

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD01-02-056]****Drawbridge Operation Regulations:
New Rochelle Harbor, NY****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulations.

SUMMARY: On May 10, 2002, the Commander, First Coast Guard District, issued a revised temporary deviation from the drawbridge operation regulations for the Glen Island Bridge, mile 0.8, across New Rochelle Harbor at New Rochelle, New York. This revised deviation replaces the temporary deviation issued on March 21, 2002, and will allow the bridge to operate on scheduled openings daily, and remain closed to navigation from 11 p.m. to 7 a.m., Sunday through Friday, from May 12, 2002 through June 26, 2002. This revised temporary deviation is necessary to facilitate repairs at the bridge.

DATES: This revised deviation is effective from May 12, 2002, through June 26, 2002.

FOR FURTHER INFORMATION CONTACT: Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7195.

SUPPLEMENTARY INFORMATION: On February 5, 2002, the Westchester County Department of Public Works, requested a temporary deviation from the drawbridge operating regulations for the Glen Island Bridge, mile 0.8, across New Rochelle Harbor, in New York. The purpose of the temporary deviation was to facilitate necessary maintenance, replacement of deteriorated concrete and structural supports, at the bridge. On March 21, 2002, the Commander, First Coast Guard District, issued a temporary deviation from the drawbridge operating regulations for the Glen Island Bridge. A notice of that deviation was published on March 29, 2002 (66 FR 15117).

On April 10, 2002, the bridge owner advised the Coast Guard that some potential problems were discovered concerning the temporary manual bridge opening system that will be utilized to open the bridge. The temporary manual system takes thirty-minutes to fully open and close the bridge compared to the normal ten-minute cycle time for bridge openings. This lengthy operating cycle is expected to cause vehicular traffic delays for

vehicles traveling to and from the Glen Island County Park.

As a result of the above information, the Commander, First Coast Guard District issued a revised deviation on May 10, 2002, to help mitigate traffic delays during the effective period of necessary maintenance at the bridge.

The Coast Guard and the owner of the bridge coordinated this schedule with the mariners that normally use this waterway to help facilitate this necessary bridge repair and to minimize any disruption to the marine transportation system and to vehicular traffic.

Under the revised temporary deviation the Glen Island Bridge will operate from May 12, 2002 through June 26, 2002, as follows:

- From 11 p.m. to 7 a.m., Sunday through Friday, the draw need not open for vessel traffic.

- From 7 a.m. to 2 p.m., Monday through Wednesday, the draw shall open on signal, every other hour, on the odd hour and from 2 p.m. to 11 p.m., the draw shall open every hour on the hour.

- From 7 a.m. to 2:30 p.m., Thursday and Friday, the draw shall open on signal every other hour on the odd hour and from 2:30 p.m. to 10:30 p.m. every hour on the half hour.

- The draw shall open on signal, every hour on the hour all day on Saturday and on Sunday until 11 p.m.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: May 10, 2002.

V.S. Crea,

*Rear Admiral, U.S. Coast Guard, Commander,
First Coast Guard District.*

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165****[CGD01-02-033]****RIN 2115-AA97****Safety Zone; Lake Champlain
Challenge, Cumberland Bay, NY****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Lake Champlain Challenge Hydroplane race located on Cumberland

Bay, NY. 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 the affected waterway.

DATES: This rule is effective from 11:30 a.m. on Saturday, June 29, until 6:30 p.m. on Sunday, June 30, 2002.

ADDRESSES: 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, are part of docket CGD01-02-033 and are available for inspection or copying at Waterways Oversight Branch, 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 Commander M. Day, Waterways Oversight Branch, Coast Guard Activities New York at (718) 354-4012.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

On April 2, 2002, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Lake Champlain Challenge, Cumberland Bay, NY in the **Federal Register** (67 FR 15507). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The New England Inboard Racing Association sponsors the Lake Champlain Challenge, a high-speed powerboat race with less than 100 powerboats, propelled by 1.5 to 6 liter engines, at the north end of Cumberland Bay, Plattsburgh, NY. The safety zone includes all waters of Cumberland Bay north of a line drawn from the east end of the old Canal Terminal Pier in approximate position 44°42'26.0" N 073°26'28.5" W, to approximate position 44°43'00.8" N 073°24'37.3" W (NAD 1983) on Cumberland Head.

Marine traffic will still be able to transit through the Saranac River and southern Cumberland Bay while the safety zone is in effect. Additionally, vessels will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the safety zone. Commercial piers located within the safety zone are no longer used.

