

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 27, 2000.

**R.E. Bennis,**

*Captain, U.S. Coast Guard; Captain of the Port, New York.*

[FR Doc. 00-16881 Filed 6-29-00; 1:19 pm]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR 165

[COTP Southeast Alaska 00-008]

RIN 2115-AA97

#### Safety Zone; Tongass Narrows, Ketchikan, AK

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone along the navigable waters of Tongass Narrows, Ketchikan, Alaska. The safety zone is required to protect maritime vessels and minimize traffic for the safety and protection of both the vessel conducting fireworks display activities and other vessels in the immediate proximity. This safety zone will encompass the waters within a 300 yd radius of the vessel situated at approximately 55°20'32" N, 131°39'40" W. Entry into, transit through or anchoring within this Safety Zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska, or the Coast Guard vessel on scene via VHF.

**DATES:** This temporary final rule becomes effective 10 p.m. July 4, 2000 and terminates at 1 a.m. July 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Cecil McNutt, Marine Safety Office Juneau, Alaska, 2760 Sherwood Lane, Suite 2A, Juneau, Alaska 99801, (907) 463-2470.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at U.S. Coast Guard, Marine Safety Office, 2760 Sherwood Lane, Suite 2A, Juneau, Alaska between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (907) 463-2450.

**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 12, 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

On or about the 4th of July, a tug and barge conducts fireworks display activities within an established 100 yd safety zone (33 CFR 165.1708) located on the navigable waters of Tongass Narrows, off the northern tip of Pennock Island. This year the tug and barge will be positioned approximately 55°20'32" N, 131°39'40" W and a blast or fallout radius has been increased to 300 yd for the fireworks display.

This will occur at 10 p.m. July 4, 2000 and ending approximately 1 a.m. July 5, 2000. This safety zone is required to protect the maritime public from the hazards created by the vessel conducting fireworks 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 section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 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 (44 U.S.C. § 3501 *et seq.*).

#### Federalism

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

#### Environmental Assessment

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 recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

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.

2. A new temporary section § 165.T17-008 is added to read as follows:

**§ 165.T17-008 Tongass Narrows, Ketchikan, Alaska—Safety Zone.**

(a) *Location.* The following area is a temporary Safety Zone: the waters in Ketchikan Harbor within a 300 yd radius of the vessel engaged in fireworks display activities, situated at approximately 55°20'32" N, 131°39'40" W.

(b) *Effective dates.* This regulation becomes effective at 10 p.m. July 4, 2000 and terminates 1 a.m. July 5, 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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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[CGD1-00-157]

RIN 2115-AA97

**Safety Zone: Manchester Fourth of July Fireworks, Manchester, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Manchester Fourth of July Fireworks, Manchester, MA. The safety zone will be in effect from 8 p.m. until 11 p.m. on Monday, July 3, 2000. The safety zone will temporarily close all waters of Massachusetts Bay within a four hundred (400) yard radius of the fireworks barge located at position

42°34.05'N, 070°45.52'W. The safety zone prohibits entry into or movement within this portion of Massachusetts Bay and is needed to protect the maritime public from the hazards posed by a fireworks display.

**DATES:** This rule is effective from 8 p.m. until 11 p.m. on Monday, July 3, 2000.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Brian J. Downey, Marine Safety Office Boston, Waterways Management Division, at (617) 223-3000.

**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 a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Conclusive information about this event was not provided to the Coast Guard until June 2, 2000, making it impossible to draft or publish a NPRM or a final rule 30 days in advance of its effective date. Publishing a NPRM and delaying its effective date would be contrary to the 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.

**Background and Purpose**

This regulation establishes a safety zone on the waters of Massachusetts Bay in a four hundred (400) yard radius around the fireworks barge located at position 42°34.05'N, 070°45.52'W. The safety zone is in effect from 8 p.m. until 11 p.m. on Monday, July 3, 2000. This safety zone prohibits entry into or movement within this portion of Massachusetts Bay and is needed to protect the maritime public from the dangers posed by a fireworks display.

**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).

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.

Due to the limited duration of the safety zone, the fact that the safety zone will not restrict the entire Bay, allowing marines to freely navigate around the safety zone, and the advance maritime advisories that will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard 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.

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. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Massachusetts Bay from 8 p.m. until 11 p.m. on July 3, 2000. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone is only 3 hours in duration; mariners may freely navigate around the safety zone, and the Coast Guard will issue marine radio advisories before the effective period.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard offers to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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