

(ii) *Special subgroup rule.* In the event that the principles of § 1.1502-21(g)(1) do not apply to a particular credit carryover in the current group, then solely for purposes of applying this paragraph (h)(4)(iii) to determine the limitation with respect to that carryover and with respect to which the SRLY register (the aggregate of the member's or subgroup's contribution to consolidated section 53(c) limitation reduced by the aggregate of the member's or subgroup's minimum tax credits arising and absorbed in all consolidated return years) began in a taxable year for which the due date of the return is on or before May 25, 2000, the principles of § 1.1502-21(c)(2) shall be applied without regard to the phrase "or for a carryover that was subject to the overlap rule described in paragraph (g) of this section or § 1.1502-15(g) with respect to another group (the former group)."

(2) *Overlap rule.* Paragraph (h)(4)(iii)(B)(5) of this section (relating to overlap with section 383) applies to taxable years for which the due date (without extensions) of the consolidated return is after May 25, 2000. For purposes of paragraph (h)(4)(iii)(B)(5) of this section, only an ownership change to which section 383, as amended by the Tax Reform Act of 1986 (100 Stat. 2095), applies and which results in a section 383 credit limitation shall constitute a section 383 event. The optional effective date rule of § 1.1502-3(d)(4) (generally making this paragraph (h)(4)(iii) also applicable to a consolidated return year beginning on or after January 1, 1997, if the due date of the income tax return (without extensions) was on or before March 13, 1998) does not apply with respect to paragraph (h)(4)(iii)(B)(5) of this section (relating to the overlap rule).

§ 1.1502-55T [Removed]

Par. 8. Section 1.1502-55T is removed.

Par. 9. Section 1.1502-98 is amended by adding a sentence immediately following the first sentence to read as follows:

§ 1.1502-98 Coordination with section 383.

* * * For example, subgroups with respect to the carryover of general business credits, minimum tax credits, unused foreign tax, and net capital loss are determined by applying the principles of § 1.1502-91(d)(1). * * *

§ 1.1502-9A [Amended]

Par. 10. Section 1.1502-9A is amended as follows:

1. In paragraph (a)(2), the last sentence is amended by removing the

language "1.1502-3T(c)(4)" and adding "1.1502-3(d)(4)" in its place.

2. In paragraph (b)(1)(v), the last sentence is amended by removing the language "1.1502-3T(c)(4)" and adding "1.1502-3(d)(4)" in its place.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: May 8, 2000.

Jonathan Talisman,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00-11901 Filed 5-24-00; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 165

[CGD01-99-050]

RIN 2115-AA97, AA98, AE46

Temporary Regulations: OPSAIL 2000/ International Naval Review 2000 (INR 2000), Port of New York/New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary regulations in New York Harbor, Sandy Hook Bay, the Hudson and East Rivers, and the Kill Van Kull for OPSAIL 2000/INR 2000 activities. This action is necessary to provide for the safety of life on navigable waters during OPSAIL 2000/INR 2000. This action is intended to restrict vessel traffic in portions of New York Harbor, Sandy Hook Bay, the Hudson and East Rivers, and the Kill Van Kull.

DATES: This rule is effective from 12 p.m. e.s.t. on June 29, 2000, until 12 p.m. e.s.t. on July 5, 2000.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD01-99-050 and are available for inspection or copying at room 205, of the Waterways Oversight Branch of Coast Guard Activities New York, between 8 a.m., e.s.t. and 3 p.m., e.s.t. 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:

Regulatory Information

On February 7, 2000, we published a notice of proposed rulemaking (NPRM)

entitled Temporary Regulations: OPSAIL 2000/International Naval Review 2000 (INR 2000), Port of New York/New Jersey in the **Federal Register** (65 FR 5833). On February 14, 2000, we published a correction to this NPRM entitled Temporary Regulations: OPSAIL 2000/International Naval Review 2000 (INR 2000), Port of New York/New Jersey in the **Federal Register** (65 FR 7333). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The U.S. Navy is sponsoring the International Naval Review. This event consists of the anchoring of approximately 50 U.S. and foreign naval vessels in line between the Verrazano-Narrows Bridge and the George Washington Bridge. A high level U.S. dignitary will transit aboard a U.S. Navy vessel along this line as a ceremonial review. Operation Sail, Inc. is sponsoring the seventh OPSAIL Parade of Tall Ships, as well as a fireworks display co-sponsored by Macy's Inc. Operation Sail consists of a parade of sailing vessels from the Verrazano-Narrows Bridge north past a reviewing stand aboard the U.S.S. John F. Kennedy (CV-67) anchored in Federal Anchorage 21B in Upper New York Bay. This parade will continue north to the George Washington Bridge where these vessels will turn south and go to berth throughout the Port of New York and New Jersey. These events are scheduled to take place on July 4, 2000, in the Port of New York/New Jersey, on the waters of New York Harbor, Sandy Hook Bay, the Hudson and East Rivers, and the Kill Van Kull. The Coast Guard expects a minimum of 40,000 spectator craft for these events. These regulations create temporary anchorage regulations, vessel movement controls, and two security zones. The regulations will be in effect at various times in the Port of New York and New Jersey during the period June 29, 2000 through July 5, 2000. The vessel congestion due to the large number of participating and spectator vessels poses a significant threat to the safety of life. This rulemaking is necessary to ensure the safety of life on the navigable waters of the United States.

Regulated Areas

The Coast Guard is establishing two regulated areas in New York Harbor that will be in effect from July 3-5, 2000. These two regulated areas are needed to protect the maritime public and participating vessels from possible hazards to navigation associated with;

