

agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable jury imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in an aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal Government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern and environmental risk to safety disproportionately affecting children.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final 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), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed 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), 6.04-6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of sec. 311, Pub. L. 105-383.

2. Add § 165.162 to read as follows:

§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.

(a) *Regulated area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N	074°01'09.0"W, then south to
40°41'55.0"N	074°01'16.0"W, then west to
40°41'47.0"N	074°01'36.0"W, then north-west to
40°41'55.0"N	074°01'59.0"W, then to shore at
40°42'20.5"N	074°02'06.0"W.

(b) *Regulations.*

(1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designed 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.

(c) *Effective period.* This section is in effect annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day.

R.E. Bennis,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-057]

RIN 2115-AA97

Safety Zone: 4th of July Fireworks, Charles River Esplanade, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the 4th of July Fireworks on the Esplanade, Boston, MA. This regulation establishes a two-stage safety zone on waters of the Charles River, around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 a.m. on 3 July 1999 and establishes a safety zone one hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. This safety zone prevents entry into or movement within this portion of the Charles River, and it is needed to protect the boating public viewing this display from the dangers posed by the loading of the fireworks and the fireworks display. The two-stage approach is needed due to the risks posed first by the loading of the fireworks, then the expanded risks posed by the firework display event.

DATES: This rule is effective from 12:01 a.m., Monday, 28 June 1999 until 11:00 p.m., Monday, 5 July 1999 unless canceled earlier by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Conclusive information

about this event was not provided to the Coast Guard until March 9, 1999, making it impossible to publish a NPRM or a final rule 30 days in advance. 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, which is intended for public entertainment.

Background and Purpose

On March 9, 1999 the organization Boston's Fourth of July, Boston, Massachusetts filed a marine event permit with the Coast Guard to hold a fireworks program on the waters of the Charles River, Boston, MA. This regulation establishes a two-stage safety zone on all waters of the Charles River around the fireworks barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 on 3 July 1999 and establishes a safety zone one hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored in the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. This safety zone prevents entry into or movement within this portion of the Charles River, and it is needed to protect the boating public viewing this display from the dangers posed by the loading of the fireworks and the fireworks display. The two-stage approach is needed due to the risks posed first by the loading of the fireworks, then the expanded risks posed by the firework display event.

Regulatory Evaluation

This 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 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. Due to the limited duration of the safety zone, the fact that the safety zone will not restrict the entire harbor, allowing traffic to continue without obstruction, and the advance maritime advisories that will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this 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 proposal contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this 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 final rule and concluded that, under Figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final 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 and record keeping 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, and 160.5; 49 CFR 1.46.

2. Add temporary section 165.T01-057 to read as follows:

§ 165.T01-057 Safety Zone: 4th of July Fireworks, Charles River Esplanade, Boston, MA.

(a) *Location.* The following area is a safety zone: this regulation establishes a two-stage safety zone on all waters of the Charles River around the fireworks barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 a.m. on 3 July 1999 and establishes a safety zone hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA.

(b) *Effective date.* This section is effective from 12:01 a.m. Monday, 28 June 1999 until 11:00 p.m., Monday, 5 July 1999 unless canceled earlier by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include 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 27, 1999.

J.L. Grenier,

Captain, U.S. Coast Guard Captain of the Port Boston, Massachusetts.

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