

punitive damages, the costs of litigation, or payment of attorney fees. The liability of the Bureau of the Public Debt also shall be reduced by the amount of the loss resulting from a failure of the claimant to exercise due diligence, including a failure to follow standard commercial practices.

Subpart E—Electronic Submissions of Purchase Applications and Remittances for the Purchase of United States Savings Bonds Issued Through the Bureau of the Public Debt

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§ 370.50 Governing law.

This subpart provides rules for the electronic submission of purchase applications and remittances for the sale of United States Savings Bonds issued through the Bureau of the Public Debt. This subpart also establishes the exclusive liability of the Bureau of the Public Debt for transactions submitted through electronic means. This subpart does not apply to transactions for the sale of bonds accomplished through issuing agents generally, unless and to the extent the Commissioner of the Bureau of the Public Debt or the Commissioner's designee requires otherwise.

§ 370.51 Definitions.

(a) *Digital signature* is a type of electronic signature. A digital signature uses public-key encryption and a message digest function to transform an electronic record. A person who has the initial electronic record and the signer's public key can verify:

- (1) Whether the transformation was accomplished by the private key that corresponds to the signer's public key, and
- (2) Whether the initial record has been altered since the transformation was made.

(b) *Message digest function* means an algorithm mapping or translating one sequence of bits into another, generally smaller, set such that:

- (1) An electronic record yields the same message digest result every time the algorithm is executed using the same electronic record as input,
- (2) It is computationally infeasible that an electronic record can be derived or reconstituted from the message digest result produced by the algorithm, and

(3) It is computationally infeasible that two electronic records can be found that produce the same message digest using the algorithm.

(c) *Public-key encryption* means a process which generates and employs a key pair consisting of a private key and its mathematically related public key, in which one use of the public key is to verify a digital signature created by the private key.

(d) *Record* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(e) *Signature* means any symbol or method executed or adopted by a party with present intention to be bound, and includes electronic methods (such as those accomplished by digital and biometric means) approved by the Bureau of the Public Debt.

§ 370.52 Contract formation.

An application for a purchase of a bond submitted by electronic means is an offer to create a bond contract. An offer is accepted at the moment the message of acceptance is sent to the purchaser, not when the message is received by the purchaser, regardless of the method used to transmit the acceptance.

§ 370.53 Point of sale.

For jurisdiction and venue purposes, the point of sale for a bond purchased pursuant to this subpart is Parkersburg, West Virginia, regardless of from where the application is transmitted or where the application is actually processed.

§ 370.54 Effect of electronic signature.

In any dispute involving this subpart, an electronic signature and any electronic record to which it is affixed shall not be denied legal effect because the signature or record is in electronic form. To the extent that the law requires a signature, a writing, or an original, an electronic signature and any electronic record to which it is affixed shall satisfy that rule of law.

§ 370.55 Admissibility of digital signature.

In any civil litigation or dispute involving this subpart, extrinsic evidence of authenticity as a condition precedent of admissibility shall not be necessary to establish:

- (1) The existence of a digital signature that corresponds to a specific public key pair and is affixed to an electronic record, and
- (2) The electronic record to which the digital signature is affixed has not been altered from its original form.

§ 370.56 Negligence contributing to unauthorized electronic signature.

A person whose failure to exercise ordinary care substantially contributes to the creation or submission of an unauthorized electronic signature is precluded from disavowing the unauthorized signature and the validity of any electronic record to which the signature is affixed. In any dispute involving this subpart, the burden of production and the burden of persuasion is on the person against whom the signature is asserted to establish the exercise of ordinary care.

§ 370.57 Liability.

For any claim arising out of an electronic transaction that may proceed against the Bureau of the Public Debt, the Bureau of the Public Debt's liability is limited to the amount of the transaction and does not extend to other damages or costs, including consequential damages, punitive damages, the costs of litigation, or payment of attorney fees. The liability of the Bureau of the Public Debt shall also be reduced by the amount of the loss resulting from a failure of the claimant to exercise due diligence, including a failure to follow standard commercial practices.

Dated: April 6, 1998.

Donald V. Hammond,

Acting Fiscal Assistant Secretary.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Savannah 98-010]

RIN 2115-AA97

Safety Zones: Savannah River, Savannah, GA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish six (6) temporary safety zones in the vicinity of the Savannah River and approaches during the Americas' Sail marine event to be held from July 2-6, 1998. These regulations are necessary to protect life and property on navigable waters because of the danger associated with the large number of expected participant and spectator craft within the narrow confines of the navigation channel.

DATES: Comments must be received on or before June 1, 1998.