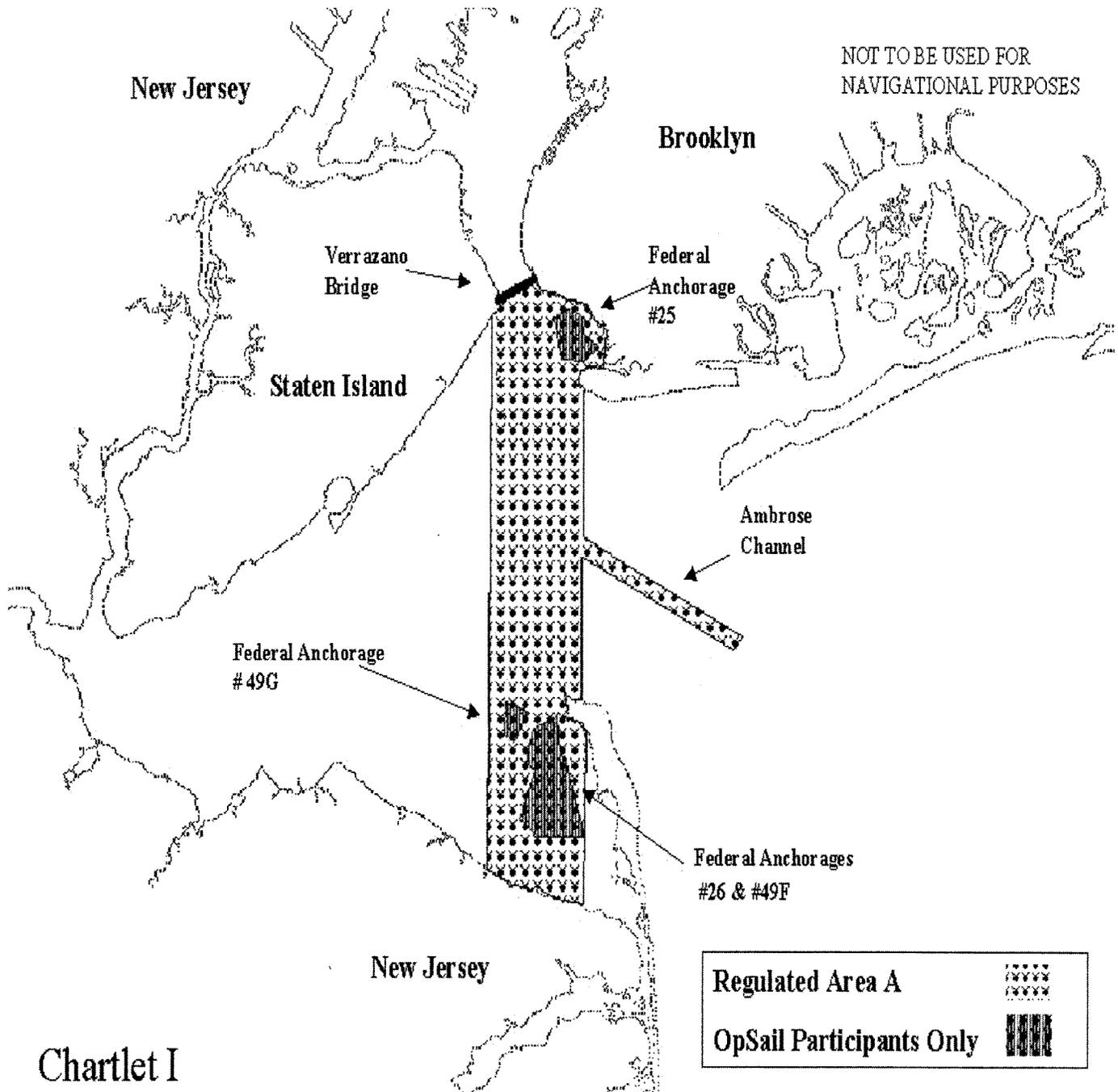
an International Naval Review conducted on the Hudson River and New York Harbor Upper Bay, a Parade of Tall Ships transiting the waters of Sandy Hook Bay, New York Harbor, and the Hudson River in close proximity; fireworks fired from 11-13 barges on the Hudson and East Rivers and in Upper New York Bay; and a large number of naval vessels, Tall Ships, and spectator craft anchored in close proximity throughout the duration of these events. These regulated areas include vessel anchoring and operating restrictions.

Regulated Area A covers all waters of New York Harbor Lower Bay and Sandy Hook Bay within the following boundaries: south of the Verrazano-Narrows Bridge; west of a line drawn shore to shore along 074°00'00" W (NAD 1983) between Coney Island, New York, and Navesink, New Jersey; and east of a line drawn shore to shore along 074°03'12" W (NAD 1983) between Fort Wadsworth, Staten Island, and Leonardo, New Jersey and all waters of Ambrose Channel shoreward of Ambrose Channel Entrance Lighted

Gong Buoy 1 (LLNR 34800) and Ambrose Channel Entrance Lighted Bell Buoy 2 (LLNR 34805). Please see Chartlet I, depicting Regulated Area A, included with this Temporary final rule (TFR) for the convenience of the reader. This area is to be used as a staging area for vessels participating in the Parade of Tall Ships. This regulated area is effective from 6 a.m., e.s.t. July 3, until 4 p.m., e.s.t. on July 4, 2000.

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NOT TO BE USED FOR NAVIGATIONAL PURPOSES



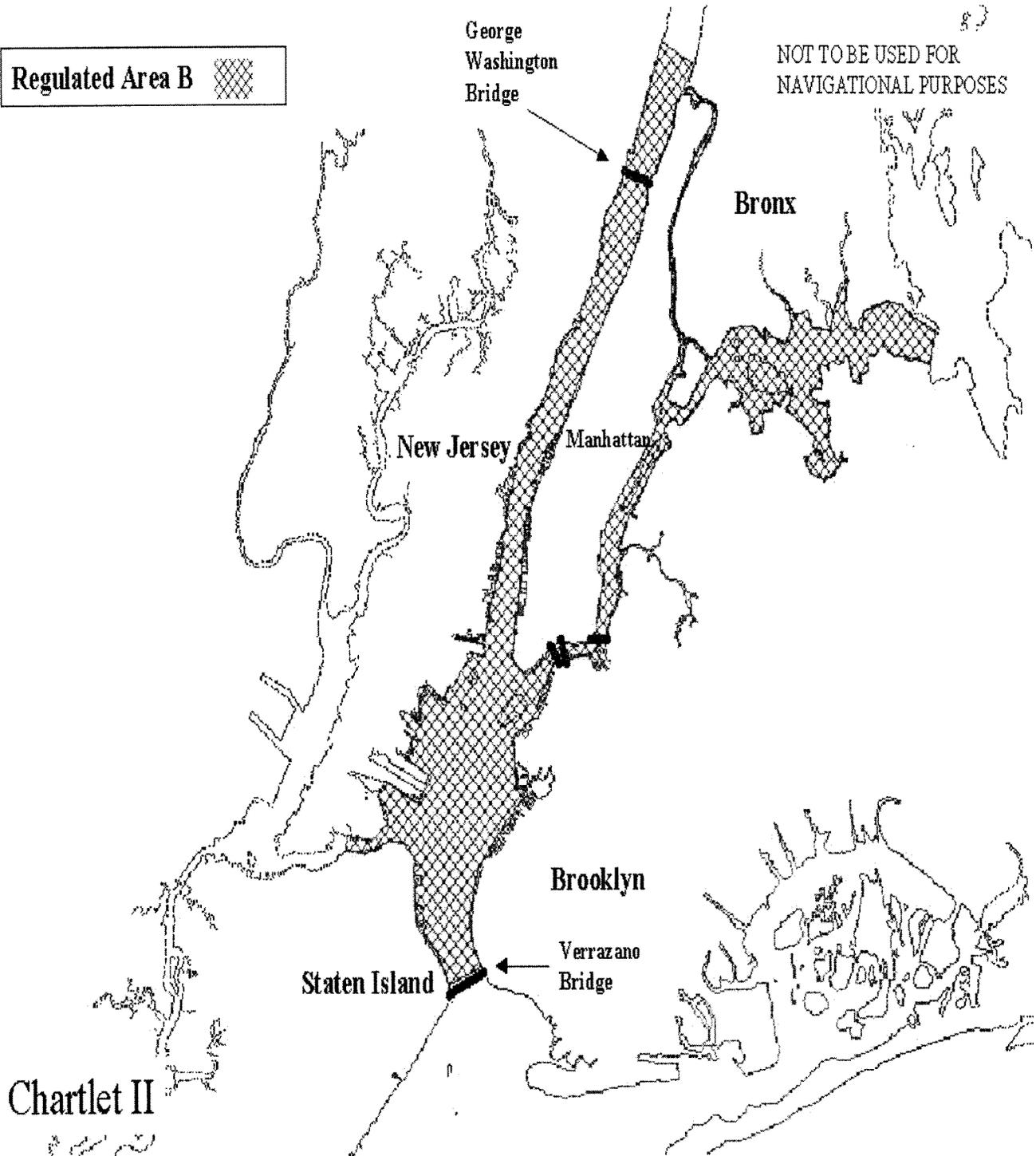
Chartlet I

Regulated Area B covers all waters of New York Harbor, Upper Bay, the Hudson, Harlem, and East Rivers, and the Kill Van Kull within the following boundaries: south of 40°52'39" N (NAD 1983) on the Hudson River at Spuyten Duyvil Creek; west of the Throgs Neck Bridge on the East River; north of the

Verrazano-Narrows Bridge; and east of a line drawn from shore to shore along 074°05'15" W (NAD 1983) between New Brighton, Staten Island, and Constable Hook, New Jersey, in the Kill Van Kull. Please see Chartlet II, depicting Regulated Area B, included with this TFR for the convenience of the reader.

