

day, ATF issued a notice of proposed rulemaking, Notice No. 859 (63 FR 44819), inviting comments on this temporary rule for a 60 day period. In response to requests from the industry, ATF reopened the comment period for an additional 30 days on November 6, 1998, by Notice No. 869 (63 FR 59921).

ATF received 45 comments in response to these notices. Two comments addressed the issue of semi-generic wine designations (also covered in the temporary rule and notices), and all the rest concerned the hard cider rules. All the comments will be discussed in a future final rule, but ATF has identified one area, labeling of hard cider, where comments indicate the temporary rule as originally issued imposes an unintended and unnecessary burden. By this document, we are postponing the compliance date for the hard cider labeling rules (originally February 17, 1999), so that we can develop alternative labeling rules. The temporary rule and the specific comments are discussed in detail in the notice of proposed rulemaking published in this issue of the **Federal Register**.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) relating to a final regulatory flexibility analysis do not apply to this rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Pursuant to 26 U.S.C. 7805(f), this temporary rule will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new collection of information is contained in this Treasury decision.

Administrative Procedure Act

This document merely defers a compliance date for labeling rules for hard cider while ATF considers alternative labeling requirements. In view of the immediate need to inform the industry of this action, it is found to

be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Drafting Information: The principal author of this document is Marjorie Ruhf, of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 24

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavoring, Surety bonds, Taxpaid wine bottling house, Transportation, Vinegar, Warehouses, Wine.

Therefore, pursuant to the authority set forth in 26 U.S.C. 5368 and 27 U.S.C. 205(e), ATF is postponing the compliance date with respect to the use of the term "hard cider" set forth in 27 CFR 4.21(e)(5) and 24.257(a)(3)(iii) and (iv) to September 27, 2000.

Dated: June 16, 1999.

John W. Magaw,
Director.

Dated: August 13, 1999.

John P. Simpson,
Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99-24833 Filed 9-24-99; 8:45 am]

BILLING CODE 4810-31-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-167]

RIN 2115-AA97

Security Zone: Presidential Visit and United Nations General Assembly, East River, New York

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary security zones in the waters of the East River, New York. This action is necessary to

protect the Port of New York/New Jersey, President Clinton, and approximately 80 visiting Heads of State, against terrorism, sabotage or other subversive acts and incidents of a similar nature during the President's visit to New York City and the United Nations General Assembly meeting. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: This rule is effective from 9 a.m. on Monday, September 20, 1999, until 7 p.m. on Friday, October 1, 1999.

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, 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 less than 30 days after **Federal Register** publication. Due to the date that specific information on the President's visit to New York City and Secret Service requirements for the United Nations General Assembly meeting were made available to the Coast Guard, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to the public interest as immediate action is needed to protect the Port of New York/New Jersey, the President, and visiting Heads of State.

Background and Purpose

These security zones, requested by the United States Secret Service, are needed to ensure the security of the Port of New York/New Jersey, the President, and visiting Heads of State, while attending the annual United Nations General Assembly meeting in midtown Manhattan, New York. The General Assembly meeting will be held at the United Nations building on East 43rd Street. There is a significant national security interest in protecting the President and safeguarding the international relations of the United States and the visiting Heads of State. These security zones will safeguard the

Port of New York/New Jersey, the President, and visiting Heads of State during the United Nations General Assembly meeting against terrorism, sabotage or other subversive acts and incidents of a similar nature. These security zones provide for an exclusion area during the General Assembly meeting. These zones include all waters of the East River within the following boundaries (all nautical positions are based on North American Datum of 1983):

Security Zone A

All waters of the East River bound by the following points: 40°44'37"N, 073°58'16.5"W (the base of East 35th Street Manhattan), then east to 40°44'34.5"N, 073°58'10.5"W (approximately 175 yards offshore of Manhattan), then northeasterly to 40°45'29"N, 073°57'26.5"W (approximately 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45'31"N, 073°57'30.5"W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44'37"N, 073°58'16.5"W. This security zone is in effect from 9 a.m. until 7 p.m. each day from Monday, September 20, 1999, through Saturday, September 25, 1999, and from Monday, September 27, 1999, through Friday, October 1, 1999. The security zone prevents vessels from transiting a portion of the East River. Marine traffic will still be able to transit through the eastern 100 yards of the western channel of the East River and through the entire eastern channel of the East River during this security zone.

Security Zone B

All waters of the East river north of a line drawn from approximate position 40°44'37"N, 073°58'16.5"W, at the base of East 35th Street in Manhattan, to approximate position 40°44'23"N, 073°57'44.5"W at Hunters Point in Long Island City, and south of the Queensboro Bridge. This security zone is in effect from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m., on Tuesday, September 21, 1999. Marine traffic will not be able to transit through this portion of the East River during this time while the President is addressing the United Nations General Assembly because the zone extends bank to bank and there are no alternate routes available in the river to go around the zone.