The rule will be enforced from 11:30 a.m. to 6:30 p.m. on Saturday, June 29, and Sunday, June 30, 2002. All vessels

and swimmers will be prohibited from transiting the portion of Cumberland Bay designated as a safety zone. This rule is needed to protect the waterway users from the hazards associated with high-speed powerboats racing in confined waters.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. No changes were made to this rulemaking.

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).

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.

This finding is based on the minimal time that vessels will be restricted from the zone, and the relatively small number of vessels that normally operate in the vicinity of the zone. Vessels may transit through the Saranac River and southern Cumberland Bay throughout the safety zone's duration. Vessels will not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the safety zone. Advance notifications will be made to the local maritime community by the Local Notice to Mariners and marine information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have 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 might be small entities: the owners or operators of

vessels intending to transit or anchor in a portion of Cumberland Bay during the times this zone is activated.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: vessel traffic can still transit through the Saranac River and southern Cumberland Bay during the event; vessels will not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the safety zone before the effective period. Further, we will ensure wide dissemination of maritime advisories to users of Lake Champlain via Local Notice to Mariners and marine information broadcasts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect 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 create an environmental risk to health or risk to safety that might disproportionately affect children.

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.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A "Categorical Exclusion Determination" is available in the docket for inspection or copying 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. From 11:30 a.m. June 29, 2002, to 6:30 p.m. June 30, 2002, add temporary § 165.T01–033 to read as follows:

§ 165.T01–033 Safety Zone; Lake Champlain Challenge, Cumberland Bay, NY.

(a) *Regulated Area.* The following area is a safety zone: All waters of Cumberland Bay north of a line drawn from the east end of the old Canal Terminal Pier in approximate position 44°42'26.0" N 073°26'28.5" W, to approximate position 44°43'00.8" N 073°24'37.3" W (NAD 1983) on Cumberland Head.

(b) *Enforcement period.* This section will be enforced from 11:30 a.m. to 6:30 p.m. on Saturday, June 29, and Sunday, June 30, 2002.

(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 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: May 14, 2002.

C.E. Bone,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–02–059]

RIN 2115–AA97

Safety Zone; Sandy Hook Bay, Highlands, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

the Clamfest fireworks display located on Sandy Hook Bay, NJ. 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 the affected waterway.

DATES: This rule is effective from 8:30 p.m. on Friday, June 14, to 10 p.m. on Saturday, June 15, 2002.

ADDRESSES: The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Documents indicated in this preamble as being available in the docket, are part of docket CGD01–02–059 and are available for inspection or copying at Waterways Oversight Branch, 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 Commander M. Day, Waterways Oversight Branch, Coast Guard Activities New York at (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under 5 U.S.C. 553(b)(3), the Coast Guard finds that good cause exists for not publishing an NPRM. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM. An annual safety zone has been published for this event in 33 CFR 165.161 effective on the Saturday and Sunday before Father's Day. The date for this year's event has been moved to the Friday before Father's Day. Further, it is an annual local event, recreational vessels may still transit around the zone during the event, the zone is only in effect for 1 and a half hours, and vessels can be given permission to transit the zone for all but about 25 minutes during this time. Any delay encountered in this rule's effective date would be unnecessary and contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the hazards associated with fireworks launched from a barge in the area.

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**. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish a temporary final rule (TFR) more than 30 days before the event. An annual safety

zone has been published for this event in 33 CFR 165.161 effective on the Saturday and Sunday before Father's Day. The date for this year's event has been moved to the Friday before Father's Day. Further, it is an annual local event, recreational vessels may still transit around the zone during the event, the zone is only in effect for 1½ hours, and vessels can be given permission to transit the zone for all but about 25 minutes during this time. Any delay encountered in this rule's effective date would be unnecessary and contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the hazards associated with this fireworks display.

Background and Purpose

The Coast Guard has received an application to hold a fireworks program on the waters of Sandy Hook Bay. This rule establishes a safety zone in all waters of Sandy Hook Bay within a 125-yard radius of the fireworks barge in approximate position 40°24'33.8" N 073°59'46.2" W (NAD 1983), about 1,200 yards west of Plum Island. The safety zone is in effect from 8:30 p.m. until 10 p.m. on Friday, June 14, 2002.

Discussion of Rule

This rule prevents vessels from transiting a portion of Sandy Hook Bay and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational traffic will still be able to transit around the safety zone during this event. Other vessels can be given permission to transit the zone for all but about 25 minutes during this time. Public notifications will be made prior to the event via the Local Notice to Mariners and Marine Information Broadcasts.

The size of this safety zone was determined using National Fire Protection Association and New York City Fire Department standards for 5 inch mortars fired from a barge, combined with the Coast Guard's knowledge of tide and current conditions in the area.

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