This regulated area is for the International Naval Review, the Parade of Tall Ships, and the July 4th fireworks display. This regulated area is effective from 10 a.m., e.s.t. on July 3, 2000, until 10 a.m., e.s.t. on July 5, 2000.

Regulated Area B 



Spectator vessels transiting Regulated Area A or B must do so at no wake speed or at speeds not to exceed 10 knots, whichever is less. No vessels other than OPSAIL 2000/INR 2000 vessels, their assisting tugs, and enforcement vessels, may enter or navigate within the boundaries of the Anchorage Channel or Hudson River in regulated Area B unless specifically authorized by the Coast Guard Captain of the Port, New York, or his on-scene representative. No vessel may anchor in the Anchorage Channel or Hudson River outside of the designated spectator anchorages in Regulated Area B at any time without authorization. The operation of seaplanes, including taxiing, landing, and taking off, is prohibited in Area B on July 3–4, 2000, without prior written authorization from the Captain of the Port. Ferry services may operate in Area B on July 3 and 5, 2000. On July 4, 2000 only those ferry services with prior written authorization from the Coast Guard Captain of the Port will be authorized to operate in this area.

No vessel, other than OPSAIL 2000/INR 2000 vessels, their assisting tugs, and enforcement vessels, is permitted to transit the waters between Governors Island and The Battery in southern Manhattan from 7 a.m., e.s.t. July 4, 2000 until the end of the Parade of Sail. Vessels which must transit to or from the East River may only do so by using Buttermilk Channel unless otherwise authorized by the Coast Guard Captain of the Port, New York, or his on-scene representative.

Regulated Area A contains three anchorage grounds for use by OPSAIL 2000/INR 2000 vessels only and it will also serve as a staging area for the vessels participating in the Parade of Sail. Regulated Area B contains anchorage grounds for OPSAIL 2000/INR 2000 vessels and spectator craft. It contains the International Naval Review of Ships on the Hudson River and New York Harbor's Upper Bay, from the Verrazano-Narrows Bridge to the George Washington Bridge (river mile 11.0). The International Naval Review will be conducted on the morning of July 4, 2000 and consists of a column of approximately 50 International Naval Ships anchored in the Hudson River and New York Harbor's Upper Bay

along the western side of the Anchorage Channel. The U.S. Navy Review Ship will transit south along this column from the George Washington Bridge to the Verrazano-Narrows Bridge and conduct a review of all the participating naval ships. After the INR, approximately 300 vessels will participate in the Parade of Sailing Vessels which will take place in Area B between the Verrazano-Narrows Bridge and the George Washington Bridge (river mile 11.0) on the Hudson River. Additionally, Area B will contain 11–13 fireworks barges being used for the July 4th fireworks display. Fireworks barges will be located in the Hudson River between the Holland Tunnel Ventilators and West 65th Street in Manhattan, in the East River between the southern tip of Roosevelt Island and The Battery, east of Liberty Island, and in the Anchorage Channel north of the Verrazano-Narrows Bridge.

Anchorage Regulations

The Coast Guard is also establishing temporary Anchorage Regulations for participating OPSAIL 2000/INR 2000 ships and spectator craft. Some current Anchorage Regulations in 33 CFR 110.155 are temporarily suspended by this regulation and new Anchorage Grounds and regulations are being temporarily established. Chartlets I, III, and IV illustrate the anchorage grounds and are included for the convenience of the reader.

The anchorage regulations designate selected current or temporarily established Anchorage Grounds for spectator or OPSAIL 2000/INR 2000 participant vessel use only. They restrict all other vessels from using these Anchorage Grounds during a portion of the OPSAIL 2000/INR 2000 event. The Anchorage Grounds are needed to provide viewing areas for spectator vessels while maintaining a clear parade route for the participating OPSAIL/INR vessels and to protect boaters and spectator vessels from the hazards associated with the International Naval Review and the Parade of Tall Ships.

The Coast Guard designates Anchorage Grounds 16, 17, and 18–A in the Hudson River in the vicinity of the George Washington Bridge (river mile 11.0); and the temporarily established Liberty Island Anchorage, Ellis Island