These security zones have been narrowly tailored, in consultation with the United States Secret Service and the maritime industry to impose the least impact on maritime interests yet provide the level of security deemed

necessary. Entry into or movement within these security zones is prohibited unless authorized by the Coast Guard Captain of the Port, New York. Public notifications will be made prior to the event via facsimile, marine information broadcasts, and the Local Notice to Mariners.

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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting the security zone areas, the effect of this regulation will not be significant for several reasons. The minimal time that vessels will be prohibited from entering the zones, and the limited recreational traffic in the area. Marine traffic will still be able to transit to the east of the security zone except from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m., on Tuesday, September 21, 1999. Extensive advance notifications will be made to the maritime community via facsimile, marine information broadcasts, and the Local Notice to Mariners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this 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 final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This 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 final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final 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 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 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 Subject in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting 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.

2. Add temporary § 165.T01-167 to read as follows:

**§ 165.T01-167 Security Zones;
Presidential Visit and United Nations
General Assembly, East River, New York.**

(a) *Security Zones.* The following areas are designated security zones:

(1) *Security Zone A:*

(i) *Location:* All waters of the East River bound by the following points: 40°44'37"N, 073°58'16.5"W (the base of East 35th Street Manhattan), then east to 40°44'34.5"N, 073°58'10.5"W (approximately 175 yards offshore of Manhattan), then northeasterly to 40°45'29"N, 073°57'26.5"W (approximately 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45'31"N, 073°57'30.5"W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44'37"N, 073°58'16.5"W. All nautical positions are based on North American Datum of 1983.

(ii) *Effective period.* Paragraph (a)(1) applies from 9 a.m. until 7 p.m., each day from Monday, September 20, 1999, through Saturday, September 25, 1999, and from Monday, September 27, 1999, through Friday, October 1, 1999.

(2) *Security Zone B:*

(i) *Location.* All waters of the East River north of a line drawn from approximate position 40°44'37"N, 073°58'16.5"W, at the base of East 35th Street in Manhattan to approximate position 40°44'23"N, 073°57'44.5"W at Hunters Point in Long Island City, and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(ii) *Effective period.* Paragraph (a)(2) applies from 9 a.m. until 11:30 a.m., and from 12:30 p.m. until 3:30 p.m. on Tuesday, September 21, 1999.

(b) *Effective period.* This section is effective from 9 a.m. on September 20, 1999, until 7 p.m. on October 1, 1999.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.33 apply to this section.

(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 via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 17, 1999.

R.E. Bennis,

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

[FR Doc. 99-25061 Filed 9-24-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach, CA; 99-005]

RIN 2115-AA97

Safety Zone; Santa Barbara Channel, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is extending the effective period of an existing temporary Safety Zone in the navigable waters of the United States around the Stearns Wharf pier complex located in Santa Barbara, California. This safety zone is necessary to ensure the safety of the public during the demolition and reconstruction of the pier and will be in effect from 12 p.m. (PST) on August 31, 1999 to 12 p.m. on October 31, 1999. Entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 12 p.m. (PST) on August 31, 1999, until 12 p.m. on October 31, 1999. If the need for this safety zone terminates before October 31, 1999, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners. Comments should be received by October 15, 1999.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802. Comments received will be available for inspection and copying in the Port Safety Division of Coast Guard Marine Safety Office Los Angeles-Long Beach from 9 a.m. to 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Yuri V. Graves, Marine Safety Detachment Santa Barbara, 111 Harbor Way, Santa Barbara, CA 93109; (805) 962-7430.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, there is good cause why a notice of proposed rule making (NPRM) was not published for this regulation and good cause exists for making it effective less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying the effective date would be contrary to the

public interest since the details concerning the construction of the pier and the completion date were not known until a date fewer than 30 days prior to the continuation of the construction.

Although this rule is published as a temporary final rule without prior notice, an opportunity for public comment is desirable to ensure the rule is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed in **ADDRESSES** in this preamble. Comments must be received by October 15, 1999. Those providing comments should identify the docket number for the regulation (COTP Los Angeles-Long Beach 99-005) and also include their name, address, and reason(s) for each comment presented. Based upon the comments received, the regulation may be changed.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing the Marine Safety Office Los Angeles-Long Beach at the address listed in **ADDRESSES** in this preamble.

Discussion of Regulation

A prior temporary final rule was promulgated imposing an identical safety zone for the period December 9, 1998 through March 31, 1999 (64 FR 8001), and then was extended for the period March 31, 1999 through August 31, 1999 (64 FR 18814). The Coast Guard has recently been notified that the pier demolition and reconstruction project will not be completed as originally scheduled. It is thus necessary to extend the effective period of the safety zone through October 31, 1999. Due to the continuing need for the safety zone, a new safety zone and public comment period has been established.

This safety zone is necessary to safeguard all personnel and property during the extensive repairs and reconstruction of Stearns Wharf. The activities surrounding the demolition and construction pose a direct threat to the safety of surrounding vessels, persons, and property, and create an imminent navigational hazard. This safety zone is necessary to prevent spectators, recreational and commercial craft from the hazards associated with the reconstruction. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port Los Angeles-Long Beach or a designated representative.