Indian Lands), new §§ 222.114-222.122 are added to implement the Secretary's expanded enforcement authority for Indian policies and procedures in sections 8004(d)(2) and 8004(e)(8)-(9) of the Act;

- In subpart J (Impact Aid Administrative Hearings and Judicial Review under Section 8011 of the Act), changes are made to §§ 222.151, 222.152, 222.157, and 222.158, including, in § 222.151, the adoption of a shortened time for filing administrative appeals (30 days from the adverse action, rather than the current 60 days) to expedite the redistribution of recovered overpayments to all applicants;

- In subpart K (Determinations under section 8009 of the Act), § 222.161 is revised to implement new terms used in section 8009 of the Act, § 222.164 is revised regarding notification procedures for a party initiating a proceeding, § 222.164(b)(5) is revised to explain the Secretary's flexible predetermination procedures, and § 222.165 is revised regarding administrative appeals of section 8009 determinations to include, in part, a more expedited hearing process.

In addition, the following technical amendments are made. In subpart C, § 222.36(b) (1) and (2) is amended to conform to legislative changes in section 8003 of the Act made by section 376 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201). Previously, section 8003(a)(3) of the Act provided that, for a school district to be eligible to receive a payment for federally connected children under section 8003(a)(1) (F) or (G) (formerly identified as "civilian b's"), those children had to number at least 2000 in average daily attendance (ADA) and 15 percent of the school district's total