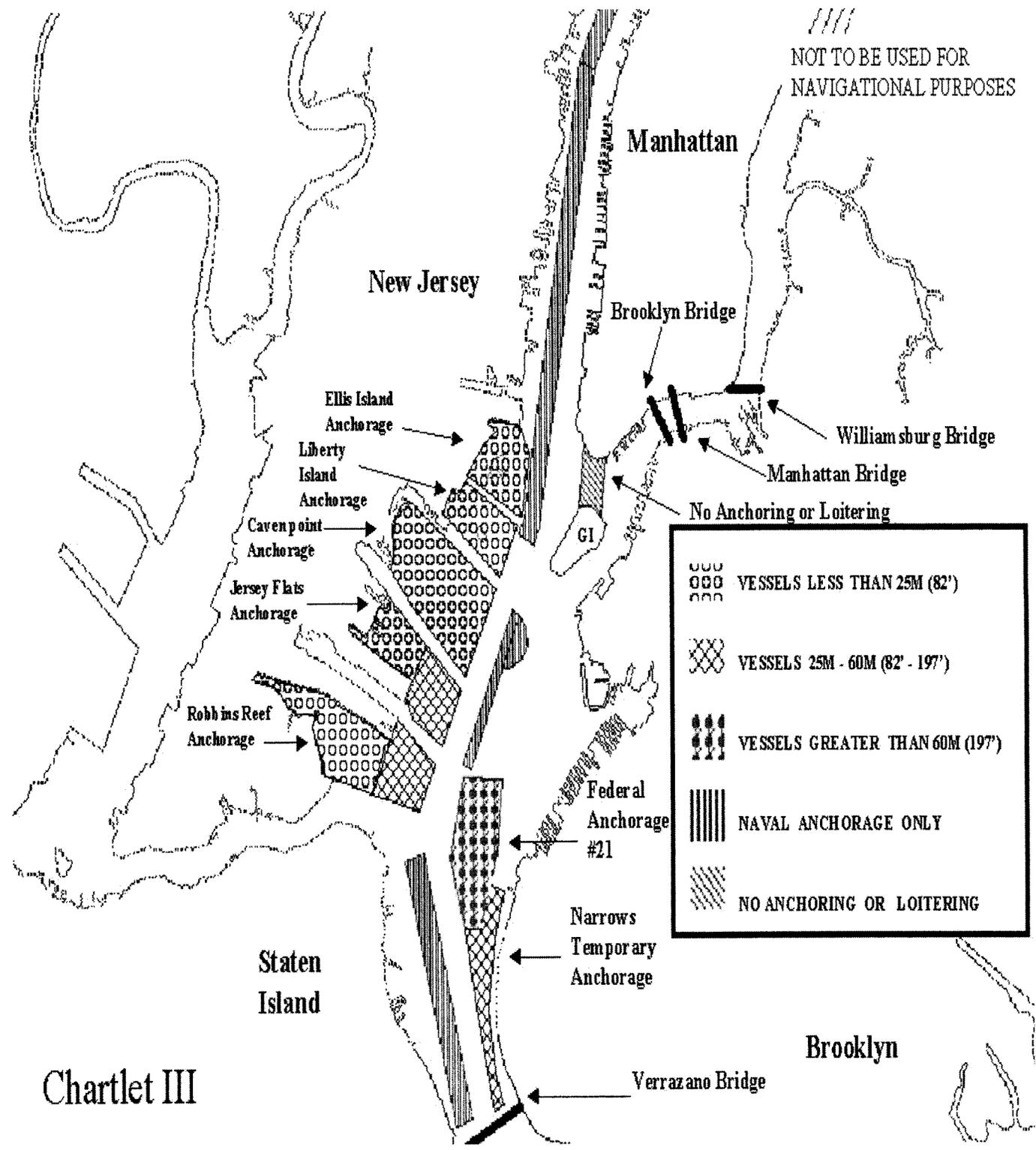
Anchorage, Caven Point Anchorage, Jersey Flats Anchorage and Robbins Reef Anchorage in New York Harbor's Upper Bay, and a temporary Anchorage Ground from north of the Verrazano-Narrows Bridge to Owls Head Park along the Brooklyn shoreline exclusively for spectator vessel use from 12 p.m., e.s.t. on June 29, 2000, until 12 p.m., e.s.t. on July 5, 2000. The temporary Narrows Anchorage is being expanded to authorize a larger viewing area for spectator vessels between 25 meters (82 feet) and 60 meters (197 feet). The expanded area includes all waters of Anchorage Channel east of a line drawn between Gowanus Flats Lighted Bell Buoy 22 (LLNR 34945) and Bay Ridge Channel Lighted Buoy 2 (LLNR 36872) to the western boundary of the temporary Narrows Anchorage.

The Coast Guard also designates Anchorage Grounds 21–B, 23–A, 23–B, and 24 in New York Harbor's Upper Bay for OPSAIL 2000/INR 2000 participant vessels. These regulations are effective from 3 a.m., e.s.t. July 1, 2000, through 6 p.m., e.s.t. July 5, 2000. Other vessels may be authorized to use these anchorages on July 1 and 2, 2000 as determined by the Captain of the Port, New York.

Additionally, the Coast Guard designates Anchorage Ground 25 and a temporarily established Anchorage Ground covering portions of Anchorage Grounds 26, 49–F and 49G in Sandy Hook Bay for OPSAIL 2000/INR 2000 participant vessels. These proposed regulations are effective from 6 a.m., e.s.t. July 2, 2000, through 4 p.m., e.s.t. July 4, 2000.

The eastern portions of the Jersey Flats and Robbins Reef Anchorages and the Narrows Temporary Anchorage Ground are for vessels between 25 meters (82 feet) and 60 meters (197 feet) in length. Anchorage 21–C is for vessels greater than 60 meters (197 feet). Positioning within these three anchorages will be controlled by the Captain of the Port, New York. Persons desiring to use these anchorages must have a permit from the Captain of the Port New York. A lottery was held to determine vessel anchorage locations and applications are no longer being accepted.

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NOT TO BE USED FOR
NAVIGATIONAL PURPOSES

