

have 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 rule and concluded that under Figure 2-1, paragraph 34(h), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

#### List of Subjects in 33 CFR Part 100

Marine safety; Navigation (water); Reporting and recordkeeping requirements; Waterways.

#### Final Regulation

For the reasons set out in the preamble, the Coast Guard temporarily amends 33 CFR part 100 as follows:

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. From 3 p.m. to 8 p.m. on June 6, 1998, in § 100.101, paragraph (b) is suspended and a new paragraph (d) is added to read as follows:

#### § 100.101 Harvard-Yale Regatta, Thames River, New London, CT.

(d) *Effective period.* This section is in effect on June 6, 1998, from 3 p.m. to 8 p.m. If the regatta is canceled due to weather, this section will be in effect on the following day, Sunday, June 7, 1998 from 6 a.m. to 11 a.m.

Dated: May 26, 1998.

**James D. Garrison,**

*Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.*

[FR Doc. 98-15034 Filed 6-4-98; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-98-014]

RIN 2115-AA97

#### Safety Zone: Macy's Fourth of July Fireworks, East River, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Macy's Fourth of July fireworks program located on the East River. The safety zone is in effect from 7:30 p.m. until 11:30 p.m. on Saturday, July 4,

1998. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

**DATES:** This rule is effective from 7:30 p.m. until 11:30 p.m. on Saturday, July 4, 1998.

**ADDRESSES:** Comments may be mailed to the Waterways Oversight Branch (CGD01-98-014), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or may be delivered to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4195.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4195.

#### 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 this application was received, there was insufficient time to draft and publish an NPRM. Final plans for the event were not made until May 4, 1998. Any delay encountered in this regulation's effective date would be contrary to 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

Macy's East, Inc. has submitted an Application for Approval of Marine Event to hold a fireworks program on the waters of the East River at Manhattan, New York. This regulation establishes a safety zone in all waters of the East River, north of the Brooklyn Bridge, and south of a line drawn from Lawrence Point (40°47'27"N 073°54'35"W NAD 1983) to Stony Point

(40°47'48"N 073°54'42"W 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. The safety zone is in effect from 7:30 p.m. until 11:30 p.m. on Saturday, July 4, 1998. The safety zone prevents vessels from transiting this portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from 4 separate barges in the area. 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 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, 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 purpose of viewing the fireworks, may take position in an area at least 200 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 at the north corner of the Bushwick Inlet entrance.

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 separate viewing area as directed by the 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 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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This 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, the impact of this regulation is expected to be minimal for the following reasons: 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 event is taking place at a late hour; the event has been held for twenty-one years in succession and is therefore anticipated annually, small businesses may experience an increase in revenue due to the event, the event sponsor has established and advertised a telephone "hotline" at (212) 494-3558 which waterways users may call prior to the event for details of the safety zone.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this 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 fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism 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 M16475.1C, 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 the reasons discussed in the preamble, the Coast Guard amends 33 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. Add temporary § 165.T01-014 to read as follows:

#### § 165.T01-014 Safety Zone: Macy's Fourth of July Fireworks, East River, New York.

(a) *Location.* The following area is a safety zone: all waters of the East River, north of the Brooklyn Bridge, and south of a line drawn from Lawrence Point (40°47'27" N 073°54'35" W NAD 1983) to Stony Point (40°47'48" N 073°54'42" W 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 Saturday July 4, 1998.

(c) *Regulations.* (1) the general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the 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 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, and in Newtown Creek, east of the Pulaski Bascule Bridge.

(ii) Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area at least 200 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 at the north corner of the Bushwick Inlet entrance.

(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: May 29, 1998.

**Richard C. Vlaun,**

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

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### LIBRARY OF CONGRESS

#### Copyright Office

**37 CFR Parts 201, 251, 252, 253, 256, 257, 258, 259 and 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:** June 5, 1998.

**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Assistant General