

# Proposed Rules

Federal Register

Vol. 61, No. 101

Thursday, May 23, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD01-96-011]

RIN 2115-AE46

#### Special Local Regulation: Fireworks Displays Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish special local regulations for annual fireworks displays that occur throughout the First Coast Guard District. This regulation is necessary to control vessel traffic within the immediate vicinity of the fireworks launch sites and to ensure the safety of life and property during each event.

**DATES:** Comments must be received on or before June 6, 1996.

**ADDRESSES:** Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110-3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) Benjamin M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223-8311.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Each person submitting comments should include their name and address, identify this notice (CGD01-96-011), the specific

section of the proposal to which each comment applies, and give the reason for each comment. Comments and attachments should be submitted on 8½" x 11" unbound paper in a format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments received during the comment period will be considered by the Coast Guard and may change this proposal.

The Coast Guard has no plans to hold a public hearing. Persons may request a public hearing by writing to Commander (b), First Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If the Coast Guard determines that oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the Federal Register. Good cause exists for providing a comment period of less than 30 days. Due to the date final information was available concerning these events, the Coast Guard was unable to publish this NPRM in time to provide a longer comment period. Due to the need to establish regulations providing for the safety of these events, which start on Memorial Day weekend, additional notice would be impracticable, unnecessary, and contrary to the public interest.

#### Discussion of Proposed Amendments

Each year, organizations in the First District sponsor fireworks displays in the same location during the same general time period. The Coast Guard proposes to establish a special local regulation that creates a regulated area surrounding the launch platform used during each fireworks display listed in Table 1 of the new regulation. Table 1 provides dates and locations for the annual fireworks events. Each event listed in Table 1 will use a barge or on-shore site as the fireworks launch platform. Given the concentration of explosives at the launch site, it is necessary to establish special local regulations to control vessel movement within a 500 yard radius around the launch platform to ensure the safety of persons and property at these events. Coast Guard personnel on-scene may

allow vessels within the 500 yard radius should conditions permit. The Coast Guard will publish a notice in the Federal Register each year which provides the exact dates and times for these events.

#### 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). Due to the short duration of each fireworks display, the advance notice provided to the marine community, and the small size of each regulated area, 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.

#### 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 mentioned in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic 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 economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

#### 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 proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impacts of this proposal and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B, (as revised by 61 FR 13564, March 27, 1996) this proposal is a special local regulation issued in conjunction with annual regattas or marine parades and is categorically excluded from further environmental documentation.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Records and recordkeeping requirements, Waterways.

#### Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

#### **PART 100—[AMENDED]**

1. The authority citation for part 100 continues to read as follows.

Authority: 33 USC 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new section, § 100.114, is added to read as follows:

#### **§ 100.114 First Coast Guard District Fireworks.**

(a) *Regulated area.* That area within 500 yards of the launch platform for each fireworks display listed in Table 1 of this section.

Table 1—Fireworks Displays

1. Shooters Independence Day  
Sponsor: Shooters Waterfront Cafe USA  
Date: July 4  
Location: Providence River off India Point Park, Providence, RI  
2. Salute to Summer  
Sponsor: Naval Education and Training Center  
Date: Friday of Weekend preceding Labor Day holiday weekend  
Location: Narragansett Bay, East Passage, off Coasters Harbor Island, Newport, RI  
3. Yarmouth-Dennis Fireworks  
Sponsor: Yarmouth-Dennis Chamber of Commerce  
Date: Independence Day holiday weekend

