

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-131]

RIN 2115-AA97

Safety Zone; Toward a Better Life Fireworks Display, Dorchester Bay, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Toward a Better Life Fireworks Display off Columbia Point in Dorchester Bay, Boston, MA. The safety zone is in effect from 7 p.m. until 11 p.m. on Sunday September 6, 1998. The safety zone temporarily closes all waters of Dorchester Bay within four hundred (400) yards of the fireworks barge moored in approximate position 42°18'58" N, 071°01'43" W (NAD 1983). The safety zone is needed to prevent vessels from the hazards posed by a fireworks display.

EFFECTIVE DATE: This rule is effective from 7 p.m. until 11 p.m. on Sunday, September 6, 1998.

FOR FURTHER INFORMATION CONTACT: LT Dennis O'Mara, Waterways Management Division, Coast Guard Marine Safety Office Boston, (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. Any delay encountered in this regulation'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 August 11, 1998 the Secretary of State, Commonwealth of Massachusetts filed a marine event permit with the Coast Guard to hold a fireworks program on the waters of Dorchester Bay, Boston, MA. This regulation establishes a safety zone in all waters of Dorchester Bay within a four hundred (400) yard radius of the fireworks barge moored in approximate position 42°18'58" N, 071°01'43" W (NAD 1983). The safety

zone is in effect from 7 p.m. until 11 p.m. on Sunday, September 6, 1998. The safety zone prevents entry into or movement within this portion of Dorchester Bay, and it is needed to protect the boating public viewing this display from the dangers posed by the 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Deep draft vessel traffic, fishing vessels and tour boats may experience minor delays in departures or arrivals due to the safety zone. Costs to the shipping industry from these regulations, if any are expected to be minor and have no significant adverse financial effect on vessel operators. In addition, due to the limited number and duration of the arrivals, departures and harbor transits, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

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) small 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 (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 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 reasons set out in the preamble, the Coast Guard proposes to amend 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.

2. Add temporary § 165.T01-131 to read as follows:

§ 165.T01-131 Safety Zone: Toward a Better Life Fireworks Display, Dorchester Bay, Boston, MA.

(a) *Location.* The following area is a safety zone: All waters of Dorchester Bay within four hundred (400) yards of the fireworks barge moored in approximate position 42°18'58" N, 071°01'43" W (NAD 1983).

(b) *Effective Date.* This section is effective from 7 p.m. until 11 p.m. on Sunday September 6, 1998.

(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 Captain of the Port or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include 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: August 21, 1998.

J.L. Grenier,

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

[FR Doc. 98-23698 Filed 9-2-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP New Orleans, LA Regulation 98-019]

RIN 2115-AA97

Safety Zone; Baptiste Collette Bayou From Lower Mississippi River Mile 11.3 to Lighted Buoy #21 in Breton Sound

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone from the entrance to Baptiste Collette Bayou at Lower Mississippi River Mile 11.3 to Baptiste Collette Lighted Buoy #21 in Breton Sound, extending the entire width of the bayou. The safety zone has been established to ensure the safe transit of vessels in Baptiste Collette Bayou during a period of significantly increased vessel traffic as a result of the closure of the Inner Harbor Navigational Canal Lock and to protect the environment.

DATES: This regulation is effective from July 27, 1998, at 8 a.m. local time until September 27, 1998 at 8 p.m. local time.

FOR FURTHER INFORMATION CONTACT: LT(jg) Yuri Graves (504) 589-4256. U.S. Coast Guard Marine Safety Office, 1615 Poydras St., New Orleans, LA 70112-1254.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking will not be published for this regulation and good cause exists for making it effective in 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 needed to respond to the potential hazards to local marine traffic involved.

Drafting Information. The drafter of this regulation is LT(jg) Yuri Graves, Project Manager for the Captain of the Port, and LT(jg) M.A. Woodruff Project Counsel, Eighth Coast Guard District Legal Office.

Background and Purpose

The hazardous condition requiring this regulation is a result of the de-watering and repair of the Inner Harbor

Navigation Canal Lock. The safety zone is needed to protect vessels transiting the Baptiste Collette Bayou during this period of significantly increased vessel traffic. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), the Coast Guard must consider whether this regulation 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). Since the impact of this regulation on non-participating small entities is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will only be in effect for several hours and the impacts on small entities are expected to be minimal.

Regulatory Evaluation

This temporary rule is not a significant regulatory evaluation under Section 3(b) of Executive Order 12866 and is not significant under the "Department of Transportation Regulatory Policies and Procedures" (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 is unnecessary. This regulation will only be in effect for a short period of time, and the impacts on routine navigation are expected to be minimal.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (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 it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under Figure 2-1, paragraph (34)(g) of Commandant Instruction M16475.1C (series), this

proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and Record Keeping Requirements, Safety Measures, Vessels, Waterways.

In consideration of the foregoing, Subpart F of Part 165 of Chapter 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46

2. A new temporary § 154.T08-047 is added to read as follows:

§ 165.T08-047 Safety Zone.

(a) *Location.* The following area is a safety zone: Baptiste Collette Bayou from its junction with the Mississippi River to Baptiste Collette Lighted Buoy #21 in Breton Sound, extending the entire width of the Bayou.

(b) *Effective date.* This section is effective from July 27, 1998 at 8 a.m. local time until September 27, 1998 at 8 p.m. local time.

(c) *Regulations.*

In accordance with the general regulations in § 165.23 of this part, entry into the zone by any vessel is prohibited unless authorized by the Captain of the Port.

W.R. Marhoffer,

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

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

RIN 0651-AA96

Revision of Patent Fees for Fiscal Year 1999; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final Rule; correction.

SUMMARY: The Patent and Trademark Office published a document revising certain patent fee amounts for fiscal year 1999 in the **Federal Register** of July 24, 1998. Inadvertently, an incorrect fee amount was stated for a national stage fee in section 1.492(a)(5). This