

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD01-99-102]

RIN 2115-AA97

Safety Zone: Royal Handel Fireworks, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Boston Inner Harbor in a four-hundred (400)-yard radius around a fireworks barge located off the Coast Guard Integrated Support Command Boston at position 42°22.116'N, 71°02.816'W (NAD 1983) Boston, MA. This safety zone prevents entry into or movement within this portion of Boston Harbor. It is necessary to protect the boating public from the dangers posed by a fireworks display.

DATES: This rule is effective from 8:30 p.m. until 10:30 p.m., Wednesday, August 4, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA, between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3000.

SUPPLEMENTARY INFORMATION: .

Regulatory History

Pursuant to 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this regulation. Good cause exists for not publishing an NPRM. Conclusive information about this event was not provided to the Coast Guard until May 7, 1999, making it impossible to draft or publish an NPRM and provide adequate time for comments to be submitted. Publishing an NPRM and delaying the rule's effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

Background and Purpose

On May 7, 1999, the Royal Handel Fireworks Show of Boston, MA, filed a marine-event permit with the Coast

Guard to hold a fireworks program over the waters of Boston Harbor, Boston, MA. This regulation establishes a safety zone on the waters of Boston Harbor in a four-hundred (400)-yard radius around a fireworks barge located off the Coast Guard Integrated Support Command, Boston, MA, at position 42°22.116'N, 71°02.816'W (NAD 1983). The safety zone is in effect from 8:30 p.m. until 10:30 p.m. on Wednesday, August 4, 1999. This safety zone prevents entry into or movement within this portion of Boston Harbor. It is necessary to protect the boating public from the dangers posed by a fireworks display.

Regulatory Evaluation

This final 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 regulations to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary since the safety zone will be limited in duration, marine advisories will be made in advance of the implementation of the safety zone, and the safety zone will not restrict the entire harbor, allowing traffic to continue without obstruction.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) shall 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 discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a 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 of 1995 (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 has considered the environmental impact of this final rule and concluded that, under Figure 2-1, paragraph 34(g), of Commandant Instruction M16457.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

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 amends 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 Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.2.

2. Add temporary section 165.T01-102 to read as follows:

§ 165.T01-102 Safety Zone: Fireworks, Boston, MA.

(a) *Location.* The following area is a safety zone: all waters of Boston Harbor in a four-hundred (400)-yard radius around a fireworks barge located off of the Coast Guard Integrated Support Command, Boston, MA. at position 42°22.166'N, 71°02.816'W (NAD 1983).

(b) *Effective Date.* This section is effective from 8:30 p.m. until 10:30 p.m., Wednesday, Aug 4, 1999.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP of the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel comprise commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in section 165.23 of this part apply.

Dated: June 24, 1999.

M.A. Skordinski,

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

[FR Doc. 99-17187 Filed 7-6-99; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201-204, 211, 251, 253, 259-260

Copyright Rules and Regulations: Copyright, Compulsory Licenses, Copyright Arbitration Royalty Panel

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule; Technical amendments.

SUMMARY: The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: The Copyright Office periodically reviews its regulations as published in the Code of Federal Regulations (CFR) to correct minor or typographical errors in the published text. The Office has identified minor errors in the currently published rules. The following sections are amended to correct these errors:

§§ 201.11(d)(1), 201.11(e)(6), 201.11(e)(7), 201.11(h)(2)(i), 201.17(d)(1), 201.17(h)(4)(iii), 201.17(k), 201.18(a)(1), 201.19(a)(1), 201.19(a)(2), 201.19(a)(4), 201.19(e)(4)(i), 201.19(e)(7)(iii), 201.19(f)(3)(viii), 201.27(c), 201.27(e)(1), 201.28(e)(4)(i), 201.29(e)(3), 201.35(a), 201.36(b)(1), 201.36(c), 201.37(a), 201.37(b)(1), 202.3(b)(7)(ii), 202.17(f)(2), 202.20(c)(2)(vii)(D)(3), 202.20(c)(2)(vii)(D)(4), 202.20(c)(2)(vii)(D)(5), 202.20(c)(2)(xi)(A)(2), 202.23(c)(1), 202.23(c)(2), 202.23(d), 203.3(g), 204.4(a), 204.5(a), 204.7(a), 204.8(a), 211.4(e), 211.5(c)(2), 211.5(d), 251.54(e), 251.56(a), 251.56(b), 253.3(e)(4), 253.8(b)(1)(ii)(D), and 260.2(c)(2). Typographical errors are corrected in §§ 201.1(b), 201.3(c), 201.3(c)(5),

