

display lasts less than 30 minutes and is expected to involve less than 200 spectator craft.

#### List of Subjects in 33 CFR Part 165

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

#### Final Regulation

For 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 § 165.T01–072, is added to read as follows:

**§ 165.T01–072 Safety Zone; Larchmont Shore Club Centennial Fireworks, Long Island Sound, New York.**

(a) *Location.* The safety zone includes the waters of Long Island Sound within a 330 yard radius of a fireworks barge anchored approximately 400 yards south of the Horseshoe Harbor entrance, Larchmont, New York, at or near 40°54'46" N latitude, 073°44'51" W longitude (NAD 1983).

(b) *Effective period.* This section is in effect from 8:45 p.m. until 10 p.m. on July 29, 1995, with a rain date of July 30, 1995, at the same times, unless extended or terminated sooner by the Captain of the Port New York.

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

(2) 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: June 20, 1995.

**T.H. Gilmour,**

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

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#### 33 CFR Part 165

[CGD01–95–031]

RIN 2115–AA97

#### Safety Zone: Macy's 1995 Fourth of July Fireworks, East River, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the annual Macy's Fourth of July Fireworks program in the East River, New York. The safety zone is in effect on Tuesday, July 4, 1995, from 7 p.m. until 11 p.m. With the exception of certain vessels, which may enter designated portions of the safety zone, the East River will be temporarily closed to vessel transits. This safety zone is needed to protect mariners from the hazards associated with fireworks exploding in the area, and from the dangers associated with vessels operating with limited maneuverability in confined waters.

**EFFECTIVE DATE:** This rule is effective on July 4, 1995, from 7 p.m. until 11 p.m., unless extended or terminated by the Captain of the Port New York.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant R. Trabocchi, Chief, Planning and Readiness Division, Coast Guard Group/Captain of the Port New York (212) 668–7934.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of this notice are LT R. Trabocchi, Project Manager, Coast Guard Group/Captain of the Port New York and LDCR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### Regulatory History

On May 11, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 25189). Interested persons were requested to submit comments on or before June 12, 1995. Seven letters commenting on the proposed rulemaking were received. A public hearing was not requested and one was not held.

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. This is a nationally televised event in celebration of Independence Day. Any delay in making this rule effective would cause cancellation of this major event.

Adequate measures are being taken to ensure mariners are made aware of this regulation. This rule will be locally published in the First Guard District's Local Notice to Mariners, electronically transmitted to major port interests, and announced via Safety Marine Information Broadcasts.

#### Background and Purpose

Macy's notified the Coast Guard that it intends to sponsor its annual Independence Day fireworks program on July 4, 1995. Macy's and The City of New York selected the East River as the location for this program. This regulation establishes a safety zone that will temporarily close the East River to vessel transits from 7 p.m. until 11 p.m. on July 4, 1995. This safety zone includes all waters of the East River, shore to shore, east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York (40°42'16" N latitude 074°01'07" W longitude (NAD 1983)) to the Governors Island Light at the northwest point of Governors Island, New York (40°41'35" N latitude 074°01'11" W longitude (NAD 1983)); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, to the northwest corner of Pier 6, Brooklyn, New York; south of a line drawn from Lawrence Point to Stony Point, and south of the Harlem River Footbridge. This safety zone also includes all waters of Newtown Creek, Brooklyn, New York, west of 073°57'37" W longitude (NAD 1983); and, within the boundaries of the safety zone, all waters inward of the pierheads and bulkheads south of Roosevelt Island. There will be seven (7) fireworks barge configurations between the southern tip of Roosevelt Island and the southern boundaries of this safety zone. No vessel may enter the safety zone without permission of the Captain of the Port New York. Certain designated vessels may enter this safety zone. These designated vessels are defined as follows: (1) Vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may enter the safety zone and remain north of the southern tip of Roosevelt Island to view the fireworks. Such vessels may enter the safety zone and proceed to a position north of the southern tip of Roosevelt Island through the safety zone's northern boundaries at all times. Such vessels desiring to enter the safety zone through the safety zone's southern boundaries must be in a position north of the southern tip of Roosevelt Island prior to 7 p.m.; after 7 p.m. these vessels will only be permitted to enter the safety zone through the safety zone's