

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039. Section 117.793 is revised to read as follows:

2. Section 117.755(a) is revised as follows:

### § 117.755 Shrewesbury River

(a) The Rt-36 Bridge, mile 1.8, at Highlands, New Jersey, shall open on signal, except that, from May 15th through October 15th, 7 a.m. to 8 p.m., the draw need open only on the hour and half hour. The owners of the bridge shall provide and keep in good legible condition, two boards gages painted white with black figures not less than eight inches high to indicate the clearance under the closed draw at all stages of the tide. The gages shall be placed on the bridge so that they are plainly visible to operators of vessels approaching the bridge from either up or down stream.

\* \* \* \* \*

Dated: May 13, 1999.

**R.M. Larrabee,**

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

[FR Doc. 99-13239 Filed 5-24-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-99-051]

RIN 2115-AA97

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

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone in the East River for the Macy's Fourth of July Fireworks. Display. 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:** Comments must be received on or before June 15, 1999.

**ADDRESSES:** Comments may be mailed to the Waterways Oversight Branch (CGD01-99-051), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or

deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

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 J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-99-051) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

##### Background and Purpose

Macy's East, Inc. has submitted an Application for Approval of a Marine Event for a fireworks display in the East River. The proposed regulation establishes a temporary safety zone in all waters of the East River east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York in approximate position 40°42'16"N 074°01'07"W (NAD 1983) to Governors Island Light (LLNR 35010), in

approximate position 40°41'35"N 074°01'11"W (NAD 1983); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, in approximate position 40°41'35"N 074°01'11"W (NAD 1983) to the northwest corner of Pier 6, Brooklyn, New York; 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 proposed safety zone is effective from 7:30 p.m. until 11:30 p.m. on July 4th, 1999. There is no rain date for this event. The proposed 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 6 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 less than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in the following three areas: (1) All waters of the East River south of: (i) 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)); (ii) the Harlem River Foot Bridge, and north of the southern end of Roosevelt Island; (2) in Newtown Creek, east of the Pulaski Bascule Bridge. (3) in Buttermilk Channel, south of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, in approximate position 40°41'35"N 074°01'11"W (NAD 1983) to the northwest corner of Pier 6, Brooklyn, New York;

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 between 6:30 p.m. and 8 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.

The Staten Island Ferries may continue services to their ferry slip at Whitehall Street, The Battery, Manhattan, New York. Continuing ferry services in the southwestern portion of the safety zone will not create a hazard nor be threatened by the fireworks display because Vessel Traffic Services New York will monitor and control the transits of these ferries. Failure to allow these continued ferry services will have a negative impact on residents of Staten Island, New York, and those persons traveling to and from Manhattan at the end of the holiday weekend.

Vessels not complying with these viewing area restrictions 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 protection of all vessels and the fireworks handlers aboard the barges.

Public notifications will be made prior to the event via Local Notice to Mariners, marine information broadcasts, facsimile, and Macy's waterways telephone "hotline" at 212-494-5247, which is to be activated approximately June 1st, 1999. The Coast Guard is limiting the comment period for this NPRM to 21 days because the proposed safety zone is only for a four hour long annual event. Final plans were not made for this event until May 13, 1999. There is not sufficient time to publish a Temporary Final Rule 30 days before the event and provide a 60-day comment period.

#### Discussion of Proposed Rule

The proposed safety zone is for the Macy's Fourth of July Fireworks display held in the East River, Manhattan, New York. This event is held annually on July 4th. This rule is being proposed to provide for the safety of life on navigable waters during the event and to give the marine community the opportunity to comment on this event.

