

Vessel Traffic Service's (VTS) authority to grant deviations from the requirement that vessels keep the center of the precautionary areas to port, and emergency authority for masters, pilots, and others to deviate from the requirement that vessels keep the center of the precautionary areas to port. This language was inadvertently left out when the Vessel Traffic Service regulations were changed in 1994. This direct final rule merely reinstates that deviation authority originally granted to the Thirteenth Coast Guard District Commander and to the Puget Sound VTS. The Coast Guard has not received any adverse comments or any notice of an intent to submit adverse comments objecting to this rule as written. Therefore, this rule will go into effect as scheduled.

DATES: The effective date of the direct final rule is confirmed as July 30, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant T.G. Favreau, Compliance Branch Chief, U.S. Coast Guard, Thirteenth Coast Guard District, Marine Safety Division, 915 Second Avenue, room 3506, Seattle, WA 98174-1067, telephone (206) 220-7224.

Dated: June 10, 1997.

J. David Spade,

Rear Admiral, U.S. Coast Guard, District Commander.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13-97-007]

RIN 2115-AA9

Safety Zone Regulations; City of Astoria Fourth of July Fireworks, Columbia River, Astoria OR

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the City of Astoria Fourth of July fireworks display to be held on the Columbia River in Astoria, Oregon. The event will be held on Friday, July 4, 1997, from 9 p.m. (PDT) to 11 p.m. (PDT). The Coast Guard, through this action, intends to protect persons, facilities, and vessels from safety hazards associated with the fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on July 4, 1997, at 9

p.m. (PDT) and terminates on July 4, 1997, at 11 p.m. (PDT).

FOR FURTHER INFORMATION CONTACT:

LT T.G. Allan, c/o Captain of the Port, Portland, 6767 N. Basin Ave, Portland, Oregon 97217-3992, (503) 240-9327.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to ensure the safety of structures and vessels operating in the area of the fireworks display. Due to the complex planning and coordination involved, the event sponsor, the Astoria Chamber of Commerce and the City of Astoria, were unable to provide the Coast Guard with notice of the final details until 30 days prior to the date of the event. Therefore, sufficient time was not available to publish a proposed rule in advance of the event or to provide a delayed effective date. Following normal rulemaking procedures in this case would be impracticable.

Background and Purpose

The event requiring this regulation is a fireworks display sponsored by the Astoria Chamber of Commerce and the City of Astoria. The fireworks display is scheduled to begin on July 4, 1997, at 10 p.m. (PDT). This event may result in a large number of vessels congregating near the fireworks launching barge. To promote the safety of both the spectators and participants, a safety zone is being established on the waters of the Columbia River around the fireworks launching barge, and entry into this safety zone is prohibited unless authorized by the Captain of the Port. This action is necessary due to the possibility of debris and unexploded fireworks falling into the Columbia River in the vicinity of the launching barge. This safety zone will be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal agencies.

Regulatory Evaluation

This temporary 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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the entry into the safety zone will only be restricted for 2 hours on the day of the event, and that less than 1 mile of the waterway will be restricted. The entities most likely to be affected by this action are commercial ship, and tug and burge operators on the Columbia River. Most of these entities are aware of the fireworks display and the safety zone, and they can schedule their transits accordingly. If safe to do so, the representative of the Captain of the Port assigned to enforce this safety zone may authorize commercial vessels to pass through the safety zone on a case-by-case basis.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small 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). For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact of this final rule to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final 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 proposed 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 final rule and has concluded that, under section

2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the rulemaking docket.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations, 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 1.01–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T13006 is added to read as follows:

§ 165.T13006 Safety Zone; Columbia River, Astoria, OR.

(a) *Location:* The following area is a safety zone: All waters of the Columbia River in the vicinity of Astoria, Oregon, from the Oregon shore to point approximately 450 yards north of the channel, between buoys 37 and 39. More specifically, this area is all waters of the Columbia River bounded by a line commencing at the Oregon shore position 46°11'30"N latitude, 123°50'00"W longitude; thence to position 46°11'50"N latitude, 123°50'00"W longitude; thence to position 46°11'50"N latitude, 123°49'15"W longitude; thence to the Oregon shore at position 46°11'25"N latitude, 123°49'15"W longitude; thence returning along the Oregon shoreline to the point of origin.

(b) *Definitions:* The designated representative of the Captain of The Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Portland, to act on his behalf. The following officers have or will be designated by the Captain of the Port: The Coast Guard Patrol Commander, the senior boarding officer on each vessel enforcing the safety zone, and the Duty Officer at Coast Guard Group Astoria, Oregon.

(c) Regulations:

(1) In accordance with the general regulations in Section 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels or persons signalled shall stop and comply with the orders of the patrol vessels; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) *Effective Dates:* These regulations become effective on July 4, 1997, at 9 p.m. (PDT) and terminate on July 4, 1997, at 11 p.m. (PDT).

Dated: June 12, 1997.

G.M. Webber,

Commander, U.S. Coast Guard, Acting, Portland, Oregon.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–97–040]

RIN 2115–AA97

Safety Zone Regulation: Saint Peter's Fiesta Fireworks, Gloucester, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the vicinity of the Fort Point, Gloucester Harbor, Gloucester, MA on June 29, 1997, for the Saint Peter's Fiesta Fireworks Display. The zone is needed to protect persons viewing the display, spectator vessels, and personnel in the area from the safety hazards associated with the fireworks display itself. Entry into the zone is prohibited unless authorized by the Captain of the Port (COTP) Boston.

EFFECTIVE DATE: This regulation becomes effective on June 29, 1997, from 8 p.m. until 11 p.m.

FOR FURTHER INFORMATION CONTACT: MSTC Daniel Dugery, USCG Marine Safety Office Boston, at (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent

injury and damage to persons and vessels involved.

Background and Purpose

The sponsor, the Saint Peter's Fiesta Committee, submitted a permit application to the Coast Guard for the fireworks display. COTP Boston is implementing this safety zone to protect mariners from the inherent hazards associated with a fireworks display.

The specific event requiring this regulation is the fireworks display itself. The display is scheduled to take place on June 29, 1997 from 9 p.m. until 10 p.m., fired from landside fireworks launchers on Fort Point in position 42°36'28" N, 070°35'55" W [Datum: NAD 1983]. The safety zone will be located off Fort Point and will extend three hundred yards in all directions from the firework launchers on shore during the event. This safety zone will preclude all vessels from approaching within three hundred yards of the fireworks launchers during the fireworks display. The zone will be in effect on June 29, 1997, from 8 p.m. until 11 p.m. The zone is needed to protect persons, facilities and vessels in the area from the safety hazards associated with the fireworks display itself. Entry into the zone is prohibited unless authorized by the COTP Boston. The City of Gloucester Harbor Master boat and Coast Guard patrol craft will be on scene to enforce the safety zone. Details of this event will be broadcast in a Safety Marine Information Broadcast.

Good Cause Statement

According to the APA (5 U.S.C. 553), good cause exists when notice or a delayed effective date is impractical, unnecessary, or contrary to the public interest. No significant adverse effect will result to vessel operators as the event will be three hours or less in duration. Fishing vessels and tour boats may experience slight delays in departures or arrivals during the display; however, mariners can time their movements just ahead or just after the fireworks display. In addition, due to the late hour of the event and the extensive advanced advisories that will be made, the Coast Guard does not expect a significant impact on commercial vessel traffic.

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