ADDRESSES: Comments may be mailed to the Captain of the Port Savannah, 222 West Oglethorpe Avenue, Suite 402, Savannah, Georgia 31401. The comments will be available for inspection and copying at this location between 9 a.m. and 3 p.m., Monday through Friday, except federal holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Burt Lahn, Marine Safety Office Savannah at Tel: (912) 652-4353, between the hours of 0730 and 1600, Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [COTP Savannah-98-010] and the specific section of this proposal to which each comment applies and give the reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The events requiring these regulations will commence on July 2, 1998, when tall ships will begin arriving and anchoring in a pre-designated staging area offshore of Tybee Island, Georgia. On July 3, 1998, the tall ships will proceed in a pre-designated order into the Port of Savannah via the Savannah River, and will moor along the Savannah waterfront. During the period from July 3 to July 5, 1998, inport activities will be held, including a fireworks display on the evening of July 4, 1998. On the morning of July 6, 1998, the vessels will depart the port of Savannah, from up offshore, and the class A vessels (those greater than 150 feet) will commence racing to Long Island, New York.

Approximately 1,000 spectator craft are expected to participate in the Americas' Sail festivities. The Coast Guard proposes to establish the

following six (6) safety zones at various times during the event: (1) A one square mile pre-arrival staging area offshore of Tybee Island, Georgia; (2) a safety zone from the entrance buoys, Savannah River to the Talmadge Bridge extending a width of 300 feet around the center of the channel for the inbound transit; (3) a safety zone from the south bank of the Savannah River to the center of the Savannah River Channel, from the Talmadge Bridge extending Eastward to position 32-04.45N, 081-04.45W; (4) a 300 foot safety zone around a fireworks staging area located on Hutchinson Island, in an approximate position of 32-05N, 081-05W; (5) a safety zone from the entrance buoys, Savannah River to the Talmadge Bridge extending a width of 300 feet around the center of the channel for the outbound transit, and; (6) a safety zone northeast of Tybee Island, Georgia, for the pre-race staging and the commencement of the offshore race.

The anticipated concentration of spectator and participant vessels associated with this event poses safety and security concerns for the safety and well being of the parading vessels and spectators. These proposed regulations are intended to provide safety for the Americas' Sail participants and ensure safe navigation on the Savannah River and approaches by managing and controlling the traffic entering, exiting and traveling within the Savannah River waters. These safety zones are required to minimize the problems associated with large numbers of small craft within the confines of the narrow navigation channel on the Savannah River during the event.

The Coast Guard, assisted by State Law Enforcement patrol vessels, will be on scene to enforce the zones and monitor traffic. No persons or vessels will be allowed to enter or operate within these zones, except as may be authorized by the Captain of the Port. The following safety zones are proposed:

(1) The safety zone for the offshore staging/anchorage area for the tall ships will be in effect from 9 a.m. EDT on July 2, 1998, to 5 p.m. on July 3, 1998, and will encompass an area bounded by 32-00N, 080-45W, 32-01N, 080-45W, 32-01N, 080-46W, and 32-00N, 080-46W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(2) The safety zone to allow the parade of tall ships into the city of Savannah will be in effect from 10 a.m. to 5 p.m. EDT on July 3, 1998, and will encompass the center 300 feet of the Savannah River channel from the entrance of Bloody Point Range to the

Talmadge Bridge. Enforcement of this safety zone will allow spectator vessels adequate room on each side of the navigation channel to transit or observe the parade of ships. Vessels that cannot navigate outside of this safety zone and desire to depart the port of Savannah on July 3, 1998, must depart in time to clear the entrance to Tybee Island Range prior to 10 a.m. Vessels that cannot safely navigate outside of this safety zone and desire to enter the port of Savannah on July 3, 1998, must commence the inbound transit prior to 10 a.m. The Captain of the Port will allow vessel traffic to resume inbound transits utilizing the entire navigational channel when the last tall ship in the parade clears Longitude 081-02W. Vessels using the Intra-Coastal Waterway (ICW) will not be allowed to cross the Savannah River at the junction of Fields Cut once the parade commences. Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(3) The safety zone for the mooring of the vessels will be in effect from 9 a.m. until 5 p.m. EDT on July 3, 1998. The safety zone for the departure of the vessels will be in effect from 9 a.m. until 5 p.m. EDT on July 6, 1998. These zones will include all waters bounded from the south bank of the Savannah River to the center of the Savannah River Channel, from the Talmadge Bridge extending Eastward to position 32-04.45N, 081-04.45W. During these times no vessel shall be allowed to enter these safety zones unless authorized by the Captain of the Port.

