

Operations, U.S. Coast Guard Marine Safety Office Juneau; (907) 463-2470.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with requirements of 5 U.S.C. 553(B), the Coast Guard finds a good cause exists for not publishing a NPRM. In keeping with requirements of 5 U.S.C. 553 (d)(3), the Coast Guard also finds that cause exists for making this regulation effective less than 30 days after publication in the **Federal Register** due to receipt of application for this marine event was not received until June 6, 2000. Publication of a NPRM and delay of effective date would be contrary to the public interest because immediate action is necessary to protect the safety of the maritime vessel traffic.

##### Background and Purpose

Each year, on or about the 3rd of July, a tug vessel with a barge conducts fireworks display activities within an established 100 yd safety zone (33 CFR 165.1706) located on the navigable waters of Gastineau Channel, mid-channel off the shoreline of the city of Juneau, AK. This year will differ slightly from the established safety zone, in that a blast or fallout radius of 300 yards is required for the city authorized 12-inch fireworks display shells and 600 lbs of Division 1.3G (UN 0335) Fireworks.

This will occur at 12 a.m. ADT, and will last approximately 1 hour. This safety zone is necessary to protect the maritime public from the fallout hazards created by the vessel conducting firework display activities.

##### Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of the Executive Order 12866 and does not require an assessment of potential costs and benefits under sections 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 10(e) of the regulatory policies and procedures of DOT is unnecessary.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will

have a significant impact on a substantial number of small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under Section 605 (b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

##### Assistance for Small Entities

In accordance with Sec. 213 (a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact the office listed in **ADDRESSES** in this preamble.

##### Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

##### Federalism

The Coast Guard has analyzed this temporary final rule under the principles and criteria contained in Executive Order 13132 and has determined that this temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### Environment

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

##### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern 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 costs. This rule will not impose an unfunded mandate.

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

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

For the reasons set out in the preamble, the Coast Guard amends 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), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T17-005 is added to read as follows:

##### § 165.T17-005 Gastineau Channel, Juneau, Alaska—Safety Zone.

(a) *Location.* The following area is a temporary safety zone: the waters in Juneau Harbor within a 300 yard radius of the vessel engaged in firework display activities, situated at approximately 58°17'41" N, 134°24'22" W.

(b) *Effective Dates.* This regulation becomes effective at 10 p.m. July 3, 2000 and terminates at 2 a.m. July 4, 2000.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited except as authorized by the Captain of the Port-Southeast Alaska, or the Coast Guard vessel on scene via VHF-FM Channel 16.

Dated: June 21, 2000.

**B.J. Peter,**

*Lieutenant Commander, U.S. Coast Guard,  
Acting Captain of the Port, Southeast Alaska.*

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**BILLING CODE 4910-15-P**

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 165

[CGD01-00-122]

RIN 2115-AA97

##### Safety Zone: Fireworks Display, Provincetown Harbor, Provincetown, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone within a five hundred (500) yard radius of the fireworks barge in Provincetown Harbor, Provincetown, MA on July 4, 2000, with a rain date of July 5, 2000. The safety zone is needed to safeguard the public from possible hazards associated with a fireworks display. Entry into this zone will be prohibited unless authorized by the Captain of the Port, Providence, Rhode Island.

**EFFECTIVE DATE:** This rule is effective from 8 p.m. until 10 p.m. July 4, 2000 and 8 p.m. until 10 p.m. July 5, 2000, in case of event postponement due to the onset of inclement weather.

**FOR FURTHER INFORMATION CONTACT:** CWO John W. Winter at Marine Safety Office Providence, (401) 435-2335.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Due to the date that conclusive information for this event was received, there was insufficient time to draft and publish an NPRM. 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 to protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

**Background and Purpose**

This regulation establishes a safety zone in all waters within a five hundred (500) yard radius of the fireworks launching barge in Provincetown Harbor, Provincetown, MA on July 4, 2000, with a rain date of July 5, 2000. This safety zone is needed to protect the maritime community from possible hazards associated with a fireworks display. No vessel may enter the safety zone without permission of the Captain of the Port (COTP), Providence RI.

**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. 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves a very small area of Provincetown Harbor. The effect of this regulation will not be significant due to the lateness of the hour, all vessel traffic may safely transit around this safety zone, and the extensive maritime advisories that will be made.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 Agriculture 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 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).

**Federalism**

We have analyzed this action under E.O. 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 costs. This temporary rule would not impose an unfunded mandate.

