

from the area, citation for failure to comply, or both.

(d) *Effective Date:* These regulations become effective on Friday, July 4, 1997, at 9:45 p.m. (PDT) and terminate on July 4, 1997, at 11 p.m. (PDT).

Dated: June 12, 1997.

G.M. Webber,

Commander, U.S. Coast Guard, Acting Captain of the Port, Portland, Oregon.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13-97-011]

RIN 2115-AA97

Safety Zone Regulations; St. Helens 4th of July Fireworks Display, Columbia River, St. Helens, OR

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the St. Helens 4th of July fireworks display. The event will be held on Friday, July 4, 1997, from 9:45 p.m. (PDT) to 11 p.m. (PDT). The safety zone will be located on the Columbia River from river mile 85.8 to river mile 86.5, in the vicinity of the Columbia River entrance to the Multnomah Channel, St. Helens, Oregon. The Coast Guard, through this action, intends to protect persons, facilities, and vessels from safety hazards associated with the fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This rule is effective on July 4, 1997, at 9:45 p.m. (PDT) and terminates on July 4, 1997, at 11 p.m. (PDT).

FOR FURTHER INFORMATION CONTACT:

LT T. G. Allan, c/o Captain of the Port, Portland, 6767 N. Basin Ave, Portland, Oregon 97217-3992, (503) 240-9327.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to ensure the safety of structures and vessels operating in the

area of the fireworks display. Due to the complex planning and coordination involved, the event sponsor, the St. Helens Jaycees, was unable to provide the Coast Guard with notice of the final details until 30 days prior to the date of the event. Therefore, sufficient time was not available to publish a proposed rule in advance of the event or to provide a delayed effective date. Following normal rulemaking procedures in this case would be impracticable.

Background and Purpose

The event requiring this regulation is the St. Helens 4th of July fireworks display to be held on the Columbia River in St. Helens, Oregon. The fireworks display is scheduled to begin on July 4, 1997, at 9:45 p.m. (PDT). This event may result in a number of vessels congregating near the fireworks launch area. To promote the safety of both the spectators and participants, a safety zone is being established on the waters of the Columbia River around the fireworks launching area, and entry into this safety zone is prohibited unless authorized by the Captain of the Port. This action is necessary due to the possibility of debris and unexploded fireworks falling into the Columbia River in the vicinity of the launching barge. This safety zone will be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal, state, and local 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the entry into the safety zone will only be restricted for one hour on the day of the event, and that less than half a mile of the waterway will be restricted. The entities most likely to be affected by this action are commercial ship, and tug and barge operators on the Columbia River. Most of these entities are aware of the fireworks display and the safety zone, and they can schedule their transits accordingly. 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 final rule 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 of this final rule to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this final rule and has concluded that, under section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the rulemaking docket.

List of Subjects in 33 CFR Part 165

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

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations, 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.T13010 is added to read as follows:

§ 165.T13010 Safety Zone; Columbia River, St. Helens, OR.

(a) *Location:* The following area is a safety zone: All waters on the Columbia River from river mile 85.8 to river mile 86.5, in the vicinity of the Columbia River entrance to the Multnomah Channel, St. Helens, Oregon.

(b) *Definitions:* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Portland, to act on his behalf. The following officers have or will be designated by the Captain of the Port: The Coast Guard Patrol Commander, the senior boarding officer on each vessel enforcing the safety zone, and the Duty Officer at Coast Guard Group Portland, Oregon.

(c) *Regulations:*

(1) In accordance with the general regulations in Section 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels or persons signalled shall stop and comply with the orders of the patrol vessels; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) *Effective Date:* These regulations become effective on Friday, July 4, 1997, at 9:45 p.m. (PDT) and terminate on July 4, 1997, at 11 p.m. (PDT).

Dated: June 12, 1997.

G.M. Webber,

Commander, U.S. Coast Guard, Acting Captain of the Port, Portland, Oregon.

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD13–97–009]

RIN 2115–AA97

Safety Zone Regulations; Oregon Food Bank Blues Festival Fireworks Display, Willamette River, Portland, OR

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Oregon Bank Blues Festival fireworks display. The event will be held on Friday, July 4, 1997, from 9:45 p.m. (PDT) to 11 p.m. (PDT). The safety zone will be located on the Willamette River between the Hawthorne Bridge (river mile 13.1) and the Marquam Bridge (river mile 13.5), Portland, Oregon. The Coast Guard, through this action, intends to protect persons, facilities, and vessels from safety hazards associated with the fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This rule is effective on July 4, 1997, at 9:45 p.m. (PDT) and terminates on July 4, 1997 at 11 p.m. (PDT).

FOR FURTHER INFORMATION CONTACT:

LT T.G. Allan, c/o Captain of the Port, Portland, 6767 N. Basí Ave, Portland Oregon 97217–3992, (503) 240–9327.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to ensure the safety of structures and vessels operating in the area of the fireworks display. Due to the complex planning and coordination involved, the event sponsor, Oregon Food Bank Blues Festival and Fuller Productions, were unable to provide the Coast Guard with notice of the final details until 30 days prior to the date of the event. Therefore, sufficient time was not available to publish a proposed rule in advance of the event or to provide a delayed effective date. Following normal rulemaking procedures in this case would be impracticable.

Background and Purpose

The event requiring this regulation is an Oregon Food Bank Blues Festival fireworks display to be held on the Willamette River in Portland, Oregon. The fireworks display is scheduled to begin on July 4, 1997, at 9:45 p.m. (PDT). This event may result in a number of vessels congregating near the fireworks launching barge. To promote the safety of both the spectators and participants, a safety zone is being established on the waters of the Willamette River around the fireworks launching barge, and entry into this safety zone is prohibited unless authorized by the Captain of the Port. This action is necessary due to the possibility of debris and unexploded fireworks falling into the Willamette River in the vicinity of the launching barge. This safety zone will be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal, state, and local 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the entry into the safety zone will only be restricted for one hour on the day of the event, and that less than half a mile of the waterway will be restricted. The entities most likely to be affected by this action are commercial ship, and tug and barge operators on the Willamette River. Most of these entities are aware of the fireworks display and the safety zone, and they can schedule their transits accordingly. 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 final rule will have a significant economic impact