

our current method of collecting royalties in value.

#### 10. Lessee/Designee

*Comments Received*—MMS published an interim final rule on August 5, 1997 (62 FR 42062), to implement the designation of royalty payment responsibility provision of FOGRSFA. Generally, we support the need for lessees to submit designations pursuant to FOGRSFA, however, the lessees take issue with MMS's overall approach to implementing these very important provisions of FOGRSFA. Specifically, they object to the need for MMS to collect some of the information sought, the level of detailed information required by this rule, the burdensomeness of information required, and the ability of MMS and the Bureau of Land Management (BLM) to utilize information that these bureaus already have and maintain. Also, they take issue with MMS's authority to collect the information required under the rule from designees (payors).

*Action Taken or Planned*—When the payor remits royalties on behalf of the lessee, FOGRSFA requires that the lessee designate the paying party as their designee for each lease. The interim final rule published on August 5, 1997, implements the requirements of FOGRSFA. We have a process in place with BLM to identify operating rights owners and changes to operating rights ownership.

*Timetable*—Completed.

#### 11. Other MMS/Minerals Revenue Management Regulatory Actions

*Comments Received*—(a) "In order to craft a reasonable, fair, and proper [oil valuation] rule, it is imperative that MMS publicly address all critical issues prior to the issuance of any final rule so that affected persons can participate meaningfully in the rulemaking process."

(b) "Congress pushed for delegation of royalty management functions to states as a means of streamlining and simplifying the process of collection and payment of federal royalties. Despite Congress' clear intent, however, the final regulations published on August 12, 1997, and the standards for delegation published on September 8, 1997, in no way attempt to achieve that purpose."

*Action Taken or Planned*—For (a) above, on January 24, 1997, we published a proposed rule on Valuation of Oil From Federal Leases (62 FR 3742), and on February 12, 1998, we published a proposed rule on Valuation of Oil From Indian Leases (63 FR 7089). We've held numerous public meetings

regarding the proposed oil valuation rules, and in response to the many comments received in the meetings and through the mail, we published the following in the **Federal Register** on the proposed rule, Valuation of Oil on Federal Leases:

- Supplementary Proposed Rule (July 3, 1997—62 FR 36030);
- Reopened Public Comment Period and Offered Alternatives (September 22, 1997—62 FR 49460);
- Supplementary Proposed Rule (February 6, 1998—63 FR 6113);
- Supplementary Proposed Rule (July 16, 1998—63 FR 38355); and
- Reopened Comment Period and Offered Three Workshops in Houston, TX; Albuquerque, NM; and Washington, DC (March 12, 1999—64 FR 12267).
- Final Rule (March 15, 2000—65 FR 14022).

We also prepared a Supplementary Proposed Rule for Establishing Oil Value for Royalty Due on Indian Leases and published it on January 5, 1999 (65 FR 403).

For (b) above, the regulations for the Delegation of Royalty Management Functions to States were developed in consultation with State government representatives and industry. The final rule was published on August 12, 1997 (62 FR 43076), and included responses to comments we received on the proposed rule. On July 18, 1999 (64 FR 36782), we published a final rule that allows States which choose to assume duties to do so for less than all of the Federal mineral leases within the State or leases

*Timetable*—For (a) above, we plan to publish a Final Rule, "Establishing Oil Value for Royalty Due on Indian Leases," in 2001. For (b) above, completed.

#### Conclusion

We invite you to comment on our existing regulations and also the actions we have taken in response to comments and enacted legislation. And, we invite you to stay further informed on many of the topics discussed in this status report by visiting the MMS Internet Website at [www.mms.gov](http://www.mms.gov).

Dated: December 19, 2000.

**Acting for Walter D. Cruickshank,**

*Director, Minerals Management Service.*

[FR Doc. 00-32832 Filed 12-22-00; 8:45 am]

**BILLING CODE 4310-MR-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-00-242]

RIN 2115-AA97

#### Safety Zone: Macy's July 4th Fireworks, East River, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent safety zone for the annual Macy's July 4th fireworks display. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

**DATES:** Comments and related material must reach the Coast Guard on or before February 9, 2001.

**ADDRESSES:** You may mail comments and related material to Waterways Oversight Branch (CGD01-00-242), Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305. The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 204, Coast Guard Activities New York, 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:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-00-242), 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 material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during

the comment period. We may change this proposed rule in view of them.

### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Oversight Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

### Background and Purpose

The Coast Guard proposes to establish a permanent safety zone for the annual Macy's July 4th fireworks display in the East River. The safety zone encompasses all waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42'15.4"N 074°01'06.8"W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in approximate position 40°41'34.4"N 074°01'10.9"W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41'25.3"N 074°00'42.5"W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn from East 47th Street, Manhattan through the southern point of Roosevelt Island to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area inside the safety zone, at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and North 9th Street, Brooklyn. This area is bound by the following points: 40°42'45.5"N 073°58'07.4"W; thence to 40°42'50.4"N 073°58'23.2"W; thence to 40°43'23.1"N 073°58'12.7"W; thence to 40°43'21.5"N 073°57'45.7"W; (NAD 1983) thence back to the point of beginning. All vessels must be in this location by 6:30 p.m. (e.s.t.) the day of the event.