○○○○
○○○○ VESSELS LESS THAN 25M (82')
○○○○

Federal
Anchorage # 17

New Jersey

Federal
Anchorage # 18A

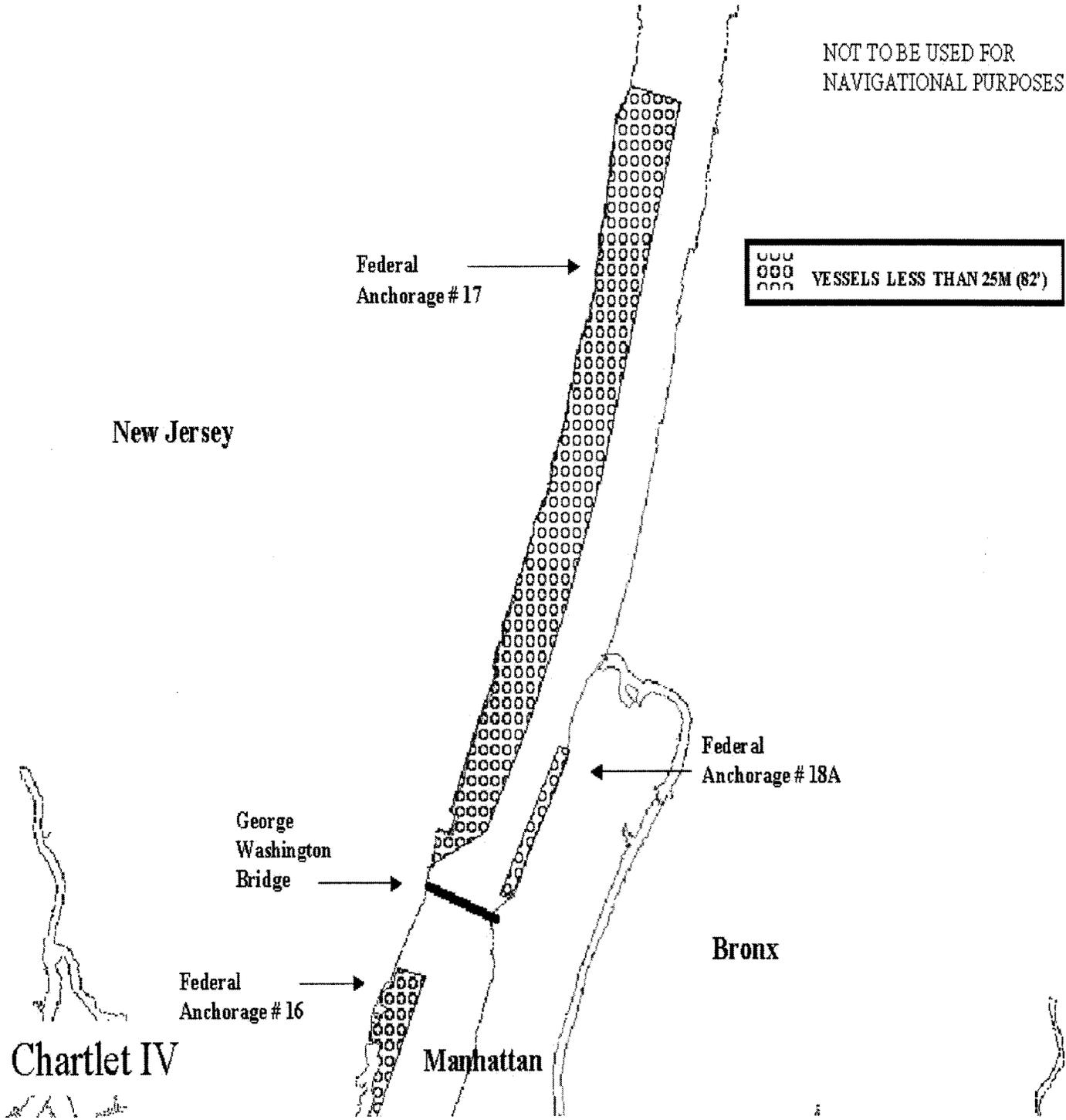
George
Washington
Bridge

Bronx

Federal
Anchorage # 16

Manhattan

Chartlet IV



Security Zones

The Coast Guard is establishing a moving security zone for all waters within 500 yards of the Review Ship for the International Naval Review from 7 a.m., e.s.t. until 11 a.m., e.s.t. on July 4, 2000. The Review Ship will be the U.S. Navy vessel that is anchored the furthest north in the Hudson River at 7 a.m., e.s.t. on July 4, 2000. This ship will get underway and transit down the Hudson River and Upper New York Bay between the George Washington Bridge (river mile 11.0) and the Verrazano-Narrows Bridge. The Review Ship will be easily identifiable during its transit because it will be the only large U.S. Navy vessel that is underway at this time in the Port of New York, and it will be escorted by numerous U.S. Coast Guard small boats.

A second security zone is established for all waters within 500 yards of the U.S.S. John F. Kennedy (CV-67), from 10 a.m., e.s.t. until 5 p.m., e.s.t. on July 4, 2000 while in Anchorage 21-B and while being used as the reviewing stand for the Parade of Sailing Vessels. Numerous dignitaries who require Secret Service protection will be onboard both Navy vessels. Due to the dignitaries' attendance, security zones are required to ensure the proper level of protection to prevent sabotage or other subversive acts, accidents, or other activities of a similar nature to the Port of New York/New Jersey.

Discussion of Comments and Changes

We received no letters commenting on the proposed rule, but we did make two minor changes to it. The temporary Narrows Anchorage is being expanded to make a larger viewing area for spectator vessels between 25 meters (82 feet) and 60 meters (197 feet). The expanded area includes all waters of Anchorage Channel east of a line drawn between Gowanus Flats Lighted Bell Buoy 22 (LLNR 34945) and Bay Ridge Channel Lighted Buoy 2 (LLNR 36872) to the western boundary of the temporary Narrows Anchorage, and south of the current southern boundary of Federal Anchorage 21-C. This change increases the length of the temporary Narrows Anchorage by 1,450 yards. The increased anchorage length is necessary because it provides a greater area for spectator craft to anchor in. It is also easier to enforce as the western boundary is now aligned with the western boundary of Federal Anchorage No. 21-C. This will provide one straight boundary line to enforce as opposed to three boundary lines as originally planned. The expanded temporary Narrows Anchorage area will not have a negative impact on vessel traffic in the

area because the expanded area does not include any navigable channels and it would not have been used by vessels. But it will have a positive impact because it provides space for five extra spectator craft that were alternate winners of the lottery drawing for anchorage spots in the area.

We changed section 110.155's introductory note to emphasize the mariners' need to exercise caution while using the temporarily designated anchorage areas for OPSAIL 2000/INR 2000. While we are not aware of any safety problems associated with these temporary anchorage areas, we can not ensure the anchor holding capability of each area nor that the bottoms are free from obstructions. Consequently, we are advising mariners to take appropriate precautions including using all means available to ensure their vessels are not dragging anchor. But based on past experience with these temporary anchorage areas, we have no reason to believe they are not adequate for their intended use.

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 not reviewed it 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).

We expect 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.

Although this regulation prevents traffic from transiting a portion of New York Harbor, Sandy Hook Bay, the Hudson and East Rivers, and the Kill Van Kull during the events, the effect of this regulation will not be significant for the following reasons: The limited duration that the regulated areas will be in effect and the extensive advance notifications that have been and will be made to the maritime community via the Local Notice to Mariners, facsimile, marine information broadcasts, New York Harbor Operations Committee meetings, and New York area newspapers, so mariners can adjust their plans accordingly. At no time will commercial shipping access to Port Newark/Port Elizabeth facilities be prohibited. Access to those areas may be accomplished using Raritan Bay, Arthur Kill, Kill Van Kull, and Newark Bay as an alternate route. This will allow the majority of the maritime industrial

activity in the Port of New York/New Jersey to continue, relatively unaffected. Similar regulated areas were established for the 1986 and 1992 OPSAIL events. Based upon the Coast Guard's experiences learned from these previous events of a similar magnitude, these proposed regulations have been narrowly tailored to impose the least impact on maritime interests yet provide the level of safety deemed necessary.

One substantive change is being made to the Temporary final rule. The temporary Narrows Anchorage is being expanded to authorize a larger viewing area for spectator vessels between 25 meters (82 feet) and 60 meters (197 feet). The expanded area includes all waters of Anchorage Channel east of a line drawn between Gowanus Flats Lighted Bell Buoy 22 (LLNR 34945) and Bay Ridge Channel Lighted Buoy 2 (LLNR 36872) to the western boundary of the temporary Narrows Anchorage, and south of the current southern boundary of Federal Anchorage 21-C. We expect this change to have no adverse economic impact as it increases the size of the available spectator craft viewing area in the Narrows Temporary anchorage without closing any portions of any navigable channels. As originally published in the NPRM, this area would not have been used by any vessels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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 the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in portions of Lower and Upper New York Bay and the Hudson and East Rivers during various times from June 29-July 5, 2000. These regulations will not have a significant economic impact on a substantial number of small entities for the following additional reasons: Although these regulations will apply to a substantial portion of the Port of New York/New Jersey, designated areas for

viewing the Parade of Sailing Vessels and the Fourth of July Fireworks are being established to allow for maximum use of the waterways by commercial tour boats that usually operate in the affected areas. Before the effective period, the Coast Guard will make notifications to the public via mailings, facsimiles, the Local Notice to Mariners and use of the sponsors Internet site. In addition, the sponsoring organization, OPSAIL Inc., is planning to publish information of the event in local newspapers, pamphlets, and television and radio broadcasts.

One substantive change is being made to the Temporary final rule. The temporary Narrows Anchorage is being expanded to authorize a larger viewing area for spectator vessels between 25 meters (82 feet) and 60 meters (197 feet). The expanded area includes all waters of Anchorage Channel east of a line drawn between Gowanus Flats Lighted Bell Buoy 22 (LLNR 34945) and Bay Ridge Channel Lighted Buoy 2 (LLNR 36872) to the western boundary of the temporary Narrows Anchorage, and south of the current southern boundary of Federal Anchorage 21-C. This will have a positive impact on small entities as it provides space for five more spectator craft to be awarded permits to anchor here in the lottery drawing. As originally published in the NPRM, this area would not have been used by any vessels.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. We provided explanations of the effect of these regulations on the Port of New York/New Jersey to approximately 15 small entities.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agricultural Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-800-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule, including the expansion of the Temporary Narrows Anchorage discussed in the Discussion of Comments and Changes section above, and concluded that, under figure 2-1, paragraph 34(f, g, and h), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. These temporary regulations establish special local regulations, anchorage grounds, and security zones. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 100

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

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Parts 100, 110, and 165 as follows:

PART 100—MARINE EVENTS

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

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

2. Add temporary § 100.T01-050 to read as follows:

§ 100.T01-050 OPSAIL 2000/International Naval Review (INR) 2000, Port of New York/New Jersey.

