

**Environment**

The Coast Guard has analyzed this temporary final rule and concluded that, under figure 2-1, paragraph (34)(f) and (34)(g) of Commandant Instruction M16475.1C, this temporary final rule is categorically excluded from further environmental documentation. Regulations changing the size of anchorage grounds and regulations establishing safety zones are excluded under that authority.

**List of Subjects****33 CFR Part 110**

Anchorage grounds.

**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 110 and 33 CFR 165 as follows:

**PART 110—[AMENDED]**

1. The authority citation for Part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. A new temporary section 110.156(b)(11) is added to read as follows:

**§ 110.157 Delaware Bay and River**

\* \* \* \* \*

(b) \* \* \*

(11) Additional requirements and restrictions for the anchorages defined in paragraphs (a)(7), (a)(8), and (a)(10).

(i) Prior to anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a "first-come, first-serve" basis. The Captain of the Port will allow only one vessel at a time to anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours.

(ii) For Anchorage 6 as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(D) The master, owner or operator of a vessel at anchor shall ensure that a tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) *Captain of the Port or COTP* means the Captain of the Port, Philadelphia, Pennsylvania or any Coast Guard commissioned, warrant, or petty officer authorized to act on his behalf.

(iv) This paragraph is effective from 28 August 1999 until 28 November 1999.

**PART 165—[AMENDED]**

3. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 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.

4. A new § 165.T05-080 is added to read as follows:

**§ 165.T05-080 Safety Zone; Delaware Bay and River**

(a) *Location:* The following area is a safety zone: All waters within the arc of a circle with a 150 yard radius having at its center dredging vessel OZARK operating in or near the Marcus Hook Range Ship channel in the vicinity of Anchorage 7.

(b) *Effective Dates:* This section is effective from 28 August 1999 until 28 November 1999.

(c) *Regulations:* The following regulations shall apply within the safety zone.

(1) In accordance with the general regulations in § 165.23, entry into this safety zone is prohibited unless authorized by the Captain of the Port. The remaining general requirements of § 165.23 also apply to this regulation.

(2) The operator of any vessel in the safety zone shall proceed as directed by the Captain of the Port.

(3) The Coast Guard vessel enforcing the safety zone may be contacted on channels 13 and 16 VHF-FM. The Captain of the Port, Philadelphia may be contacted at telephone number (215) 271-4940.

(d) *Captain of the Port or COTP* means The Captain of the Port, Philadelphia, Pennsylvania or any Coast Guard commissioned, warrant, or petty officer authorized to act on his behalf.

Dated: August 27, 1999.

**Roger T. Rufe,**

*Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD08-99-055]

**Drawbridge Operating Regulation; Chevron Oil Company Canal, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the SR 3090 swing bridge across the Chevron Oil Company Canal, mile 0.5 near Leeville, Lafourche Parish, Louisiana. This deviation allows the Greater Lafourche Port Commission to maintain the bridge in the closed-to-navigation position continuously from 7 a.m. on Monday, September 13, 1999 until 5 p.m. on Friday, September 24, 1999. The bridge will open on signal if at least 24 hours notice is given for the subsequent period of 5 p.m. on Friday, September 24, 1999 until 5 p.m. on Friday, October 15, 1999. This temporary deviation was issued to allow for the replacement of the roadway deck surface.

**DATES:** This deviation is effective from September 13, 1999, through October 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Frank, Bridge Administration Branch Commander (obc), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130-3396, telephone number 504-580-2965.

**SUPPLEMENTARY INFORMATION:**

Navigation on the waterway consists of oilfield related equipment, houseboats, and other recreational craft. The Greater Lafourche Port Commission requested a temporary deviation from the regulation 33 CFR 117.5 governing the normal operation of the bridge in order to accommodate the replacement of the roadway decking of the bridge.

The bridge has opened approximately 20 times over the past year for the movement of oil field equipment and houseboats transiting to camp sites. The Port Commission has previously informed the local fisherman and businesses in the area regarding the

work. Vessels needing to move through the bridge have already done so. The vertical clearance of the bridge in the closed to navigation position is 12 feet above mean high water, elevation 3.0 feet Mean Sea Level.

The deviation allows the draw of the SR 3090 swing drawbridge across the Chevron Oil Company Canal, mile 0.5, near Leesville, Lafourche Parish, Louisiana, to remain in the closed-to-navigation position continuously from 7 a.m. on Monday, September 13, 1999 until 5 p.m. on Friday, September 24, 1999. The bridge will open on signal if at least 24 hours is given for the subsequent period of 5 p.m. on Friday, September 24, 1999 until 5 p.m. on Friday, October 15, 1999. Presently, the draw opens on signal for the passage of vessels. In case of an approaching hurricane, the bridge will be returned to normal operation as soon as practicable.

Dated: September 3, 1999.

**K.J. Eldridge,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-99-147]

RIN 2115-AA97

#### **Safety Zone: Fireworks, 100YR Anniversary for Architect Society, Boston Harbor, Boston, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the 100YR Anniversary for Architect Society Fireworks, Boston Harbor, Boston, MA. This regulation establishes a safety zone on the waters of Boston Harbor, Boston, MA in a radius of four hundred (400) yards around a fireworks barge moored in approximate position 42°21.5' N. 71°0.3' W (NAD 1983). The safety zone is in effect from 6 p.m. until 9:30 p.m. on Tuesday, September 14, 1999. This safety zone prevents entry into or movement within this portion of Boston Harbor, and it is needed to protect the boating public from the dangers posed by a fireworks display.

**DATES:** This rule is effective from 6 p.m. until 9:30 p.m. on Tuesday, September 14, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for

inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**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. Good cause exists for not publishing an NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Conclusive information about this event was not provided to the Coast Guard until August 2, 1999, making it impossible to draft or publish an NPRM or a final rule 30 days in advance of its effective date with appropriate time allowed for public comment. 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 hazardous associated with this fireworks display, which is intended for public entertainment.

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

On August 2, 1999 the American Society of Landscape Architects, Washington, DC, filed a marine event permit with the Coast Guard to hold a fireworks program over the waters of Boston Harbor, Boston, MA. This regulation establishes a safety zone on the waters of Boston Harbor in a four hundred (400) yards radius around the fireworks barge moored in approximate position 42°21.5' N. 71°02.3' W (NAD 1983). The safety zone is in effect from 6 p.m. until 9:30 p.m. on Tuesday, September 14, 1999. This safety zone prevents entry into or movement within this portion of Boston Harbor, and it is needed to protect the boating public from the dangers posed by a fireworks display.

##### **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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary since the safety zone will be limited in duration, marine advisories will be made in advance of the implementation of the safety zone, and the safety zone will not restrict the entire harbor, allowing traffic to continue without obstruction.

##### **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 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 recordkeeping requirements, Security measures, Waterways.