

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Mobile, AL Regulation 97-15]

RIN 2115-AA97

Safety Zone Regulations; Pensacola, Pensacola Bay, Gulf of Mexico, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone off Pensacola's Pit Slip Marina, Pensacola Bay, within a 1000 foot radius around the barge launching fireworks. The zone is needed to protect personnel and property associated with the Fourth of July Independence Day Celebration. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective from 8 pm to 10 pm on July 4, 1997.

FOR FURTHER INFORMATION CONTACT: LT R.A. Smith, (334) 441-5286, 150 North Royal Street, Mobile, AL 36602-2924.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking 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 damage to the vessels involved.

Background and Purpose

The event requiring this regulation will begin at 8 P.M. on July 4, 1997. The fireworks display will occur within a 1000 foot radius around the launch barge off Pensacola's Pit Slip Marina, Pensacola Bay. The fireworks display will terminate at 10 P.M. on July 4, 1997. This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of part 165.

Regulatory Evaluation

This temporary rule is not a significant regulatory evaluation under 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 section 2.B.2. of Commandant Instruction M16475.1 (series), this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available by contacting Commander (mps), Eighth Coast Guard District, 501 Magazine Street, New Orleans, LA 70130-3396.

List of Subjects in 33 CFR Part 165

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

Regulation

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 § 165.T08038 is added to read as follows:

§ 165.T08038 Safety Zone: Pensacola, Pensacola Bay, Gulf of Mexico, FL.

(a) Location. The following area is a safety zone: Pensacola Bay off Pensacola's Pit Slip Marina, within a 1,000 foot radius of the fireworks launch barge. The zone is needed to protect personnel and property associated with the Fourth of July Independence Day Celebration.

(b) Effective date. This section becomes effective at 8:00 P.M. on July 4, 1997. It terminates at 10:00 P.M. on July 4, 1997.

(c) Regulations: In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: June 6, 1997.

J.J. Kichner,

Captain, U.S. Coast Guard, Captain of the Port, Mobile, Alabama.

[FR Doc. 97-17091 Filed 6-30-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-97-042]

RIN 2115-AA97

Safety Zone: BT Global Challenge Race, Boston Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the BT Global Challenge Race in Boston Harbor. The safety zone is in effect on June 29, 1997, from 12:00 p.m. until 2:30 p.m. The safety zone temporarily closes all waters of Boston Harbor in an area between a western boundary line drawn from the northern most pier of Rows Wharf (42°21'27" N, 071°02'58" W) in Boston to the southeast corner of Pier 1 in East Boston (42°21'51" N, 071°02'32" W), and an eastern boundary line drawn from the northeast corner of the Boston Fish Pier in South Boston (42°21'13" N, 071°02'23" W) to the Cashmans Dry Dock in East Boston (42°21'39" N, 071°02'01" W). The safety zone is needed to protect the yachts participating in the BT Global Challenge Race while they set up and during their departure of Boston Harbor.

EFFECTIVE DATE: This rule is effective on June 29, 1997, from 12 p.m. until 2:30 p.m.

FOR FURTHER INFORMATION CONTACT: MSTC Daniel Dugery, Vessels and Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3002.

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 a 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 BT Global Challenge Race, an around the world race consisting of 14 yachts approximately 67 feet in length. Boston, MA has been designated as one of the port calls for this event. The sponsor, Challenge Business Limited, has requested for Coast Guard assistance when the yachts line up to begin the race, and while they are departing Boston Harbor. Due to the public interest expected in this event, and the natural flow of commercial traffic a safety zone is needed to protect the yachts from the hazards of collision. The safety zone is in effect on June 29, 1997, from 12 p.m. until 2:30 p.m. The safety zone temporarily closes all waters of Boston Harbor within 200 yards of the yachts while they set up for the race and during their departure of Boston Harbor.

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 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. Costs to the shipping industry from these regulations, if any, will be minor and have no significant adverse financial effect on vessel operators. Deep draft vessel traffic, fishing vessels, and tour boats may experience minor delays in departures or arrivals due to the safety zone. 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.

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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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 addressed under the Regulatory Evaluation above, the Coast Guard finds that this rule will not have a significant impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Environment

The Coast Guard has considered the environmental impact of this rule and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation.

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. A temporary 165.T01-042, is added to read as follows:

§ 165.T01-042 Safety Zone: BT Global Challenge Race, Boston Harbor, MA.

(a) *Location.* The following area is a safety zone: All waters of Boston Harbor between a western boundary line drawn from the northern most pier of Rowes Wharf (42°21'27" N, 071°02'58" W) in Boston to the southeast corner of Pier 1 in East Boston (42°21'51" N, 071°02'32" W) and an eastern boundary line drawn from the northeast corner of the Boston Fish Pier in South Boston (42°21'13" N, 071°02'23" W) to the Cashmans Dry Dock in East Boston (42°21'39" N, 071°02'01" W) [Datum: NAD 1983]

(b) *Effective Date.* This regulation becomes effective on June 29, 1997, from 12:00 p.m. until 2:30 p.m.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the COTP Boston.

Dated: June 11, 1997.

J.J. O'Brien, Jr.,

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

[FR Doc. 97-17090 Filed 6-26-97; 10:13 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-97-041]

RIN 2115-AA97

Safety Zone: Macy's 1997 Fourth of July Fireworks, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the annual Macy's Fourth of July Fireworks program in New York Harbor. The event will take place on Friday, July 4, 1997, from 7:30 p.m. until 11:30 p.m. on the East River. This safety zone temporarily closes a major portion of the East River to vessel transits.

EFFECTIVE DATE: This rule is effective from 7:30 p.m. until 11:30 p.m. on July 4, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Dave Gefell, (718) 354-4195, Waterways Management Division, Coast Guard Activities New York, 212 Coast Guard Drive, Fort Wadsworth, Staten Island, New York, 10305.

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 conclusive information regarding this event was determined, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since the event is intended for public entertainment and immediate action is needed to protect