(a) *Regulated Areas.* (1) *Regulated Area A.* (i) *Location.* All waters of New York Harbor, Lower Bay and Sandy Hook Bay within the following boundaries: south of the Verrazano-Narrows Bridge; west of a line drawn shore to shore along 074°00'00" W (NAD 1983) between Coney Island, New York, and Navesink, New Jersey; and east of a line drawn shore to shore along 074°03'12" W (NAD 1983) between Fort Wadsworth, Staten Island, and Leonardo, New Jersey, and all waters of Ambrose Channel shoreward of Ambrose Channel Entrance Lighted Gong Buoy 1 (LLNR 34800) and Ambrose Channel Entrance Lighted Bell Buoy 2 (LLNR 34805).

(ii) *Enforcement period.* Paragraph (a)(1)(i) of this section is enforced from 6 a.m., e.s.t. July 3, until 4 p.m., e.s.t. on July 4, 2000.

(2) *Regulated Area B.* (i) *Location.* All waters of New York Harbor, Upper Bay, the Hudson and East Rivers, and the Kill Van Kull within the following boundaries: south of 40°52'39" N (NAD 1983) on the Hudson River at Spuyten Duyvil Creek; west of the Throgs Neck Bridge on the East River; north of the Verrazano-Narrows Bridge; and east of a line drawn from shore to shore along 074°05'15" W (NAD 1983) between New Brighton, Staten Island, and Constable Hook, New Jersey, in the Kill Van Kull.

(ii) *Enforcement period.* Paragraph (a)(2)(i) of this section is enforced from 10 a.m., e.s.t. on July 3, 2000, until 10 a.m., e.s.t. on July 5, 2000.

(b) *Special local regulations.* (1) No vessel except OPSAIL 2000/INR 2000 participating vessels and their assisting tugs, spectator vessels, and those vessels exempt from the regulations in this section, may enter or navigate within Areas A and B, unless specifically authorized by the Coast Guard Captain of the Port, New York, or his on-scene representative.

(2) Vessels transiting Area B must do so at no wake speed or at speeds not to exceed 10 knots, whichever is less.

(3) Notwithstanding paragraph (b)(1) of this section, no vessel, other than OPSAIL 2000/INR 2000 Vessels, their assisting tugs, and enforcement vessels, may enter or navigate within the boundaries of the main shipping channels in Area B unless they are specifically authorized to do so by Coast Guard Captain of the Port, New York, or his on-scene representative. No vessel in Area B is permitted to cross through the parade of sail, cross within 500 yards of the lead or last vessel in the parade of sail, or maneuver alongside within 100 yards of any OPSAIL 2000/INR 2000 Vessel unless authorized to do so by the Captain of the Port.

(4) No vessel is permitted to anchor in the Anchorage Channel or the Hudson River outside of the designated anchorages at any time without authorization. Vessels which need to anchor to maintain position will only do so in designated anchorage areas.

(5) No vessel, other than OPSAIL 2000/INR 2000 Vessels, their assisting tugs, and enforcement vessels, is permitted to transit the waters between Governors Island and The Battery in southern Manhattan from 7 a.m., e.s.t. July 4, 2000 until the end of the Parade of Sailing Vessels. Vessels which must transit to or from the East River may only do so by using Buttermilk Channel, unless otherwise authorized by the Coast Guard Captain of the Port, New York, or his designated on-scene representative.

(6) Ferry services may operate in Area B on July 3 and 5, 2000. On July 4, 2000 only those with prior written authorization from the Coast Guard Captain of the Port will be authorized to operate in this area.

(7) The operation of seaplanes, including taxiing, landing, and taking off, is prohibited in Area B on July 3-4, 2000, without prior written authorization from the Captain of the Port.

(8) All spectator vessels must maintain their position in the designated spectator craft anchorages during the fireworks display on July 4th scheduled from 9 p.m., e.s.t. until 10:45 p.m., e.s.t.

(c) *Effective period.* This section is applicable from 6 a.m., e.s.t. on July 3, 2000, until 10 a.m., e.s.t. on July 5, 2000.

PART 110—ANCHORAGE REGULATIONS

3. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

4. Effective June 29, 2000 through July 5, 2000, § 110.155 is temporarily amended as follows:

- a. Add introductory text to the beginning of the section;
 - b. Add new paragraphs (c)(1)(ii), (c)(2)(ii), (c)(3)(ii);
 - c. Paragraphs (d)(1) through (d)(5), (d)(7) through (d)(9), (d)(10)(i), (d)(12)(i) and the introductory text of paragraph (d)(16) are suspended and new paragraphs (d)(10)(ii), (d)(11)(iii), (d)(12)(iii) through (d)(12)(iv), (d)(13)(vi), (d)(14)(iv), (d)(15)(iii), and (d)(17) through (d)(20) are added;
 - d. Add new paragraph (e)(1)(iii);
 - e. The Note to paragraph (f)(1) introductory text is suspended;
 - f. Paragraphs (m)(2)(i) through (m)(2)(ii) and (m)(3)(i) are suspended and new paragraphs (m)(2)(iii) and (m)(3)(ii) are added;
 - g. Paragraph (n)(1) is suspended; and
 - h. Add new paragraphs (o) and (p).
- The additions read as follows:

§ 110.155 Anchorage Grounds; Port of New York.

The designated anchorage grounds in this section have not been specially surveyed or inspected and navigational charts may not show all seabed obstructions or shallowest depths. Additionally, the anchorages are in areas of substantial currents. Mariners who use these temporary anchorages should take appropriate precautions, including using all means available to ensure your vessel is not dragging anchor. Finally, these are not special anchorage areas. Thus vessels must display anchor lights, as required by the navigation rules.

* * * * *

(c) * * *

(1) * * *

(ii) This anchorage is designated for the exclusive use of spectator vessels less than 25 meters (82 feet) in length on a first come, first served basis.

(2) * * *

(ii) See paragraph (c)(1)(ii) of this section.

(3) * * *

(ii) See paragraph (c)(1)(ii) of this section.

* * * * *

(d) * * *

(10) * * *

(ii) This anchorage is for OPSAIL 2000 participating vessels only.

(11) * * *

(iii) This anchorage is reserved for OPSAIL 2000/INR 2000 participating vessels. No other vessel may anchor or operate in this area within 100 yards of OPSAIL 2000/INR 2000 participating vessels.

(12) * * *

(iii) This anchorage is for vessels greater than 60 meters (197 feet) in length. Persons desiring to use this anchorage must hold a permit from the Captain of the Port New York on their vessel. A lottery was held to determine vessel anchorage locations and applications are no longer being accepted.