(4) The safety zone for the fireworks display will be in effect from 9 p.m. to 11 p.m. EDT on July 4, 1998, and will encompass a 300 foot radius around the fireworks staging area located on Hutchinson Island, in approximate position 32-05N, 081-05W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(5) The safety zone to allow the parade of tall ships to depart the city of Savannah will be in effect from approximately 9 a.m. to 5 p.m. EDT on July 6, 1998, and will encompass the middle 300 feet of the Savannah River channel from the Talmadge Bridge to the entrance of Bloody Point Range. Vessels that cannot safely navigate outside of this safety zone and desire to depart the port of Savannah on July 6, 1998, would be required to begin the outbound transit in sufficient time to clear the Savannah Riverfront area prior to 9 a.m. Enforcement of this safety zone will allow spectator vessels adequate room on each side of the navigation

channel to transit or observe the parade of ships. Vessels that cannot safely navigate outside of the safety zone and desire to enter the port of Savannah on July 6, 1998, would be required to clear the Savannah Riverfront area prior to 9 a.m. If unable to clear the Savannah Riverfront area by 9 a.m., these vessels would be required to start the inbound transit entrance after 5 p.m. This time may be earlier if the tall ships complete their outbound transit before 5 p.m. This time may be earlier if the tall ships complete their outbound transit before 5 p.m. The Captain of the Port will allow vessel traffic to resume outbound transits utilizing the entire navigational channel when the last tall ship in the parade clears Longitude 080-51.00W. Vessels using the ICW will not be allowed to cross the Savannah River at the junction of Fields Cut once the lead tall ship in the parade approaches within one (1) nautical mile of this area. Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(6) The safety zone for the pre-race staging for the tall ships will be in effect from 9 a.m. to 5 p.m. EDT on July 6, 1998, and will encompass an area bounded by 32-00.19N, 080-44.07W, 31-59.35N, 080-43.08W, 32-00.59N, 080-41.32W, and 32-01.43N, 080-44.28W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

The Captain of the Port will restrict vessel operations in the above safety zones. No persons or vessels will be allowed to enter or operate within the zones, except as may be authorized by the Captain of the Port, Savannah, Georgia. These regulations are issued pursuant to 33 U.S.C. 1231, as set out in the authority citation of Part 165.

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. The Office of Management and Budget has exempted it from review 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. These regulations will only be in effect for a short period of time, and the

impacts on routine navigation are 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 proposed rule 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 field, and government jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this proposed rule will not have a significant economic impact upon a substantial number of small entities because the regulations will only be in effect in limited areas for a total of four days. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

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 this temporary rule 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.a (CE# (34(g)) of Commandant Instruction M16475.1C that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Subpart

C of 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 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new section 165.T07-010 is added to read as follows:

§ 165.T07-010 Safety Zones; Savannah River and Approaches, Savannah, GA.

(a) *Locations.* The following areas are safety zones (all coordinates reference Datum: NAD 83):

(1) From 9 a.m. EDT on July 2, 1998, to 5 p.m. EDT on July 3, 1998, an area bounded by 32-00N, 080-45W, 32-01N, 080-45W, 32-01N, 080-46W, and 32-00N, 080-46W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(2) From 10 a.m. to 5 p.m. EDT on July 3, 1998, the center 300 feet of the Savannah River navigational channel from the entrance of Bloody Point Range to the Talmadge Bridge. Vessels that cannot safely navigate outside of this safety zone and desire to depart the port of Savannah on July 3, 1998, will be required to begin the outbound transit in sufficient time to clear the entrance to Tybee Island Range prior to 10 a.m. Vessels that cannot safely navigate outside of this safety zone and desire to enter the port of Savannah on July 3, 1998, would be required to commence the inbound transit prior to 10 a.m. The Captain of the Port will allow vessel traffic to resume inbound transits utilizing the entire navigational channel when the last tall ship in the parade clears longitude 081-02W. Vessels using the ICW will not be allowed to cross the Savannah River at the junction of the Fields Cut once the parade commences. Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(3) From 9 a.m. until 5 p.m. EDT on July 3, 1998, and from 9 a.m. until 5 p.m. EDT on July 6, 1998, all waters bounded by the south bank of the Savannah River to the center of the Savannah River Channel, from the Talmadge Bridge to position 32-04.45, 081-04.45W. During these times no vessel shall be allowed to enter these safety zones unless authorized by the Captain of the Port.