Location: Nantucket Sound, east of channel entrance to Bass River, Yarmouth, MA

#### 4. Edgartown Fireworks

Sponsor: Edgartown Firefighters Association

Date: Independence Day holiday weekend

Location: Edgartown Harbor, Edgartown, MA

#### 5. City of New Bedford Fireworks

Sponsor: City of New Bedford

Date: Independence Day holiday weekend

Location: New Bedford Harbor, New Bedford, MA

#### 6. Falmouth Fireworks

Sponsor: Falmouth Fireworks Committee

Date: July 4

Location: Falmouth Harbor, .25 nm east of buoy #16, Falmouth, MA

#### 7. Bristol 4th of July Fireworks

Sponsor: Bristol Fourth of July Committee

Date: Independence Day holiday weekend

Location: Bristol Harbor, Bristol, RI

#### 8. Oyster Harbor Club Fourth of July Festival

Sponsor: Oyster Harbor Club, Inc

Date: Independence Day holiday weekend

Location: Tim's Cove, North Bay, Osterville, RI

#### 9. Town of Barnstable Fireworks

Sponsor: Town of Barnstable

Date: Independence Day holiday weekend

Location: Dunbar Point/Kalmus Beach, Barnstable, MA

#### 10. Onset Fireworks

Sponsor: Prudential Commerce Onset Fire District

Date: Independence Day holiday weekend

Location: Onset Harbor, Onset, MA

#### 11. Tiverton Waterfront Festival

Sponsor: Tiverton Waterfront Festival Committee

Date: Independence Day holiday weekend

Location: Grinnel's Beach, Sakonnet River, Tiverton, RI

#### 12. Marion Fireworks

Sponsor: Town of Marion Fireworks Committee

Date: Independence Day holiday weekend

Location: Silver Shell Beach, Marion, MA

#### 13. Wellfleet Fireworks

Sponsor: Wellfleet Fireworks Committee

Date: Independence Day holiday weekend

Location: Indian Neck Jetty, Wellfleet, MA

#### 14. Oaks Bluff Fireworks

Sponsor: Oaks Bluff Fireman's Civic Association

Date: Last two weeks in August

Location: Oaks Bluff Beach, Oaks Bluff, MA

#### 15. Anniversary Fireworks

Sponsor: Town of Chilmark

Date: Weekend in September

Location: Menemsha Beach, Chilmark, MA

#### 16. Fall River Celebrates America Fireworks

Sponsor: Fall River Chamber of Commerce

Date: Second Saturday in August

Location: Taunton River, vicinity of buoy #17, Fall River, MA

#### 17. Fireworks on the Navesink

Sponsor: Red Bank Fireworks Committee

Date: Independence Day holiday weekend

Location: Navesink River, 4 nm WSW Oceanic Bridge, Red Bank, NJ

#### 18. Staten Island's 4th of July

Sponsor: Borough of Staten Island

Date: Independence Day holiday weekend

Location: Raritan Bay, vicinity of federal anchorages 44 and 45, Ward Point Bend, NY/NJ

#### 19. Brick Founders Day Fireworks

Sponsor: Brick Township Chamber of Commerce

Date: First weekend in June

Location: Metedeconk River, Windward Beach, Brick Township, NJ

#### 20. Brick Summerfest Fireworks

Sponsor: Brick Township Chamber of Commerce

Date: Independence Day holiday weekend

Location: Metedeconk River, Windward Beach, Brick Township, NJ

#### 21. First Night Fireworks

Sponsor: First Night Inc.