(iv) This anchorage is available for vessels observing or participating in OPSAIL 2000/INR 2000 festivities and which have been authorized by the Coast Guard Captain of the Port, New York. No vessel may anchor within this area without authorization to do so.

(13) * * *

(vi) See paragraph (d)(12)(iv) of this section.

(14) * * *

(iv) See paragraph (d)(12)(iv) of this section.

(15) * * *

(iii) See paragraph (d)(12)(iv) of this section.

* * * * *

(17) The anchorages in this paragraph (d)(17) are designated for the exclusive use of spectator vessels less than 25 meters (82 feet) in length on a first come, first served basis.

(i) *Ellis Island Anchorage.* That area bound by the following points: 40°41'55" N, 074°02'56" W; 40°41'29.5" N, 074°02'05" W; 40°41'42" N, 074°02'00.5" W; 40°41'55" N, 074°01'58" W; 40°42'05" N, 074°01'57" W; 40°42'20.5" N, 074°02'06" W (NAD 1983); thence along the shoreline to the point of beginning.

(ii) *Liberty Island Anchorage.* That area bound by the following points: 40°41'30.5" N, 074°03'15.5" W; 40°41'11.5" N, 074°02'44" W; 40°41'34" N, 074°02'26.5" W; 40°41'51.5" N, 074°02'59.5" W (NAD 1983); thence along the shoreline to the point of beginning.

(iii) *Caven Point Anchorage.* That area bound by the following points: 40°40'33" N, 074°03'33" W; 40°40'25" N, 074°03'23" W; 40°40'09.5" N, 074°02'59" W; 40°40'59.5" N, 074°02'26.5" W; 40°41'26" N, 074°03'18" W (NAD 1983); thence along the shoreline and the Caven Point Pier to the point of beginning.

(18) *Jersey Flats Anchorage*. That area bound by the following points: 40°39'57" N, 074°04'00" W; 40°39'50" N, 074°03'56" W; 40°39'35" N, 074°03'22" W; 40°40'02.5" N, 074°03'04" W; 40°40'53" N, 074°04'17" W (NAD 1983); thence along the shoreline to the point of beginning.

(i) The area west of the eastern end of the Global Marine Terminal Pier is for the exclusive use of spectator vessels less than 25 meters (82 feet) in length on a first come, first served basis. The area east of the eastern end of the Global Marine Terminal Pier is for vessels between 25 meters (82 feet) and 60 meters (197 feet) in length.

(ii) Persons desiring to use this anchorage must hold a permit from the Captain of the Port New York on their vessel. A Lottery was held to determine vessel anchorage locations and applications are no longer being accepted.

(19) *Robbins Reef Anchorage*. That area bound by the following points: 40°39'19.5" N, 074°05'10" W; 40°39'00" N, 074°03'46" W; 40°39'22" N, 074°03'29" W; 40°39'49.5" N, 074°04'06" W; (NAD 1983); thence along the shoreline to the point of beginning.

(i) The area west of the eastern end of the Military Ocean Terminal Pier is for the exclusive use of spectator vessels less than 25 meters (82 feet) in length on a first come, first served basis. The area east of the eastern end of the Military Ocean Terminal Pier is for vessels between 25 meters (82 feet) and 60 meters (197 feet) in length.

(ii) Persons desiring to use this anchorage must hold a permit from the Captain of the Port New York on their vessel. A lottery was held to determine vessel anchorage locations and applications are no longer being accepted.

(20) All vessels anchored in the anchorages described in paragraphs (d)(17) through (19) of this section must comply with the requirements in paragraphs (d)(16)(iii) through (vii) of this section. Any vessel anchored in or intending to anchor in Federal Anchorage 21-A through 21-C, 23-A, 23-B, 24 or 25 must comply with the requirements in paragraphs (d)(16)(i) through (x) of this section.

(e) * * *

(1) * * *

(iii) No vessel other than OPSAIL 2000/INR 2000 Vessels and their designated assist tugs may anchor and/or approach within 100 yards of any OPSAIL 2000/INR 2000 Vessel navigating or anchored in this area.

* * * * *

(m) * * *

(2) * * *

(iii) Anchorage No. 49-F is reserved for vessels as set out in paragraph (o)(2) of this section.

(3) * * *

(ii) Anchorage No. 49-G is reserved for vessels as set out in paragraph (o)(2) of this section.

* * * * *

(o) *Temporary Anchorage Grounds*.

(1) *Narrows Anchorage*. That area bound by the following points: 40°38'17" N, 074°02'18.5" W; 40°38'22" N, 074°02'39" W; 40°38'02.5" N, 074°02'47.5" W; 40°38'03" N, 074°03'02" W; 40°37'21.5" N, 074°02'48.5" W; 40°36'31" N, 074°02'34" W; 40°36'36.5" N, 074°02'15.5" W; 40°36'53.5" N, 074°02'28.5" W; 40°37'13" N, 074°02'34" W; 40°37'44" N, 074°02'33" W; thence to the point of beginning at 40°38'17" N, 074°02'18.5" W (NAD 1983).

(i) This anchorage is designated for the exclusive use of spectator vessels between 25 meters (82 feet) and 60 meters (197 feet) in length. Persons desiring to use this anchorage must hold a permit from the Captain of the Port New York on their vessel. A lottery was held to determine vessel anchorage locations and applications are no longer being accepted.

(ii) *Effective period*. Paragraph (o)(1) of this section is applicable from 12 p.m., e.s.t. on July 2, 2000, through 12 noon on July 5, 2000.

(2) *Sandy Hook Bay Anchorage*. That area bound by the following points: 40°28'30" N, 074°01'42" W; 40°27'56" N, 074°01'35" W; 40°27'54" N, 074°01'25" W; 40°26'00" N, 074°00'58" W; 40°26'00" N, 074°02'00" W; 40°26'29" N, 074°02'51" W; 40°27'29" N, 074°02'10" W; 40°27'40" N, 074°02'36" W; 40°28'07" N, 074°02'19" W (NAD 1983); thence along the shoreline to the point of beginning.

(i) This anchorage sets aside Anchorage No. 49-F and a portion of Anchorage No. 26, as described in paragraph (f)(1) of this section, for the exclusive use of OPSAIL 2000/INR 2000 Vessels.

(ii) No vessels other than OPSAIL 2000/INR 2000 naval and Tall Ships, their designated assist tugs, and enforcement vessels may anchor, loiter, or approach within 100 yards of any OPSAIL 2000/INR 2000 Vessel when it is navigating or at anchor in this area.

(iii) *Effective period*. Paragraph (o)(2) of this section is applicable from 6 a.m., e.s.t. on July 2, 2000, through 4 p.m., e.s.t. on July 4, 2000.

(p) *Temporary amendment applicable dates and times*. (1) From 12 noon on June 29, 2000 through 12 noon on July 5, 2000:

(i) The introductory text of this section is applicable.

(ii) The suspension of paragraphs (d)(1) through (5), (d)(10)(i), (m)(1), the introductory text of paragraph (d)(16), and the note to paragraph (f)(1) introductory text of this section is applicable.

(iii) Paragraphs (d)(10)(ii), (d)(17) through (20) and (p) of this section are applicable.

(2) The suspension of paragraphs (d)(7) through (9) of this section is applicable from 3 a.m., e.s.t. on July 3, 2000 through 12 noon on July 5, 2000.