#### Regulatory Evaluation

This proposed 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 not been reviewed 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 proposed rule 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 temporarily closes a major portion of the East River to vessel traffic. There is a regular flow of traffic through this area; however, the impact of this regulation is expected to be minimal for the following reasons: the limited duration of the event; the extensive, advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the event is taking place at a late hour on a national holiday; the event has been held for twenty-two years in succession and is therefore anticipated annually, small businesses may experience an increase in revenue due to the event; advance notifications will be made to the local maritime community by the Local Notice to Mariners, marine information broadcasts, facsimile, and the event sponsor establishes and advertises a telephone "hotline" at 212-494-5247 which waterways users may call prior to the event for details of the safety zone. This telephone number will be published via the Local Notice to Mariners and facsimile. The number is to be activated approximately June 1st, 1999.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, 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 proposed 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 proposed rule will economically affect it.

#### Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

#### Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

#### Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This proposed rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

#### Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

#### Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this proposed rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This proposed rule will not effect a taking of

private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This proposed rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

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

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

#### Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 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) 6.04-6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.

2. Add temporary § 165.T01-051 to read as follows:

#### § 165.T01-051 Safety Zone: Macy's Fourth of July Fireworks, East River, New York.

(a) *Location.* The following area is a safety zone: All waters of the East River east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York in approximate position 40°42'16"N 074°01'07"W (NAD 1983) to Governors Island Light (LLNR 35010), in approximate position 40°41'35"N 074°01'11"W (NAD 1983); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, in approximate position 40°41'35"N 074°01'11"W (NAD 1983) to the northwest corner of Pier 6, Brooklyn, New York; 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 also includes all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Effective period.* This section is effective from 7:30 p.m. until 11:30 p.m. on July 4th, 1999. There is no rain date for this event.

#### (c) Regulations.

(1) The general regulations in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) Vessels may remain in the safety zone for the purpose of viewing the event in accordance with the following pre-established viewing areas:

(i) 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, south of the safety zone's southern area in Buttermilk Channel, and in Newtown Creek, east of the Pulaski Bascule Bridge.

(ii) 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.

(iii) Vessels must be positioned in their respective viewing areas within the safety zone between 6:30 p.m. and 8 p.m.

(4) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

**R. E. Bennis,**

*Captain, Coast Guard, Captain of the Port, New York.*

[FR Doc. 99-13240 Filed 5-24-99; 8:45 am]

BILLING CODE 4910-15-M

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Packaging Material Standards for Flat-Size Periodicals and Standard Mail

**AGENCY:** Postal Service.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The Postal Service is withdrawing its proposal to prohibit use

of string and rubber bands to secure packages of flat-size Periodicals and Standard Mail when prepared on pallets.

**FOR FURTHER INFORMATION CONTACT:** Lynn M. Martin, (202) 268-6351.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** issue of March 9, 1999 (64 FR 11402) the Postal Service published a proposed rule to prohibit the use of string and rubber bands to secure packages of flat-size Periodicals mail and Standard Mail when prepared on pallets. This proposal also stated that the Postal Service planned, in the future, to extend this prohibition to flat-size Periodicals mail and Standard Mail prepared in sacks. Twenty-nine comments were received in response to the proposed rule.

In response to many of these comments, the Postal Service has decided to withdraw this proposal until additional research can be done as to why packages do not maintain their integrity during processing. When more specific data have been gathered, the Postal Service will publish for public comment a new proposed rule governing packaging standards for flat-size Periodicals and Standard Mail (A).

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 99-13112 Filed 5-24-99; 8:45 am]

BILLING CODE 7710-12-P

#### FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Parts 1, 22, 24, 26, 27, 73, 74, 80, 87, 90, 95, 97, and 101**

[WT Docket No. 99-87, RM-9332, RM-9405; FCC 99-52]

#### Revised Competitive Bidding Authority; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document corrects the heading to a *Notice of Proposed Rule Making* ("NPRM"), published in the **Federal Register** of May 3, 1999, regarding Revised Competitive Bidding Authority. This correction adds the Commission's file number, RM-9405, to the heading.

**FOR FURTHER INFORMATION CONTACT:** Gary D. Michaels, Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Scot Stone Public Safety & Private Wireless Division, Wireless