Date: January 1, upon the stroke of midnight

Location: Boston Inner Harbor, Boston, MA

#### 22. Boston Harborfest Fireworks

Sponsor: Harborfest Committee

Date: Harborfest Week Celebration in June or first week in July

Location: Boston Inner Harbor, Boston, MA

#### 23. Weymouth 4th of July Fireworks

Sponsor: Town of Weymouth Harbormaster

Date: Independence Day holiday weekend

Location: Weymouth Fore River, Weymouth, MA

#### 24. Gloucester Fireworks

Sponsor: Gloucester Chamber of Commerce

Date: Labor Day holiday weekend

Location: Gloucester Harbor, Gloucester, MA

#### 25. Walsh's Fireworks

Sponsor: Mr. Patrick Walsh

- Date: Independence Day holiday weekend  
Location: Union River Bay, ME  
26. Belfast Fireworks  
Sponsor: Belfast Bay Festival Committee  
Date: Third Saturday in July  
Location: Belfast Bay, ME  
27. Bangor Fireworks  
Sponsor: Bangor 4th of July Corporation  
Date: Independence Day holiday weekend  
Location: Bangor/Brewer waterfront, ME  
28. Bar Harbor Fireworks  
Sponsor: Bar Harbor Chamber of Commerce  
Date: Independence Day holiday weekend  
Location: Bar Harbor/Bar Island, ME  
29. Summer Music Fireworks  
Sponsor: Summer Music Inc.  
Date: Weekend during month of August  
Location: Niantic River, Harkness Park, Waterford, CT  
30. Montauk Independence Day  
Sponsor: Montauk Chamber of Commerce  
Date: Independence Day holiday weekend  
Location: Montauk Town Beach, Montauk, NY  
31. Koch Industrial Fireworks  
Sponsor: Koch Industries  
Date: Last weekend in August or first weekend in September  
Location: Shinnecock Bay, South Hampton, NY  
32. Norwich Harbor Day Fireworks  
Sponsor: Harbor Day Committee  
Date: Last Sunday in August  
Location: Norwich Harbor, off American Wharf Marina, Norwich, CT  
33. City of Norwalk Fireworks  
Sponsor: Norwalk Recreation and Parks Department  
Date: Independence Day holiday weekend  
Location: Calf Pasture Beach, Long Island Sound, Norwalk, CT  
34. Boys Harbor Fireworks Extravaganza  
Sponsor: Boys Harbor Inc.  
Date: Second or third weekend in July  
Location: Three Mile Harbor, East Hampton, NY  
35. Taste of Italy  
Sponsor: Italian Heritage Committee  
Date: Weekend following Labor Day holiday weekend  
Location: Norwich Harbor, off Norwich Marina, Norwich, CT  
36. Hartford Riverfest  
Sponsor: July 4th Riverfest, Inc.  
Date: Independence Day holiday weekend  
Location: Connecticut River, Hartford, CT  
37. Fairfield Aerial Fireworks  
Sponsor: Fairfield Park Commission  
Date: Independence Day holiday weekend  
Location: Jennings Beach, Long Island Sound, Fairfield, CT  
38. Middletown Fireworks  
Sponsor: City of Middletown  
Date: Independence Day holiday weekend  
Location: Connecticut River, Middletown, CT  
39. Thames River Fireworks  
Sponsor: Town of Groton  
Date: Weekend following Independence Day holiday weekend  
Location: Thames River, off Electric Boat, Groton, CT  
40. Stratford Fireworks  
Sponsor: Town of Stratford  
Date: Independence Day holiday weekend  
Location: Short Beach, Stratford, CT  
41. Hartford Riverfront Regatta  
Sponsor: Riverfront Recapture Inc.  
Date: First or second weekend in August  
Location: Connecticut River, Hartford, CT  
42. Subfest Fireworks  
Sponsor: U.S. Naval Submarine Base  
Date: Independence Day holiday weekend  
Location: Thames River, Groton, CT  
43. Old Lyme Fireworks  
Sponsor: Mr. James R. Rice  
Date: Independence Day holiday weekend  
Location: Sound View Beach, Long Island Sound, Old Lyme, CT  
44. Norwich American Wharf Fireworks  
Sponsor: American Wharf Marina  
Date: Independence Day holiday weekend  
Location: Norwich Harbor, Norwich, CT  
45. Westport P.A.L. Fireworks  
Sponsor: Westport Police Athletic League  
Date: Independence Day holiday weekend  
Location: Compo Beach, Westport, CT  
46. Stamford Fireworks  
Sponsor: City of Stamford  
Date: Date within first two weeks of July  
Location: Westcott Cove, Stamford, CT  
47. First Night Mystic  
Sponsor: Mystic Community Center  
Date: December 31  
Location: Mystic River, Mystic, CT  
48. Cow Harbor Day Fireworks  
Sponsor: Village of Northport Harbor  
Date: Date within last two weekends of September  
Location: Sand Pit, Northport Harbor, Northport, NY  
49. Jones Beach State Park Fireworks  
Sponsor: Long Island State Park Administration Headquarters  
Date: Independence Day holiday weekend  
Location: Fishing Pier, Jones Beach State Park, Wantagh, NY  
50. Change Fireworks  
Sponsor: Change, Medford, NY  
Date: Date within first two weekends of August  
Location: Short Beach, Nissequogue, NY  
51. Devon Yacht Club Fireworks  
Sponsor: Devon Yacht Club, Amagansett, NY  
Date: Date within the first week of July  
Location: Devon Yacht Club, Amagansett, NY  
52. Hempstead Fireworks  
Sponsor: Town of Hempstead, NY  
Date: Date within the first week of July  
Location: Point Lookout, Hempstead, NY  
53. Town of Babylon Fireworks  
Sponsor: Town of Babylon, NY  
Date: Date within the first two weeks of July  
Location: Nezeras Island, Babylon, NY  
54. American Legion Post 83 Fireworks  
Sponsor: Town of Branford American Legion Post 83  
Date: Date within the first week of July  
Location: Branford Point, Branford, CT  
55. U.S. Open Fireworks  
Sponsor: Barons Cove Inn, Sag Harbor, NY  
Date: Date within the middle two weeks of June  
Location: Barons Cove, Sag Harbor, NY  
56. Bayville Crescent Club Fireworks  
Sponsor: Bayville Crescent Club, Bayville, NY  
Date: Independence Day holiday weekend  
Location: Cooper Bluff, Cove Neck, NY  
57. Yampol Family Fireworks  
Sponsor: Azurite Corp. LTD., Fort Lauderdale, FL  
Date: Date within the last weekend of May  
Location: Barons Cove, Sag Harbor, NY
- (b) *Special Local Regulations.*  
(1) The Coast Guard patrol commander may delay, modify, or cancel the fireworks display as conditions or circumstances require.  
(2) No person or vessel may enter, transit, or remain within the regulated area during the effective period of regulation unless authorized by the Coast Guard patrol commander.  
(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.  
(4) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol commander. On-scene patrol personnel may include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short

blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective dates.* This section is in effect for each event listed in Table 1 on dates and times specified in a Federal Register notice.

Dated: May 10, 1996.

J.L. Linnon,

*Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.*

[FR Doc. 96-12867 Filed 5-22-96; 8:45 am]

BILLING CODE 4910-14-M

## Coast Guard

### 33 CFR Part 165

[COTP San Diego 96-002]

RIN 2115-AA97

#### Security Zone; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** At the request of the Secret Service, the Coast Guard proposes to establish a temporary security zone within San Diego Bay adjacent to the San Diego Convention Center. The security zone is needed to ensure the security of those attending the Republican National Convention by securing the nearby Marriott Marina and any adjacent vessels, waterfront facilities, or waters. Authorized vessels will be permitted to enter or remain within the security zone.

**DATES:** Comments must be received on or before July 8, 1996. Two public meetings will be held: one meeting on June 1, 1996 at 10 a.m. and the second meeting on July 2, 1996 at 7 p.m.

**ADDRESSES:** Comments may be mailed to LTJG John V. Reinert, Marine Safety Office San Diego, 2716 N. Harbor Dr., San Diego, CA 92101. Comments may also be delivered between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments will be available for inspection and copying at this address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The June 1, 1996 public meeting will be held at the San Diego Marriott and Marina, 385 West Harbor Drive, San Diego, CA. The July 2, 1996 public meeting will be held at Building "I", Coast Guard Activities San Diego, 2710 North Harbor Drive, San Diego, CA.

