

3. Section 938.16 is amended by removing and reserving paragraph (p).

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 164

[USCG-2000-8300]

RIN 2115-AG03

#### Exemption of Public Vessels Equipped With Electronic Charting and Navigation Systems From Paper Chart Requirements

**AGENCY:** United States Coast Guard, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On May 2, 2001, we published a direct final rule. The rule notified the public of our excluding public vessels owned, leased, or operated by the U.S. Government from certain requirements for navigational charts and publications by allowing the use of electronic systems for charting and navigation, and in the process providing a platform for the Coast Guard to evaluate alternatives leading to integrated technology for such systems on commercial vessels. Although we received two comments on the rule, neither was adverse; therefore, this rule will go into effect as scheduled.

**DATES:** The effective date of this direct final rule is July 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding this rule, contact Ed LaRue, Office of Vessel Traffic Management, Coast Guard, telephone 202-267-0416. For questions on viewing, or submitting material to, the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

**SUPPLEMENTARY INFORMATION:** The direct final rule (66 FR 21862) amended 33 CFR Part 164 to exclude public vessels owned, leased, or operated by the U. S. Government from requirements of carrying printed navigational charts and publications. The Coast Guard also published an Advance Notice of Proposed Rulemaking [66 FR 21899] seeking comments on the practicality of allowing all commercial vessels to use electronic systems for charting and navigation.

The Coast Guard received two comments on the rule. Both suggested that the rule specifically mention both

operation under the Raster Chart Display System (RCDS) and the use of official Raster Navigation Charts (RNCs).

Let us note by way of clarification that the standards of the International Maritime Organization (IMO) for ECDIS permit the use of RNCs produced under the authority of a governmental hydrographic office. We agree that RNCs and RCDS currently meet those standards as "mode[s] of operation" (MSC 86(70)), and the rule allows the use of any electronic system for charting and navigation approved by the governmental agency exercising operational control over the vessel. Therefore, the rule needs no change to accommodate these comments. We hope this explanation avoids confusing those mariners who are already safely using RNCs and RCDS.

Dated: August 6, 2001.

**J.P. High,**

*Acting Assistant Commandant for Marine Safety & Environmental Protection.*

[FR Doc. 01-20522 Filed 8-14-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD09-01-103]

RIN 2115-AA97

#### Safety Zone; Candlelight on the Water, Port Washington, WI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in Port Washington harbor for the Candlelight on the Water 2001 fireworks display. This safety zone is necessary to protect spectators and vessels from the hazards associated with the storage, preparation, and launching of fireworks. This safety zone is intended to restrict vessel traffic from a portion of the Port Washington harbor, Port Washington, Wisconsin.

**DATES:** This temporary rule is effective from 9:20 p.m. until 9:45 p.m. (CST) on August 18, 2001.

**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 [CGD09-01-103] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207

between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

LCDR Timothy Sickler, Port Operations Chief, Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The phone number is (414) 747-7155.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The permit application did not allow sufficient time for publication of an NPRM followed by a temporary final rule effective 30 days after publication. Any delay of the effective date of this rule would be contrary to the public interest by exposing the public to the known dangers associated with fireworks displays and the possible loss of life, injury, and damage to property.

##### Background and Purpose

This Safety Zone is established to safeguard the public from the hazards associated with launching of fireworks by the Wisconsin Electric coal pile, Port Washington, Wisconsin. The size of the zone was determined by using previous experiences with fireworks displays in the Captain of the Port Milwaukee zone and local knowledge about wind, waves, and currents in this particular area.

The safety zone will be in effect on August 18, from 9:20 p.m. until 9:45 p.m.(CST). The safety zone will encompass all waters bounded by the arc of a circle with a 280-foot radius with its center in approximate position 43°23'07"N, 087°51'54"W, offshore of the Wisconsin Electric coal pile, Port Washington. Coordinates are North American Datum of 1983 (NAD83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Captain of the Port Milwaukee or his designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Milwaukee or his designated on scene representative. The Captain of the Port Milwaukee may be contacted via VHF Channel 16.

### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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).

