

position from 8 a.m. until noon, and from 1 p.m. until 5 p.m., Monday through Friday, from Monday, June 7, 1999, until Friday, June 18, 1999. Presently, the draw opens on signal for the passage of vessels.

Dated: May 11, 1999.

**A.L. Gerfin, Jr.,**

*Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.*

[FR Doc. 99-12824 Filed 5-20-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD1-99-053]

RIN 2115-AA97

#### **Safety Zone: Chelsea Street Bridge Fender System Repair, Chelsea River, Chelsea, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for repairs to the fender system of the Chelsea Street Bridge on the Chelsea River. The safety zone temporarily closes all waters of the Chelsea River 100 yards upstream and 100 yards downstream from the centerline of the Chelsea Street Bridge. The safety zone is needed to protect vessels from the hazards posed during repairs to the system.

**DATES:** This rule is effective between 9 p.m. and 5 a.m., Monday through Friday, from May 10, 1999, through July 31, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Coast Guard Marine Safety Office, Boston, 455 Commercial Street, Boston, Massachusetts, 02109, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-3000.

**FOR FURTHER INFORMATION CONTACT:** LT Dennis O'Mara, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3000.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

Pursuant to 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this temporary final rule, and good cause exists for making it effective in less than 30 days after publication in the Federal Register.

Details for the repairs to the fender system of the bridge were not provided to the Coast Guard until May 3, 1999, making it possible to publish a NPRM or a final rule 30 days in advance. Any delay encountered in the effective date of this rule 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 bridge construction upon a navigable waterway.

##### **Background and Purpose**

The fender system of the Chelsea Street Bridge over the Chelsea River, Chelsea, MA, needs repairs. During the repairs, barges will be moored in the center of the channel under the bridge, and pilings will be removed, replaced, or both. The placement of the barge will require the closure of the waterway for the safety of vessels during the repairs to the system. Therefore, a safety zone is necessary to allow the safe removal of pilings and repairs to the fender system, and to protect vessel traffic.

This temporary final rule establishes a safety zone in all waters of the Chelsea River 100 yards upstream and 100 yards downstream from the centerline of the Chelsea Street Bridge. This safety zone prevents entry into or movement within this portion of the Chelsea River. The expected duration of the safety zone will be between 9 p.m. and 5 a.m., Monday through Friday, from May 10, 1999, through July 31, 1999. The Coast Guard will make marine Safety Information Broadcasts informing mariners of this safety zone.

##### **Regulatory Evaluation**

This temporary final 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. It has not been reviewed 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 its economic impact 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 limited recreational and commercial traffic expected in the area, and the fact that commercial operators have received advance notice of the project and can make alternative arrangements.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this temporary final rule would have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this rule will not have a significant impact on a substantial number of small entities.

##### **Collection of Information**

This temporary final rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

##### **Federalism**

The Coast Guard has analyzed this temporary final rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### **Environment**

The Coast Guard has considered the environmental impact of this temporary final rule and concluded that, under Figure 2-1, paragraph 34(g), of Commandment Instruction M16475.1C, this 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**.

##### **List of Subjects in 33 CFR part 165**

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

##### **Regulation**

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

##### **PART 165—[AMENDED]**

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. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105-383.

2. Add temporary § 165.T01-053 to read as follows:

**§ 165.T01-053 Safety Zone: Repair to fender system of Chelsea Street Bridge, Chelsea River, Chelsea, MA.**

(a) *Location.* The following area is a safety zone: All waters of the Chelsea river 100 yards upstream and 100 yards downstream from the centerline of the Chelsea Street Bridge.

(b) *Effective Date.* This section is effective between 9 p.m. and 5 a.m., Monday through Friday, from May 10, 1999, through July 31, 1999.

(c) *Regulations.* (1) Entry into or movement within this zone is prohibited unless authorized by the COTP Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene patrol personnel of the U.S. Coast Guard. Among those personnel are commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: May 6, 1999.

**M.A. Skordinski,**

*Commander, U.S. Coast Guard, Alternate Captain of the Port, Boston, Massachusetts.*  
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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-99-047]

RIN 2115-AA97

#### **Safety Zone: Fire Island Tourist Bureau Fireworks Display, Great South Bay, Cherry Grove, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the Fire Island Tourist Bureau fireworks display to be held at Great South Bay, Cherry Grove, N.Y., on June 26, 1999. This zone is needed to protect persons, facilities, vessels, and others in the maritime community from the hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation is effective on June 26, 1999, from 9:30 p.m. until 10:30 p.m. In case of inclement weather, June 27, 1999, is the alternative date for this event.

**ADDRESSES:** Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468-4445.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound, at (203) 468-4444.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after publication in the **Federal Register**. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event.

Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

##### **Background and Purpose**

The Fire Island Tourist Bureau is sponsoring a 10-minute fireworks display at Great South Bay, Cherry Grove, New York. The fireworks display will occur on June 26, 1999, from 10:00 p.m. until 10:10 p.m. The safety zone covers all waters of Great South Bay within a 600-foot radius of the fireworks-launching site, which will be located in approximate position 40°39'.45 N, 073°0'.23 W (NAD 1983). This zone is necessary to protect the maritime community from the hazards associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

##### **Regulatory Evaluation**

This temporary final 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. 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 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 involved only a portion of West Harbor, and entry into this zone will be restricted for only 60 minutes, on June 26, 1999. Although this regulation prevents traffic from transiting West Harbor, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether temporary final rule would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed under the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this rule will not have a significant impact on a substantial number of small entities.

##### **Assistance for Small Entities**

Under subsection 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 temporary final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this rule and you have questions concerning its provisions or options for compliance, please call LCDR T.J. Walker, telephone (203) 468-4444.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture, and 10 Regional Fairness Boards, were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).