201.10(b)(1)(v), 201.10(e)(2), 201.17(e)(2)(i), 201.17(j)(3)(iv)(A), 201.18(a)(3), 201.19(c)(4), 201.28(c)(4), 202.22(a), 202.22(c)(1), 203.4(f)(2), 251.58(b), 253.8(b)(1)(i)(A), 259.3(a)(5), 260.2(c)(1)(v), and 260.7.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 202

Claims, Copyright.

37 CFR Part 203

Freedom of information.

37 CFR Part 204

Privacy.

37 CFR Part 211

Mask work protection.

37 CFR Part 251

Administrative practice and procedure, Hearing and appeal procedures.

37 CFR Part 253

Noncommercial educational broadcasting, Copyright.

37 CFR Part 259

Claims, Copyright, Digital audio recording devices and media.

37 CFR Part 260

Copyright, Digital audio transmissions, Performance right, Sound recordings.

Final Rule

Accordingly, 37 CFR Chapter II is amended by making the following corrections and amendments.

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.1 [Amended]

2. Section 201.1(b) is amended by removing “SE.” and adding in its place “SE.”.

§ 201.3 [Amended]

3. Section 201.3 is amended in the Table, in the column entitled “Fees” in paragraph (c)(5) by removing “10” and adding “10¹” in paragraph (c)(8) by removing “10” and adding “10²”, and by removing the word “issue” in footnote 1 and adding “issues”.

4. Section 201.3(c)(5) is amended by removing the word “series” and adding in its place “serials”.

§ 201.10 [Amended]

5. Section 201.10(b)(1)(v) is amended by removing the word “author’s” and adding in its place “author’s”.

6. Section 201.10(e)(2) is amended by removing the word “describiling” and adding in its place “describing”.

§ 201.11 [Amended]

7. Section 201.11(d)(1) is amended by removing “Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557” and adding in its place “Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400”.

8. Section 201.11(e)(6) is amended by removing “of 17.5 cents per subscriber, on in the case of syndex-proof superstations as defined in 37 CFR 258.2, 14 cents (or in lieu thereof, the arbitrated rate, if applicable)” and adding in its place “prescribed in § 258.3 of this chapter”.

9. Section 201.11(e)(7) is amended by removing “of six (6) cents per subscriber (or, in lieu thereof, the arbitrated rate, if applicable)” and adding in its place “prescribed in § 258.3 of this chapter”.

10. Section 201.11(h)(2)(i) is amended by removing the phrase “Cable operators” and adding in its place “Satellite carriers”.

§ 201.17 [Amended]

11. Section 201.17(d)(1) is amended by removing “Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557” and adding in its place “Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557-6400”.

12. Section 201.17(e)(2)(i) is amended by removing “owner” and adding in its place “owner”.

13. Section 201.17(h)(4)(iii) is amended by adding “(65)” after “sixty-five”.

14. Section 201.17(j)(3)(iv)(A) is amended by removing “paragraph must” and adding in its place “paragraph) must”.

15. Section 201.17(k) is amended by removing all material after the phrase “United States Code.” beginning with “Any such entity”.

§ 201.18 [Amended]

16. Section 201.18(a)(1) is amended by removing the phrase “as amended by Pub. L. 94-553.”.

17. Section 201.18(a)(3) is amended by removing “coowners” and adding the word “co-owners” in its place.

§ 201.19 [Amended]

18. Sections 201.19(a)(1), (a)(2), and (a)(4) are amended by removing the