Once in position within the zone, all vessels must remain in position until released by the Captain of the Port, New York. On-scene-patrol personnel will monitor the number of designated vessels taking position in the viewing area of the zone. If it becomes apparent that any additional spectator vessels in the viewing area will create a safety hazard, the patrol commander may prevent additional vessels from entering it. After the event has concluded and the fireworks barges have safely relocated outside of the main channel,

vessels will be allowed to depart the viewing area as directed by the patrol commander.

We created the viewing area within this safety zone in order to reduce significant safety hazards in this area of the East River, due in great part, to the extremely strong currents. Based on experience from similar events in this area of the East River, we are concerned that smaller spectator craft located in between the two fireworks barge sites could drift into the fallout zone of either barge site. Additionally, experience from previous events has also shown that having large and small craft located in a confined area presents safety hazards for both sized vessels due to vessel wake, anchor swing radii, and restricted visibility of larger vessels in a confined area.

One safety zone is required for this large section of the East River because the Coast Guard has a limited amount of assets available to patrol this event. If we made this zone into two zones, we could not adequately enforce the boundaries of both zones, and the safety of the port and the mariners would be unacceptably compromised because of the two nearby fireworks barge locations in a confined waterway with significant currents. Fireworks barge locations are normally south of Roosevelt Island and the Brooklyn Bridge.

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

The proposed safety zone is effective from 6:30 p.m. (e.s.t.) until 11:30 p.m. (e.s.t.) on July 4th. If the event is cancelled due to inclement weather, then this proposed safety zone is effective from 6:30 p.m. (e.s.t.) until 11:30 p.m. (e.s.t.) on July 5th. The proposed safety zone prevents vessels from transiting this portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from 6 barges in the area. No vessel may enter the safety zone without permission from the Captain of the Port, New York.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the

protection of all vessels and the fireworks handlers aboard the barges.

Public notifications will be made prior to the event via the Local Notice to Mariners, marine information broadcasts, facsimile, and Macy's waterways telephone hotline. In previous years this telephone hotline has been established in early June.

### Discussion of Proposed Rule

The proposed safety zone is for the Macy's July 4th fireworks display held in the East River, NY. This event is held annually on July 4th. If the event is cancelled due to inclement weather, then this event will be held on July 5th. This rule is being proposed to provide for the safety of life on navigable waters during the event, to give the marine community the opportunity to comment on this event, and to decrease the amount of annual paperwork required for this event.

The proposed size of this safety zone was determined using National Fire Protection Association and New York City Fire Department standards for 8 to 12 inch mortars fired from a barge, combined with the Coast Guard's knowledge of tide and current conditions in this area.

### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. 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 10e of the regulatory policies and procedures of DOT is unnecessary.

This safety zone temporarily closes a major portion of the East River to vessel traffic. There is a regular flow of traffic through this area; however, the impact of this regulation is expected to be minimal for the following reasons: the limited duration of the event; the extensive, advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the event is taking place at a late hour on a national holiday; the event has been held for twenty-three years in succession and is therefore anticipated annually, small businesses may experience an increase in revenue due to the event; advance notifications will be made to the local

maritime community by the Local Notice to Mariners, marine information broadcasts, facsimile, and the event sponsor establishes and advertises a telephone hotline which waterways users may call prior to the event for details of the safety zone. This telephone number will be published via the Local Notice to Mariners and facsimile. The number is normally activated in early June each year.

#### 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.

This proposed 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 a portion of the East River during the times these zones are activated.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: the limited duration of the event; the extensive, advance advisories that will be made to allow the maritime community to schedule transits before and after the event; the event is taking place at a late hour on a national holiday; the event has been held for twenty-three years in succession and is therefore anticipated annually, small businesses may experience an increase in revenue due to the event; advance notifications will be made to the local maritime community by the Local Notice to Mariners, marine information broadcasts, facsimile, and the event sponsor establishes and advertises a telephone hotline which waterways users may call prior to the event for details of the safety zone. This telephone number will be published via the Local Notice to Mariners and facsimile. The number is normally activated in early June each year.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it,

please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

#### Federalism

We have analyzed this proposed 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 proposed rule would not impose an unfunded mandate.

#### Taking of Private Property

This proposed rule would 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 proposed 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 proposed 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 proposed rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposed rule fits paragraph 34(g) as it establishes a safety zone. 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), Reporting and recordkeeping requirements, Security measures, 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 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.166 to read as follows:

#### § 165.166 Safety Zone: Macy's July 4th Fireworks, East River, NY.

(a) *Regulated Area.* The following area is a safety zone: All waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42'15.4"N 074°01'06.8"W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in approximate position 40°41'34.4"N 074°01'10.9"W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41'25.3"N 074°00'42.5"W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn from East 47th Street, Manhattan through the southern point of Roosevelt Island to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Activation Period.* This section is activated annually from 6:30 p.m. (e.s.t.) until 11:30 p.m. (e.s.t.) on July 4th. If the event is cancelled due to inclement weather then this section is in effect from 6:30 p.m. (e.s.t.) until 11:30 p.m. (e.s.t.) on July 5th.

