

(H) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(I) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(J) From subsection (g) because this system of records compiled for lawenforcement purposes and has been exempted from the access provisions of subsections (d) and (f).

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Dated: August 17, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-21739 Filed 8-20-99; 8:45 am]

BILLING CODE 5001-10-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05-99-041]

RIN 2115-AA97

Safety Zone: Virginia Beach Weekly Fireworks Display, Rudee Inlet, Virginia Beach, Virginia, and Atlantic Ocean, Coastal Waters, Between 17th and 20th Street, Virginia Beach, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around a fireworks-laden vessel being used for the Virginia Beach Weekly Fireworks Display, to be held on the waters of the Atlantic Ocean, approximately 1,000 yards off Virginia Beach, Virginia, between 17th and 20th Streets. This zone is intended to restrict vessel traffic around the fireworks-laden vessel during its transit to the launch site and during the fireworks display. It is necessary to protect mariners and spectators from the hazards associated with both transporting fireworks and the fireworks display.

EFFECTIVE DATE: This regulation is effective 8 p.m. on June 1, 1999, until 11 p.m. on September 5, 1999.

FOR FURTHER INFORMATION CONTACT: Lieutenant Karrie Trebbe, project officer, USCG Marine Safety Office

Hampton Roads, telephone number (757) 441-3290.

SUPPLEMENTARY INFORMATION: Notice of Proposed Rule Making (NPRM) was published for this temporary final rule. In keeping with 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received this request for a temporary safety zone on May 21, 1999. Delaying the effective date of the rule would be contrary to the public interest, as immediate action is necessary to protect the vessels and spectators from the hazards associated with both transporting fireworks and the fireworks display.

Discussion of the Temporary Final Rule

The Coast Guard is establishing a temporary safety zone around a fireworks-laden vessel being used for the Virginia Beach Weekly Fireworks Display, to be held on the waters of the Atlantic Ocean, approximately 1,000 yards off Virginia Beach, Virginia, between 17th and 20th Streets. This action is intended to restrict vessel traffic around the fireworks-laden vessel during its transit through Rudee Inlet, Virginia Beach, Virginia; during its transit from Rudee Inlet to the fireworks launch site; and during the fireworks display. The safety zone is necessary to protect mariners and spectators from the hazards associated with both transporting fireworks and the fireworks display.

The Virginia Beach Weekly Fireworks Display will be held each Sunday evening starting on May 30, 1999, and ending on September 5, 1999. The safety zone will be enforced only on those Sundays, between 8 p.m. and 11 p.m. Entry into this safety zone is prohibited unless authorized by the Captain of the Port Hampton Roads or his designated representative. Public notifications will be made before the event by local notices to mariners and marine-information broadcasts.

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). This rule affects only a limited area for 3 hours, once a week, and affects only the waters within a 150-foot radius of the fireworks-laden vessel as it transits to the launch site and the waters within a 1,000-foot radius of the launch site. 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this temporary final rule will have a significant economic impact on a substantial number of small entities. "Small Entities" include 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. This rule affects only a limited area for 3 hours, once a week, and affects only the waters within a 150-foot radius of the fireworks-laden vessel as it transits to the launch site and the waters within a 1,000-foot radius of the launch site. Therefore, 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 economic impact on a substantial number of small entities.

Collection of Information

This temporary final rule does not provide for a collection of information 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 it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has analyzed this temporary final rule and concluded that, under figure 2-1, paragraph (34)(g) of COMDTINST M16475.1C, this rule is categorically excluded from further environmental documentation. Rules establishing safety zones are excluded under that authority.

List of Subjects in 33 CFR Part 165

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

Regulation

For the 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. A new temporary § 165.T05–041 is added to read as follows:

§ 165.T05–041 Safety Zone: Virginia Beach Weekly Fireworks Display, Rudee Inlet, Virginia Beach, Virginia, and Atlantic Ocean, Coastal Waters, between 17th and 20th Street Virginia Beach, Virginia.

(a) *Location.* The following area is a safety zone: All waters within a 150-foot radius of a fireworks-laden vessel as it transits through Rudee Inlet and from Rudee Inlet to the fireworks launch site about 1,000 yards off the coast of Virginia Beach, Virginia, between 17th and 20th streets, and all waters within a 1,000-foot radius of the fireworks launch site.

(b) *Effective date.* This section is effective from 8 p.m. on June 1, 1999 until 11 p.m. on September 5, 1999. It will be enforced only on Sunday starting on June 1, 1999, and ending on September 5, 1999, between 8 p.m. and 11 p.m.

(c) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA, or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(d) *Regulations.* (1) In accordance with the general regulations in §§ 165.23 and 165.501, entry into this safety zone is prohibited unless authorized by the Captain of the Port of his designated representative.

(2) Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port or his designated representative. The vessels enforcing the safety zone are available on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port or his representative is available at (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: June 1, 1999.

J.E. Schinnerer,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. 99–21767 Filed 8–20–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD1–99–141]

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 the Chelsea Street Bridge fender system repairs 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 bridge fender system.

DATES: This rule is effective between the hours of 9:00 p.m. and 5:00 a.m., Monday through Friday, from August 4, 1999 through August 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 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–3000.

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. Details of the repairs to the bridge fender system were not provided to the Coast Guard until July 22, 1999, making it impossible to publish a NPRM or a final rule 30 days in advance with sufficient time for public comment. Any delay encountered in this regulation's 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 bridge construction activities upon a navigable waterway.

Background and Purpose

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

This regulation 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 the hours of 9:00 p.m. and 5:00 a.m., Monday through Friday from August 4, 1999 until August 31, 1999. The Coast Guard will make Marine Safety Information Broadcasts informing mariners of this safety zone.

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. This finding is based on the limited recreational and commercial traffic expected in the area, and the fact that commercial operators have received advance notification of the project and can make alternate arrangements.

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