

normal rulemaking procedures in this case would be impracticable.

#### Drafting Information

The principal persons involved in drafting this document are LT Kristy Paquette, Project Manager, and LCDR John C. Odell, Project Counsel, Thirteenth Coast Guard District Legal Office.

#### Background and Purpose

The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. The fireworks display is conducted from a barge located on the waters of Port Townsend Bay, Port Townsend, Washington.

During the fireworks display, spectator vessels may attempt to approach the fireworks launching site at close range. If allowed to do so, these vessels and the persons onboard them may be exposed to potential damage, fire and personal injury from sparks, falling debris, and unexploded fireworks.

In order to promote the safety of life and property on the navigable waters during this event, the Coast Guard is establishing a safety zone around the fireworks launching barge in order to keep both the spectators and participants away from the fireworks launching barge during the fireworks display. Entry into this zone will be prohibited unless authorized by the Captain of the Port. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal agencies.

#### Regulatory Evaluation

This temporary 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 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 10e of the regulatory policies and procedure of DOT is unnecessary. The safety zone established by this regulation encompasses less than a half of one square nautical mile on Port Townsend Bay. Entry into the safety zone will be restricted for less than three hours on

the day of the event. Therefore, these restrictions will have little effect on maritime commerce in the area. If safe to do so, the representative of the Captain of the Port assigned to enforce this safety zone may authorize commercial vessels to pass through the safety zone on a case-by-case basis.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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). For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact on small entities to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

#### 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 action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that the temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard considered the environmental impact of this action and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation. A categorical exclusion determination is available in the docket for inspection or copying were indicated under ADDRESSES.

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

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

#### Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR 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.T13–027 is added to read as follows:

#### § 165.T13–027 Port Townsend Bay, Port Townsend, WA.

(a) *Location.* The following area is a safety zone: All portions of Port Townsend Bay within the following area: a circle with a radius of 700 yards extending out from the tug and fireworks barge located at latitude 48°06'20" N; longitude 122°44'38" W. This safety zone resembles a circle centered around the barge from which the fireworks demonstration will be launched. [Datum: NAD 1983].

(b) *Effective dates.* This section is effective on July 4, 1995, from 10 p.m. (PDT) to 12 midnight (PDT) unless sooner terminated by the Captain of the Port.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA or his designated representative. Designated representatives may include any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Puget Sound, to act on his behalf.

Dated: June 27, 1995.

**R.K. Softye,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

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#### 33 CFR Part 165

[CGD13–95–019]

#### Safety Zone Regulations; Fort Vancouver Fourth of July Fireworks Display, Columbia River, Vancouver, WA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the Fort Vancouver Fourth of July Fireworks Display to be held on the Columbia