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

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

(3) 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.

(4) Vessels equal to or greater than 20 meters (65.6 feet) in length carrying persons for the purpose of viewing the fireworks may take position in an area inside the safety zone, at least 200 yards off the bulkhead on the west bank just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and North 9th Street, Brooklyn. This area is bound by the following points: 40°42'45.5"N 073°58'07.4"W; thence to 40°42'50.4"N 073°58'23.2"W; thence to 40°43'23.1"N 073°58'12.7"W; thence to 40°43'21.5"N 073°57'45.7"W; (NAD 1983) thence back to the point of beginning. All vessels must be in this location by 6:30 p.m. (e.s.t.) the day of the event.

Dated: November 3, 2000.

**P.A. Harris,**

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

[FR Doc. 00-32826 Filed 12-22-00; 8:45 am]

**BILLING CODE 4910-15-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[GC Docket No. 00-219; FCC 00-392]

### Exempt Presentations

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission proposes to amend its regulations specifying presentations that are treated as exempt under the ex parte rules. Under the current rule, presentations to or from the Department of Justice and the Federal Trade Commission regarding telecommunications competition matters are treated as exempt. The item would expand the scope of the exemption to include the Competition Directorate of the European Commission

and other international and foreign bodies with analogous functions. The item would clarify that the term "telecommunications competition matters" in the existing rule was intended to be construed broadly and was not limited to common carriers. The intended effect of this proposal is to enhance the Commission's ability to consult with relevant agencies concerning mergers and other significant competition matters.

**DATES:** Comments must be filed on or before January 25, 2001; reply comments must be filed on or before February 9, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Room 8-C723, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** David S. Senzel, Office of General Counsel (202) 418-1720.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), GC Docket No. 00-219, adopted on October 30, 2000, and released December 15, 2000. The full text of the NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Copies of filings may be purchased from the Commission's copy contractor, International Transcription Service (ITS), 1231 20th Street, NW, Washington, D.C. 20036, telephone (202) 857-3800, facsimile (202) 857-3805. Filings may also be viewed on the Commission's Internet web site using the Electronic Document Filing System (ECFS) at [http://haijoss.fcc.gov/cgi-bin/ws.exe/prod/ecfs/comsrch\\_v2.hts](http://haijoss.fcc.gov/cgi-bin/ws.exe/prod/ecfs/comsrch_v2.hts).

### Summary of Notice of Proposed Rule Making

1. By this notice of proposed rulemaking, the Commission proposes to modify 47 CFR 1.1204(a)(6), one of the rules governing the permissibility of ex parte presentations in Commission proceedings. The current rule provides that the following type of presentation is exempt:

(6) The presentation is to or from the United States Department of Justice or Federal Trade Commission and involves a telecommunications competition matter in a proceeding which has not been designated for hearing and in which the relevant agency is not a party or commenter (in an informal rulemaking or joint board proceeding) *Provided*, That, any new factual information obtained through such a presentation that is relied on by the Commission in its decision-making

process will be disclosed by the Commission no later than at the time of the release of the Commission's decision; The Commission proposes to broaden the scope of this exemption to include international and foreign governmental bodies that exercise similar jurisdiction over relevant matters.

2. The rule was intended to "promote the public interest through the exchange of information between the Commission and the other principal agencies responsible for promoting or ensuring competition in the telecommunications industry." *Amendment of the Commission's Ex Parte Rules*, 9 FCC Rcd 6108 ¶ 2 (1994). *See also Amendment of 47 CFR 1.1200 et seq.*, 12 FCC Rcd 7348, 7368 ¶ 61 (1997), *recon. denied*, 14 FCC Rcd 18831 (1999), *modified*, DA 99-2788 (Dec. 17, 1999). The Commission continues to believe that the public interest will be served by permitting free consultation between the agencies with principal jurisdiction over telecommunications competition matters. Indeed, the need for effective, expedited, and consistent governmental response to issues of competition is especially acute in the present environment of major structural reorganizations within the telecommunications industry, accelerated technological change, and increased globalization.

3. The current § 1.1204(a)(6), however, fails to take into account an important dimension in the oversight of telecommunications competition, namely the increased globalization of telecommunications competition issues. The entities and services involved in, for example, mergers may well be international, rather than national in character, and the oversight of such cases potentially involves not only the Commission, the DOJ, and the FTC, but also their foreign and international counterparts. This situation has prompted antitrust and competition policy officials of the United States to develop close relationships with their foreign and international counterparts with respect to notifications, consultations, and coordination. In this regard, formal bilateral agreements have been reached between the United States and several countries, and informal relationships exist with other countries. Because the public interest requires the effective, expedited, and consistent exercise of authority on the international as well as national scale, presentations by the appropriate foreign and international agencies should also be exempt under the Commission's ex parte rules.