

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 100**

[CGD05-00-033]

RIN 2115-AE46

**Special Local Regulations for Marine Events; Fireworks Display, Patapsco River, Inner Harbor, Baltimore, Maryland****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is adopting temporary special local regulations for a fireworks display to be held over the waters of the Patapsco River, Inner Harbor, Baltimore, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the fireworks display. This action is intended to temporarily restrict vessel traffic in the Patapsco River to protect spectator craft and other vessels transiting the event area from the dangers associated with the fireworks.

**DATES:** This rule is effective from 9:15 p.m. on August 20, 2000 to 11:30 p.m. on August 21, 2000.

**ADDRESSES:** You may mail comments and related material to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or deliver them to the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays. Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-00-025 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Chief Warrant Officer R. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, telephone number (410) 576-2674.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, we encourage you to submit comments and related material. If you do so, please include your name and address, identify the

docket number (CGD05-00-033), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope.

**Regulatory Information**

A notice of proposed rulemaking (NPRM) was not published for this regulation. In keeping with 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. The Coast Guard received confirmation of the request for special local regulations on July 6, 2000. We were notified of the event with insufficient time to publish a NPRM, allow for comments, and publish a final rule prior to the events.

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**. We had insufficient time to prepare and publish this rule in the **Federal Register** 30 days in advance of the events. To delay the effective date of the rule would be contrary to the public interest since a timely rule is necessary to protect mariners from the hazards associated with the fireworks displays.

**Background and Purpose**

The Maryland Public Purchasing Association, Inc. and the National Institute of Governmental Purchasing, Inc. will sponsor a fireworks display on August 20, 2000. The fireworks display will be held over the waters of the Patapsco River, Inner Harbor, Baltimore, Maryland. The event will consist of a pyrotechnic display launched from a barge positioned in the Inner Harbor. A fleet of spectator vessels is anticipated. Due to the need for vessel control during the fireworks display, vessel traffic will be temporarily restricted to provide for the safety of spectators and transiting vessels. The rain date for the event is August 21, 2000.

**Discussion of Regulations**

The Coast Guard is establishing temporary special local regulations on specified waters of the Patapsco River. The temporary special local regulations will be in effect from 9:15 p.m. to 11:30 p.m. on August 20, 2000 and will restrict general navigation in a regulated area during the fireworks display. If inclement weather prevents the event from taking place on August 20, 2000, the temporary special local regulations

will be effective from 9:15 p.m. to 11:30 p.m. on August 21, 2000. The temporary special local regulations are scheduled to be enforced for approximately twenty minutes during the two hour effective time period. The anticipated enforcement time is 9:15 p.m. to 9:50 p.m. on the effective date. If weather or other unforeseen circumstances causes a delay, an updated enforcement time will be provided via a Marine Safety Radio Broadcast on VHF-FM marine band radio, Channel 22 (157.1 MHz). Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the enforcement time period. These regulations are needed to control vessel traffic during the fireworks display to enhance the safety of spectators and transiting vessels.

**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 temporary final 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 the Patapsco River during the event, the effect of this regulation will not be significant due to the limited duration of the regulation and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), 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.

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 the effected portions of the Patapsco River during the event.

Although this regulation prevents traffic from transiting or anchoring in portions of the Patapsco River during the event, the effect of this regulation will not be significant because of its limited duration and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

#### 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 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

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” will be available in the docket where indicated under **ADDRESSES**. This rule will have no impact on the environment.

#### List of Subjects in 33 CFR Part 100

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

#### Temporary Regulations

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

#### PART 100—[AMENDED]

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. A temporary § 100.35–T05–033 is added to read as follows:

#### § 100.35–T05–033 Special Local Regulations for Marine Events; Fireworks Display, Patapsco River, Inner Harbor, Baltimore, Maryland.

##### (a) Definitions.

(1) *Regulated Area*. The waters of the Patapsco River enclosed within the arc of a circle with a radius of 400 feet and with its center located at latitude 39°17'00" N, longitude 76°36'15" W. All coordinates reference Datum NAD 1983.

(2) *Coast Guard Patrol Commander*. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(3) *Official Patrol*. The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

##### (b) Special Local Regulations.

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(c) *Effective Dates*. This section will be effective from 9:15 p.m. on August 20, 2000 to 11:30 p.m. on August 21, 2000.

(d) *Enforcement Times*. It is expected that this section will be enforced between 9:15 p.m. and 9:50 p.m. on August 20, 2000. However, if the event is delayed due to weather or other unforeseen circumstances, this section will be enforced for a different time between 9:15 p.m. and 11:30 p.m. on August 20, 2000. If the fireworks display is cancelled for the evening due to inclement weather, then this section will be enforced from 9:15 p.m. to 11:30 p.m. on August 21, 2000. Notice of the enforcement time will be given via Marine Safety Radio Broadcast on VHF–FM marine band radio, Channel 22 (157.1 MHz).

Dated: August 2, 2000.

**J.E. Shkor**

*Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 00–20782 Filed 8–15–00; 8:45 am]

**BILLING CODE 4910–15–U**

#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[COTP Tampa 00–061]

RIN 2115–AA97

#### Safety Zone Regulations: Tampa Bay, Florida

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters within Tampa Bay, Florida. The safety zone is needed to ensure the safe transit of the Liquefied Petroleum Gas (LPG) tank ships through Tampa Bay and into the SEA–3 facility located at berth 30. Any vessel desiring to enter the safety zone must obtain permission from the Captain of the Port, Tampa, Florida. All vessels over 5000 gross tons intending to pass the LPG vessel moored in Port Sutton must give 30 minutes notice to the LPG vessel so it may take appropriate safety precautions.

**DATES:** This rule is effective from June 26, 2000 until November 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Commanding Officer, Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606, Attention: Lieutenant Warren Weedon, or phone (813) 228–2189 ext 101.

**SUPPLEMENTARY INFORMATION:**