

§ 165.T01-056 Safety Zone: Heritage of Pride Fireworks, Hudson River, New York.

(a) *Location:* The following area is a safety zone: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'31" N 074°01'00" W (NAD 1983), about 400 yards west of Pier 54, Manhattan, New York.

(b) *Effective period.* This section is effective from 9:30 p.m. until 11 p.m. on Sunday, June 27, 1999. There is no rain date for this event.

(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.

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**

[CGD01-99-071]

RIN 2115-AA97

Safety Zone: Clamfest Fireworks, Sandy Hook Bay, Atlantic Highlands, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Clamfest Fireworks Display located at Seastreak America's docks in Sandy Hook Bay, Atlantic Highlands, NJ. This zone is necessary to provide for the safety of life on navigable waters during the event. It is intended to restrict vessel traffic in a portion of Sandy Hook Bay.

DATES: This temporary final rule is effective from 8:30 p.m. until 10 p.m., on Saturday, June 19, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, Room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m.,

Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

FOR FURTHER INFORMATION CONTACT:

Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York, (718) 354-4193.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this temporary final rule. Good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after **Federal Register** publication. Because of the date the Application for Approval for Marine Event was received, there was insufficient time to draft and publish an NPRM and publish this rule 30 days before its effective date. Any delay encountered in this rule's effective date would be 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

On May 14, 1999, Serpico International Fireworks, Co., Inc., applied to hold a fireworks program on the waters of Sandy Hook Bay from a barge moored at the end of Seastreak America's docks, Atlantic Highlands, NJ. The fireworks program is being sponsored by the Highlands Chamber of Commerce. This temporary final rule establishes a safety zone in all waters of Sandy Hook Bay within a 150-yard radius of the fireworks barge in approximate position 40°25'12"N 074°02'04"W (NAD 1983), which is moored at the end of the Seastreak America's Dock, Atlantic Highlands, NJ. The safety zone is in effect from 8:30 p.m. until 10 p.m. on Saturday, June 19, 1999. There is no rain date for this event. The safety zone 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. Marine traffic will still be able to transit through northern Sandy Hook Bay during the event. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Additionally, vessels are not precluded from mooring at or getting under way from piers in Atlantic Highlands, New Jersey. Public notifications will be made before the event by Local Notice 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 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 minimal time that vessels will be restricted from the area; on vessels' not being precluded from getting under way from, or mooring at piers in Atlantic Highlands, New Jersey; on vessels' still being able to transit through Sandy Hook Bay during the event; and on advance notifications' being made.

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.

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 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 of 1995 (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 implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal 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 duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This temporary final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that under figure 2-1, paragraph 34(g), of Commandant 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**.

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 temporary 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 an environmental risk to safety disproportionately affecting children.

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), 6.04-1, 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.T01-071 to read as follows:

§ 165.T01-071 Safety Zone: Clamfest Fireworks, Sandy Hook Bay, Atlantic Highlands, New Jersey.

(a) *Location.* The following area is a safety zone: All waters of Sandy Hook Bay within a 150-yard radius of the fireworks barge in approximate position 40°25'12" N 074°02'04" W (NAD 1983), which is moored at the end of Seastreak America's dock, Sandy Hook Bay, Atlantic Highlands, New Jersey.

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on Saturday, June 19, 1999. There is no rain date for this event.

(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.

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

[COTP GUAM 99-011]

RIN 2115-AA97

Safety Zone: Cocos Lagoon, Guam

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Cocos Lagoon because of a planned International Cocos swimming event

occurring on June 20, 1999. The safety zone will encompass all waters within a triangle formed by connecting the following points: the mouth of the Bile River (13 degrees 16 minutes 37 seconds North Latitude, 144 degrees 39 minutes 51 seconds East Longitude), the west tip of Cocos Island (13 degrees 14 minutes 02 seconds North Latitude, 144 degrees 38 minutes 39 seconds East Longitude), and Balang Point (13 degrees 15 minutes 03 seconds North Latitude, 144 degrees 41 minutes 26 seconds East Longitude). This zone is needed to protect personnel swimming in the water within this zone during the event. Law enforcement, Fire Department, and sponsor safety boats will be allowed in this zone during the event. Entry of all other vessels into this temporary zone is prohibited unless authorized by the Captain of the Port (COTP).

EFFECTIVE DATE: This safety zone will be in effect from 06:30 A.M. (+ Kilo, Local Time) to 10:00 A.M. (+ Kilo, Local Time) on June 20, 1999. Following the conclusion of the event the Captain of the Port will cease enforcement of the safety zone and will announce that fact by Broadcast Notice to Mariners.

ADDRESSES: Documents pertaining to this regulation are available for inspection and copying at U.S. Coast Guard Marine Safety Office Guam, PSC 455, Box 176, FPO AP 96540-1056.

FOR FURTHER INFORMATION CONTACT: Lieutenant David McClellan, Chief, Port Operations Department, Marine Safety Office Guam; (671) 339-2001, extension 163.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this regulation, and good cause exists for making it effective before, or less than 30 days after, **Federal Register** publication. The precise location of the event necessitating promulgation of this safety zone and other logistical details surrounding the event were not finalized until a date fewer than 30 days before the event date. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete, jeopardizing the safety of lives of event participants.

Discussion of Regulation

The Manukai Athletic Club will be holding their international Cocos Crossing swim competition on the Navigable waters of Cocos Lagoon. In order to promote public safety, the