

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-98-037]

Special Local Regulations for Marine Events; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations at 33 CFR 100.501 during the start of the Cock Island Race, a marine event to be held in the Elizabeth River, Norfolk and Portsmouth, Virginia on June 26, 1998. These special local regulations are necessary to control vessel traffic in the vicinity of Norfolk Harbor due to the confined nature of the waterway and expected vessel congestion during the start of the race. The effect will be to restrict general navigation in the regulated area for the safety of race participants, spectator craft and other vessels transiting the event area.

DATES: 33 CFR 100.501 is effective from 9 a.m. to 4 p.m. on June 26, 1998.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer D. Merrill, Marine Events Coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703-2199, (757) 483-8568.

SUPPLEMENTARY INFORMATION: Ports Events, Inc., will sponsor the Cock Island Race on June 26, 1998. The race will consist of 300 sailboats, ranging in length from 22' to 60'. The participants will be divided into classes, with each class starting at 10 minute intervals from the Portsmouth Seawall area of the Elizabeth River. They will race to Hampton Roads and return. A large spectator fleet is anticipated. Therefore, to ensure the safety of the racers, spectators and transiting vessels, 33 CFR 100.501 will be in effect during the start of the race. Under provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: May 26, 1998.

P.M. Stillman,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 98-15035 Filed 6-4-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-98-017]

RIN 2115-AE46

Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is issuing a temporary rule to change the effective dates for the special local regulations for this year's Harvard-Yale Regatta. The Harvard-Yale Regatta will be held on June 6, 1998, on the Thames River in New London, Connecticut. This regulation is necessary to control vessel traffic within the immediate vicinity of the event due to the confined nature of the event, thus providing for the safety of life and property on the affected navigable waters.

DATES: This rule is effective on June 6, 1998, from 3 p.m. to 8 p.m. If the regatta is canceled due to weather, this rule will be in effect on the following day, Sunday June 7, 1998, from 6 a.m. to 11 a.m.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Mark A. Cawthorn, Assistant Chief, Search and Rescue Branch, First Coast Guard District, (617) 223-8460.

SUPPLEMENTARY INFORMATION:**Regulatory History**

The special local regulation in 33 CFR 100.101 for the annual Harvard-Yale Regatta was published on May 13, 1996 at 62 FR 21960. The regulation's effective date does not allow automatic implementation of the rule each year. This regulation is necessary to suspend paragraph (b) of 33 CFR 100.101 and add paragraph (d) specifying the effective dates for this year's event. Good cause exists for providing for this regulation to become effective in less than 30 days after **Federal Register** publication. Publishing an NPRM would require a 30-day comment period and the final rule would not be effective before the scheduled event. The Coast Guard believes delaying the event in order to provide a 30-day delayed effective date would be contrary to the public interest given this event's local popularity.

Background and Purpose

The Harvard-Yale regatta is an annual rowing race sponsored by the Harvard-

Yale Regatta Committee. Participating rowboats require favorable navigable conditions. A portion of the Thames River in New London, Connecticut will be closed during the effective period. The regulated area is that area of the river between the Penn Central Drawbridge and Bartlett's Cove. This regulated area is needed to protect life and property during the event. For further information and restrictions regarding this event see 33 CFR 100.101.

Regulatory Evaluation

This 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. The Office of Management and Budget has exempted this temporary rule from review under that order. This temporary rule 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 rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. The effect of this temporary rule will not be significant for several reasons: Entry into the regulated area is restricted for a short duration; vessels may transit around the regulated area; and the extensive advance advisories that will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. "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 discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this 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 rule under the principles and criteria contained in Executive Order 12612 and

have determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this rule and concluded that under Figure 2-1, paragraph 34(h), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety; Navigation (water); Reporting and recordkeeping requirements; Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard temporarily amends 33 CFR part 100 as follows:

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

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. From 3 p.m. to 8 p.m. on June 6, 1998, in § 100.101, paragraph (b) is suspended and a new paragraph (d) is added to read as follows:

§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.

(d) *Effective period.* This section is in effect on June 6, 1998, from 3 p.m. to 8 p.m. If the regatta is canceled due to weather, this section will be in effect on the following day, Sunday, June 7, 1998 from 6 a.m. to 11 a.m.

Dated: May 26, 1998.

James D. Garrison,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 98-15034 Filed 6-4-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-014]

RIN 2115-AA97

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

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Macy's Fourth of July fireworks program located on the East River. The safety zone is in effect from 7:30 p.m. until 11:30 p.m. on Saturday, July 4,

1998. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: This rule is effective from 7:30 p.m. until 11:30 on Saturday, July 4, 1998.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01-98-014), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or may be delivered to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4195.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4195.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date this application was received, there was insufficient time to draft and publish an NPRM. Final plans for the event were not made until May 4, 1998. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

Background and Purpose

Macy's East, Inc. has submitted an Application for Approval of Marine Event to hold a fireworks program on the waters of the East River at Manhattan, New York. This regulation establishes a safety zone in all waters of the East River, north of the Brooklyn Bridge, and south of a line drawn from Lawrence Point (40°47'27"N 073°54'35"W NAD 1983) to Stony Point

(40°47'48"N 073°54'42"W NAD 1983), and south of the Harlem River Foot Bridge, New York. This safety zone area also includes all waters of Newtown Creek west of the Pulaski Bascule Bridge. The safety zone is in effect from 7:30 p.m. until 11:30 p.m. on Saturday, July 4, 1998. The safety zone prevents vessels from transiting this portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from 4 separate barges in the area. No vessel may enter the safety zone without permission of the Captain of the Port New York. In order to facilitate an orderly viewing of and departure after the event, vessels will be allowed to take position within the zone as follows: vessels less than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in the northern area of the zone, north of the southern tip of Roosevelt Island and in the southern area of the zone, south of the Williamsburg Bridge, and in Newtown Creek, east of the Pulaski Bascule Bridge. Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and a line drawn from East 15th Street, Manhattan, to a point due east on the Brooklyn shore at the north corner of the Bushwick Inlet entrance.

Once in position within the zone, all vessels must remain in position until released by the Captain of the Port New York. On scene patrol personnel will monitor the number of designated vessels taking position in the viewing areas of the zone. If it becomes apparent that any additional spectator vessels in a specific viewing area will create a safety hazard, the patrol commander may prevent additional vessels from entering into that viewing area. All vessels must be in their respective viewing areas no later than 7:30 p.m. After the event has concluded and the fireworks barges have safely relocated outside of the main channel, vessels will be allowed to depart by separate viewing area as directed by the patrol commander.

Vessels not complying with this criteria have a significant potential to create a hazardous condition in this area of the East River, due in great part, to the extremely strong currents.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the