### 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.

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: the owners or operators of vessels intending to transit or anchor in the vicinity of Port Washington harbor from 9:20 p.m. until 9:45 p.m. (CST) on August 18, 2001.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only 25 minutes on one day and late in the day when vessel traffic is minimal. Vessel traffic may enter or transit through the safety zone with the permission of the Captain of the Port Milwaukee or his designated on scene representative. Before the effective period, we will issue maritime advisories widely available to users of Port Washington harbor.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. 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 Marine Safety Office Milwaukee (See ADDRESSES.) 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 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 and concluded that under figure 2–1,

paragraph (34) (g), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 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. A new temporary § 165.T09–985 is added to read as follows:

#### § 165.T09–985 Safety Zone: Port Washington Harbor, Port Washington, Wisconsin.

(a) *Location.* The safety zone encompasses all waters bounded by the arc of a circle with a 280-foot radius with its center in approximate position 43°23'07"N, 087°51'54"W, located approximately 280 feet offshore of the Wisconsin Electric coal pile. All geographic coordinates are North American Datum of 1983 (NAD83).

(b) *Effective times and dates.* This section is effective from 9:20 p.m. until 9:45 p.m. on August 18, 2001.

(c) *Regulations.* (1) The general regulations 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 Milwaukee or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant or petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) This safety zone should not adversely effect shipping. However, commercial vessels may request permission from the Captain of the Port Milwaukee to enter or transit the safety zone. Approval will be made on a case-by-case basis. Requests must be in advance and approved by the Captain of the Port Milwaukee before transits will be authorized. The Captain of the Port Milwaukee may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF-FM.

Dated: August 7, 2001.

**M.R. Devries,**

*Commander, U.S. Coast Guard, Captain of the Port, Milwaukee, Milwaukee, Wisconsin.*

[FR Doc. 01-20523 Filed 8-14-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-01-100]

RIN 2115-AA97

#### **Safety Zone; Fireworks Display, Newport, RI**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone within a 500-yard radius of the fireworks barge, located in Narragansett Bay, Newport, Rhode Island, on August 31, 2001, with a rain date of September 1, 2001. 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 6 p.m. on August 31, 2001, through 10 p.m. on September 1, 2001.

**ADDRESSES:** Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Marine Safety Office Providence, 20 Risho Avenue, E. Providence, RI. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT David Barata at Marine Safety Office Providence, (401) 435-2335.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

Pursuant to 5 U.S.C. 553, a notice 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. Details regarding this event were not provided to the Coast Guard in sufficient time 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 in all waters within a 500-yard radius of the fireworks barge located approximately 300 yards west of Coasters Harbor, Narragansett Bay, Newport, Rhode Island, approximate position 41°30'12"N, 071°19'49"W on August 31, 2001, and September 1, 2001, from 6 p.m. until 10 p.m. Naval Station Newport has scheduled fireworks for August 31, 2001, and the regulation will be enforced from 6 p.m. to 10 p.m. Alternately, if the event is rescheduled due to weather, the safety zone will be enforced from 6 p.m. until 10 p.m. on September 1, 2001. This safety zone is needed to protect the maritime community from possible hazards associated with a fireworks display that will be shot from the barge off Coasters Harbor, Newport, Rhode Island. No vessel may enter the safety zone without permission of the Captain of the Port (COTP), Providence, Rhode Island.

##### **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 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves a very small area of Narragansett Bay, Newport, Rhode Island. The effect of this regulation will not be significant as the safety zone is effective for only four hours; it takes place late in the evening; it involves a very small area of Narragansett Bay, Newport, Rhode Island, thus allowing vessel traffic to safely transit around this safety zone; and extensive maritime advisories will be made in advance of the event.

##### **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.

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 and operators of vessels intending to transit Newport, Rhode Island, in the fireworks area. The safety zone will not have a significant impact on a substantial number of small entities for the following reasons: the safety zone is effective for only four hours; it takes place late in the evening; the safety zone involves a very small area of Narragansett Bay, Newport, Rhode Island, thus allowing vessel traffic to safely transit around this safety zone; and extensive maritime advisories will be made in advance of the event.

##### **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 process. If your small business or organization would be affected by this rule and you have any questions concerning its provisions or options for compliance, please call LT David Barata at (401) 435-2335. Small businesses may send