

Regulatory Evaluation

This proposal 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of Long Island Sound to vessel traffic on November 18, 1995, from 9 p.m. until 9:30 p.m., unless extended or terminated sooner by the Captain of the Port Long Island Sound. Although this regulation prevents traffic from transiting a portion of Long Island Sound, the effect of this regulation will not be significant for several reasons: the safety zone will not impact a navigable channel; the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass seaward of this safety zone; and extensive, advance advisories will be made.

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 addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this 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 these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and a Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard amends 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 section, 165.T01-162, is added to read as follows:

§ 165.T01-162 Yale Party Fireworks, Bayville, NY.

(a) *Location.* The safety zone includes all waters of Long Island Sound within a 1,200-foot radius of the barge designated as the fireworks launching platform, located offshore Ferry Beach, Bayville, NY, in approximate position 40°54'55" N, 073°32'58" W. (NAD 1983)

(b) *Effective date.* This section is effective on November 18, 1995, from 9 p.m. until 9:30 p.m., unless extended or terminated sooner by the Captain of the Port Long Island Sound. There is no rain date scheduled for this event.

(c) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

Dated: November 11, 1995.

T.W. Allen,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

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33 CFR Part 165

[CGD01-95-010]

RIN 2115-AA97

Safety Zone: Annual South Street Seaport New Year's Eve Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual South Street Seaport New Year's Eve fireworks program located on the East River, New York. The safety zone is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. The safety zone temporarily closes all waters of the East River, shore to shore, south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York.

EFFECTIVE DATE: This rule is effective on December 15, 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 CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On April 3, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (60 FR 16820). Interested persons were requested to submit comments on or before June 2, 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.

Background and Purpose

For the last several years, South Street Seaport, Inc. has submitted an Application for Approval of Marine Event for a New Year's Eve fireworks program on the East River. This regulation establishes a permanent safety zone on all waters of the East River, shore to shore, south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York. The safety zone is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on