**FOR FURTHER INFORMATION CONTACT:**

LTJG John V. Reinert, Marine Safety Office, 2716 N. Harbor Dr., San Diego, CA 92101 (619) 683-6486.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

Interested persons are invited to participate in this rule making by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (COTP San Diego 96-002) and the specific section of the proposal to which their comments apply. Reasons should be given for each comment. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken. The receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The Captain of the Port San Diego plans to hold two public meetings in San Diego, CA on this proposed rule. The first meeting will be June 1, 1996 at 10 a.m. at the San Diego Marriott and Marina. The second meeting will be held at 7 p.m. at Building "I" Coast Guard Activities San Diego.

##### Discussion of Proposed Regulations

The Republican National Convention will be held at the San Diego Convention Center in San Diego, CA from August 11 through 15, 1996. The Secret Service requested that the Coast Guard establish the proposed security zone to ensure the security of those attending the Republican National Convention by securing the nearby Marriott Marina and any adjacent vessels, waterfront facilities, or waters. Expected attendees at the Convention may include former U.S. presidents and their spouses, high ranking U.S. government officials and the Republican presidential and vice-presidential nominees.

The security zone will be in effect from 8 a.m. PDT on August 11, 1996 until 11 p.m. PDT on August 15, 1996. The security zone will encompass the entrance to the Marriott Marina, and includes the following water and land area: starting at a point along the waterfront between Marriott Marina finger piers "F" and "G" at a point 32°42'26"N, 117°09'56"W, extending southwesterly to the south end of North Embarcadero Park at a point 32°42'20"N, 117°10'01"W, continuing 500 feet southwesterly toward channel buoy "23" at a point 32°42'16"N, 117°10'07"W, then southeasterly following the South Embarcadero Park

shoreline so a point where it intersects with the easterly side of navigable channel at 32°42'13"N, 117°10'02"W, proceeding along the channel edge 100 feet past the southernmost point of South Embarcadero Park to a point 32°42'09"N, 117°09'50", then northeasterly until it intersects with the shoreline at a point 32°42'16"N, 117°09'42"W, then along shoreline to the point of beginning.

Pursuant to the Coast Guard's authority in 33 U.S.C. 1223; 50 USC 191, and the general regulations governing security zones in 33 CFR 165.33 and 33 CFR 6.04, no vessel will be allowed to enter or remain in this zone unless specifically authorized by the Captain of the Port (COTP). The COTP may grant permission for a vessel to enter or remain within the security zone if the vessel owner or operator first consents to a search of the vessel by the U.S. Secret Service, U.S. Coast Guard, or other authorities for the purpose of finding explosives, weapons, or other articles which may pose a threat to the Marriott Marina or any adjacent vessels, waterfront facilities, or waters. The owner or operator of a vessel entering the security zone must also provide the COTP with a list of persons on board and destination slip number. Vessels whose owners or operators do not consent to a search of their vessels or who refuse to provide any information requested by the COTP will not be granted permission to enter or remain within the security zone. While the security zone is in effect, no person will be granted permission by the COTP to remain on any vessel within the security zone between the hours of 10 p.m. and 8 a.m.

The COTP may grant permission for a vessel in the mooring at the Marriott Marina to remain within the security zone if the owners or operators consent to a search of the vessel. If a vessel leaves its mooring and exits the security zone, its reentry will be conditioned on consent to be searched. Additionally, the owner or operator of the vessel will be required to provide the COTP with a list of persons on board the vessel when transiting the security zone and an estimated time of return to moorings within the security zone.

Under the authority granted the COTP in 33 CFR 6.04-8 to control the movement of any vessel within the territorial waters of the United States under his jurisdiction, vessels within the security zone will not be allowed to move on August 15, 1996 from 2 p.m. to 11 p.m. The COTP will not grant permission for any vessel to enter the security zone during that time period. Additionally, during this time period,