(4) From 9 p.m. to 11 p.m. EDT on July 4, 1998, a 300 foot radius around a fireworks staging area in approximate position 32-05N, 081-05W. During this

time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

(5) From 9 a.m. to 5 p.m. EDT on July 6, 1998, the center 300 feet of the Savannah River channel from the Talmadge Bridge to the entrance of Bloody Point Range. Vessels that cannot safely navigate outside of this safety zone and desire to depart the port of Savannah on July 6, 1998, would be required to begin the outbound transit in sufficient time to clear the Savannah Riverfront area prior to 9 a.m. Vessels that cannot safely navigate outside of this safety zone and desire to enter the port of Savannah on July 6, 1998, would be required to clear the Savannah Riverfront area prior to 9 a.m. If unable to clear the Savannah Riverfront area by 9 a.m., these vessels would be required to start the inbound transit after 5 p.m. The Captain of the Port will allow vessel traffic to resume outbound transits utilizing the entire navigational channel when the last tall ship in the parade clears longitude 080-51W. Vessels using the ICW will not be allowed to cross the Savannah River at the junction of the Fields Cut once the parade approaches within one (1) nautical mile of this area. Vessels will be allowed to resume transiting the ICW once the last tall ship in the parade clears the Savannah River and Fields Cut junction.

(6) From 9 a.m. to 5 p.m. EDT on July 6, 1998, an area bounded by 32-00.19N, 080-44.07W, 31-59.35N, 080-43.08W, 32-00.59N, 080-41.32W, and 32-01.43N, 080-42.28W. During this time no vessel shall be allowed to enter this safety zone unless authorized by the Captain of the Port.

Note: The regulations specified in paragraphs (a)(1) and (a)(6) apply only within the navigable waters of the United States. In the waters within the offshore staging area and pre-race staging area that are outside the navigable waters of the United States, the following nonobligatory guidelines apply.

(i) All unaffiliated Americas' Sail vessels should remain clear of the staging area and pre-race staging area and avoid interfering with any Americas' Sail participant or Coast Guard vessel. Interference with anchoring or race activities may constitute a safety hazard warranting cancellation or termination of all or part of the Americas' Sail activities by the Captain of the Port.

(ii) Any unauthorized entry into these zones by unaffiliated vessels constitutes

a risk to the safety of marine traffic. Such entry will constitute a factor to be considered in determining whether a person has operated a vessel in a negligent manner in violation of 46 U.S.C. 2302.

(b) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, entry into these safety zones is subject to the following requirements:

(1) These safety zones are closed to all non-participating vessels, except as may be permitted by the Captain of the Port or a representative of the Captain of the Port.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA, to act on his behalf. The representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(3) Non-participating vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port or his representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given them by the Captain of the Port or his representative.

(4) The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 652-4353. Vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 16. Vessel operators may determine the restrictions in effect for the safety zone by coming alongside a Coast Guard vessel patrolling the perimeter of the safety zone.

(5) The Captain of the Port Savannah will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the safety zones and restrictions imposed.

(c) *Dates.* This section is effective at 9 a.m. Eastern Daylight Time (EDT) on July 2, 1998, and terminates at 5 p.m. EDT on July 6, 1998, unless sooner terminated by the Captain of the Port.

Dated: April 15, 1998.

R.E. Seebald,

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

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

Glacier Bay National Park, Alaska; Commercial Fishing Regulations and Environmental Assessment

AGENCIES: National Park Service, Interior.

ACTION: Availability of Commercial Fishing Environmental Assessment (EA) and public comment period extension for Proposed Rule and EA.

SUMMARY: The National Park Service (NPS) announces the availability of the Environmental Assessment (EA) and extension of the public comment period for the proposed rule concerning Glacier Bay National Park commercial fishing (62 FR 18547). The public comment period for the EA and proposed rule will end June 1, 1998. This is the second extension of the public comment period on the proposed rule.

This document also announces the dates and locations of open houses and public hearings to solicit comments on the proposed rule and EA which are listed in the under **SUPPLEMENTARY INFORMATION** section, below.

DATES: Comments on the proposed rule and EA will be accepted through June 1, 1998. For dates of open houses and hearings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Comments on the proposed rule and EA should be submitted to the: Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826. For locations of open houses and hearings, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Copies of the environmental assessment and an executive summary are available by writing Glen Yankus, National Park Service, Alaska Support Office, 2525 Gambell St., Anchorage, AK 99503-2838, or calling (907) 257-2645. A copy of the Executive Summary for the EA will be available on the park's web site at <http://www.nps.gov/glbsa> in the management issues section.

SUPPLEMENTARY INFORMATION: Open houses and public hearings are scheduled on the dates and at the time and locations indicated below:

Gustavus	May 4	Gustavus Library	3:00-5:00 p.m. (open house).
		Gustavus School	7:00-10:00 p.m.
Hoonah	May 5	Council Chambers	3:00-5:00 p.m.; 7:00-10:00 p.m.
Pelican	May 7	Community Hall	3:00-5:00 p.m.; 7:00-10:00 p.m.
Elfin Cove	May 8	School Library	4:00-6:00 p.m.; 7:00-10:00 p.m.