(3) From 3 a.m., e.s.t. on July 3, 2000 through 6 a.m., e.s.t. on July 5, 2000:

(i) The suspension of paragraph (d)(12)(i) of this section is applicable.

(ii) Paragraphs (d)(11)(iii), (d)(12)(iii) and (iv), (d)(13)(vi), (d)(14)(iv), and (d)(15)(iii) of this section are applicable.

(4) From 6 a.m., e.s.t. on July 2, 2000 through 4 p.m., e.s.t. on July 4, 2000:

(i) The suspensions of paragraphs (m)(2)(i) and (ii), and (m)(3)(i) of this section are applicable.

(ii) Paragraphs (m)(2)(iii), (m)(3)(ii), and (e)(1)(iii) of this section are applicable.

(5) From 6 a.m., e.s.t. on July 2, 2000 through 12 noon on July 5, 2000, paragraph (o) of this section is applicable.

(6) From 12 noon on July 2, 2000 through 12 noon on July 5, 2000, paragraphs (c)(1)(ii), (c)(2)(ii), and (c)(3)(ii) of this section are applicable.

* * * * *

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

5. 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, 160.5; 49 CFR 1.46.

6. Add temporary § 165.T01-050 to read as follows:

§ 165.T01-050 Security Zones: International Naval Review (INR) 2000, Hudson River and Upper New York Bay.

(a) The following areas are established as security zones:

(1) *Security Zone A*. (i) *Location*. This security zone includes all waters within 500 yards of the U.S. Navy review ship and the zone will move with the review ship as it transits the Hudson River and Upper New York Bay during the International Naval Review between the George Washington Bridge (river mile 11.0) and the Verrazano-Narrows Bridge.

(ii) *Enforcement period*. Paragraph (a)(1)(i) of this section is enforced from 7 a.m., e.s.t. until 11 a.m., e.s.t. on July 4, 2000.

(2) *Security Zone B.* (i) *Location.* All waters within 500 yards of the U.S.S. John F. Kennedy (CV-67), in Federal Anchorage 21B.

(ii) *Enforcement period.* Paragraph (a)(2)(i) of this section is enforced from 10 a.m., e.s.t. until 5 p.m., e.s.t. on July 4, 2000.

(b) *Effective period.* This section is applicable from 7 a.m., e.s.t. on July 4, 2000, until 5 p.m., e.s.t. on July 4, 2000.

(c) 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.

Dated: May 4, 2000.

Robert F. Duncan,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.
[FR Doc. 00-12641 Filed 5-24-00; 8:45 am]
BILLING CODE 4910-15-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP MIAMI 00-015]

RIN 2115-AA97

Safety Zone: OpSail Miami 2000, Port of Miami.

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary regulations in the Port of Miami for OpSail Miami 2000 activities. This action is necessary to provide for the safety of life and property on navigable waters during OpSail Miami 2000. This action will restrict vessel traffic in portions of the Port of Miami.

DATES: This rule is effective from 9 p.m. Eastern Daylight Time (EDT) on June 9, 2000 and terminates at 4 p.m. EDT on June 10, 2000.

ADDRESSES: Coast Guard Marine Safety Office Miami maintains the public docket for this rulemaking. Documents indicated in this preamble as being available in the docket, are available for inspection or copying at room 201, Coast Guard Marine Safety Office Miami, between 8 a.m. and 3 p.m., EDT Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Joseph Boudrow, Port Management and Response Department, Coast Guard Marine Safety Office Miami, (305) 535-8705.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On December 17, 1999, the Coast Guard published an advanced notice of proposed rulemaking (ANPRM), and on March 17, 2000, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled OPSAIL 2000 in the **Federal Register** (64 FR 70650 and 65 FR 14502). No comments were received during either comment period. No public hearing was requested and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Updated information regarding the fireworks display was recently received from the sponsor. Further, the proposed rule was well publicized in the ANPRM and the NPRM, and the event will be further publicized throughout the local community by the event sponsor.

Background and Purpose

The temporary regulations are for OpSail Miami 2000 events scheduled to be held in portions of the Port of Miami over the period of June 6-10, 2000. This rule will provide for the safety of life and property on navigable waters during OpSail Miami 2000 events on June 9, 2000 and June 10, 2000.

Discussion of Rule

OpSail Miami 2000, Inc., is sponsoring OpSail Miami 2000 activities which consist of the arrival, display, and departure parade of numerous large U. S. and foreign flagged sail vessels. A fireworks display is planned for the evening prior to the final day of the sail vessel visit. Currently, approximately 20 Class A (175 feet or larger in length) and 20 smaller Class B (100 feet up to 175 feet) and C (up to 100 feet) sail vessels are expected to participate in OpSail Miami 2000.

Participant sail vessels will begin arriving in the Port of Miami on June 6, 2000 and will moor alongside Dodge Island within the Port of Miami. These vessels will be open to the public during certain hours between June 7 and June 9, 2000. On June 9, 2000, fireworks displays will be conducted commencing approximately 9:00 p.m. EDT from the orchestra vessel POINT COUNTERPOINT II, a barge anchored in the turning basin at the west end of

Main Channel, and the Watson Island bridge structure. On June 10, 2000, the sail vessels will make their departure from the Port of Miami in a parade commencing approximately 12 noon EDT and ending approximately 4 p.m. EDT. Participant sail vessels will proceed under auxiliary power from their moorings to the turning basin at the west end of the Main Channel. From the turning basin, they will proceed under auxiliary power in 300 to 500 yard intervals in a ocean-bound direction along the Main Channel, thence along Government Cut, thence along Bar Cut, thence along Outer Bar Cut, to the vicinity of Miami Lighted Bouy M (Light List Number (LLNR) 10455-895), located at 25 degrees, 46.0 minutes North latitude, 080 degrees, 05.0 minutes West longitude. The area of Miami Lighted Buoy M is the termination point for pilotage. As pilots disembark their vessels, the sail vessels will parade northward off the coastline, under sail, to the parade termination point in the general vicinity of the entrance to Port Everglades, Florida.

Waterborne spectator areas have been designated by the event sponsor to be on either side of Bar Cut and Outer Bar Cut in the open ocean. These areas will be delineated by lines of marker floats placed by the sponsor. The marker floats will be round balls, orange in color, and spaced approximately 200 yards apart. They will be placed 100 yards out from the aids to navigation that mark each side of the channel. Spectator craft will be expected to remain behind the marker float lines for the duration of the parade.

Because of the number of the sail vessels, fireworks displays, and the large number of spectator watercraft expected during the parade, the Coast Guard is establishing regulations for the creation of temporary safety zones and vessel movement controls in portions of the Port of Miami and its channels affected by these events. The regulations will be in effect on June 9 and 10, 2000. The vessel congestion due to the large number of participant and spectator vessels poses a significant threat to the safety of life and property. The Coast Guard has determined this rulemaking is necessary to ensure the safety of life and property on the navigable waters of the United States within portions of the Port of Miami affected by this event.

Regulated Areas

The Coast Guard is establishing temporary safety zones for fireworks displays on June 9, 2000 and the Parade of Sail on June 10, 2000. The safety zone for June 9, 2000 shall include all waters within 100 yards of the orchestra vessel