

Environment

The Coast Guard has considered the environmental impact of this rule and has concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised by 59 FR 38654 dated July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. An environmental analysis checklist and categorical exclusion determination will be made available in the 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 33 CFR 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. A temporary section, 165.T01–082, is added to read as follows:

§ 165.T01–082 Safety Zone: Bristol Harbor, Rhode Island

(a) *Location.* The safety zone includes all waters within a 350 yard radius around the fireworks barge. The barge will be anchored at N 41–39'.8 latitude, W 071–16'.92 longitude, which is approximately 200 yards north of the Bristol Harbor Middle Ground Buoy (light list no. 18175) (NAD 83).

(b) *Effective period.* This section is effective from 9:30 p.m. until 10 p.m. on July 4, 1995.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR Section 165.23 apply. Entry into any portion of the described zones is prohibited unless authorized by the Captain of the Port.

Dated: June 14, 1995.

P.A. Turlo,

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

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33 CFR Part 165

[CGD01–95–003]

RIN 2115–AA97

Safety Zone: Heritage of Pride Fireworks Display, Hudson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual Heritage of Pride fireworks display located on the Hudson River, New York. The safety zone is in effect annually on the last Sunday in June from 9:30 p.m. until 11:30 p.m. The safety zone temporarily closes all waters of the Hudson River within a 300 yard radius of the fireworks platform anchored approximately 330 yards west of the Manhattan pierhead line between Pier 45 and Pier 49.

EFFECTIVE DATE: This rule is effective on June 25, 1995.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York (212) 668–7934.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On March 22, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 15101). Interested persons were requested to submit comments on or before May 22, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed. Due to the NPRM comment period deemed necessary to give adequate public notice, there was insufficient time to publish this final rule 30 days prior to the event. Good cause exists for making this rule effective less than 30 days after publication. Adequate measures are being taken to ensure mariners are made aware of this regulation. This rule will be locally published in the First Coast Guard District's Local Notice to Mariners and announced via Safety Marine Information Broadcasts.

Background and Purpose

For the last several years, Heritage of Pride Inc., has submitted an application to hold a fireworks program on the

Hudson River. This regulation establishes a safety zone in the waters of the Hudson River within a 300 yard radius of the fireworks platform anchored approximately 330 yards west of the Manhattan pierhead line between Pier 45 and Pier 49. The safety zone is in effect annually on the last Sunday in June from 9:30 p.m. until 11:30 p.m., unless extended or terminated sooner by the Captain of the Port New York. The safety zone precludes all vessels from transiting this area of the Hudson River and is needed to protect mariners from the hazards associated with fireworks exploding in the area. The effective period of the safety zone will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

Regulatory Evaluation

This regulation 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The safety zone closes a portion of the Hudson River to all vessel traffic annually on the last Sunday in June from 9:30 p.m. until 11:30 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting this area located on the eastern side of the Hudson River, the effect of this regulation is not significant for several reasons: the limited duration of the event; the late hour of the event; the extensive, advance advisories that will be made; that traffic can safely transit to the west of this safety zone; and that this event has been held annually for the past several years without incident or complaint. Accordingly, 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 must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include