**Taking of Private Property**

This temporary rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

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

**Protection of Children**

We have analyzed this temporary rule under E.O. 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 has considered the environmental impact of implementing this temporary 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 "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

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

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

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(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–122 to read as follows:

**§ 165.T01–122 Safety Zone: Fireworks Display, Provincetown Harbor, Provincetown, MA.**

(a) *Location.* All waters within a five hundred (500) yard radius of the fireworks launching barge located in Provincetown harbor, Provincetown, MA.

(b) *Effective Period.* This section is effective from 8 p.m. until 10 p.m. on July 4, 2000, rain date 8 p.m. until 10 p.m. on July 5, 2000, unless extended or terminated sooner by the Captain of the Port Providence.

(c) *Regulations.* (1) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(2) 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: June 20, 2000.

**J.D. Stieb,**

*Commander, U.S. Coast Guard, Acting Captain of the Port, Marine Safety Office Providence.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01–00–152]

RIN 2115–AA97

#### **Security Zone: Presidential Visit, Hudson River, New York**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone between Piers 83 and 90 on the Hudson River, Manhattan, New York. This action is necessary to protect the Port of New York/New Jersey against terrorism, sabotage or other subversive acts and incidents of a similar nature during the President's visit to New York City. This action is intended to restrict vessel traffic in a portion of the Hudson River.

**DATES:** This rule is effective from 6 p.m. (e.s.t.) to 11 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 (CGD01–00–152) and are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York, 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

**SUPPLEMENTARY INFORMATION:**

#### **Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(8), the Coast Guard finds that good cause exists for not publishing an NPRM. Good cause exists for not publishing an NPRM due to the date that specific information on the President's visit to New York City was made available to the Coast Guard, there was insufficient time to draft and publish an NPRM. This event will have minimal impact on the waterway, vessels may still transit through the western 600 yards of the 950-yard wide Hudson River during the President's visit to the Intrepid Sea Air and Space Museum, and the zone is only in effect for 5 hours. Additionally, the New York City Passenger Ship Terminal does not have any vessels scheduled to be berthed at Piers 88 or 90 during the event and do not expect to receive any at this late date. Circle Line Sightseeing Cruises anticipates only having to move 2 vessels at Pier 83 between 6 p.m. (e.s.t.) and 6:30 p.m. (e.s.t.) which they will be authorized to do. Any delay encountered in this regulation's effective date would be unnecessary and contrary to security interests as immediate action is needed to protect the Port of New York/New Jersey and the President.

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**. This is due to the following reasons: this event will have minimal impact on the waterway, vessels may still transit through the western 600 yards of the 950-yard wide Hudson River during the President's visit to the Intrepid Sea Air and Space Museum, and the zone is only in effect for 5 hours. Additionally, the New York City Passenger Ship Terminal does not have any vessels scheduled to be berthed at Piers 88 or 90 during the event and do not expect to receive any at this late date. Circle Line Sightseeing Cruises anticipates only having to move 2

vessels at Pier 83 between 6 p.m. (e.s.t.) and 6:30 p.m. (e.s.t.) which they will be authorized to do.

#### **Background and Purpose**

This zone is needed to ensure the security of the Port of New York/New Jersey while the President is visiting the Intrepid Sea Air and Space Museum in Manhattan. This security zone will safeguard the Port of New York/New Jersey during his visit to the Intrepid Museum against terrorism, sabotage or other subversive acts and incidents of a similar nature. This security zone provides for an exclusion area during the President's visit at the museum. This zone includes all waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, west to approximate position 40°46'10" N 074°00'13" W (NAD 1983), south to approximate position 40°45'54" N 074°00'25" W (NAD 1983), then east to the northeast corner of Pier 83 where it intersects the seawall, then north to the point of beginning. The security zone is based on security needs for the Port of New York/New Jersey and the President. All vessels are prohibited from transiting the area for approximately five hours during the President's visit at the Intrepid Museum. The New York City Passenger Ship Terminal does not have any vessels scheduled to be berthed at Piers 88 or 90 during the event and do not expect to receive any at this late date. Circle Line Sightseeing Cruises anticipates only having to move 2 vessels at Pier 83 between 6 p.m. (e.s.t.) and 6:30 p.m. (e.s.t.) which they will be authorized to do. This security zone has been narrowly tailored to impose the least impact on maritime interests yet provide the level of security deemed necessary. Entry into or movement within this security zone is prohibited unless authorized by the Coast Guard Captain of the Port, New York.

#### **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.