

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-030]

RIN 2115-AA97

**Safety Zone: Koechlin Wedding
Fireworks, Western Long Island
Sound, Rye, NY**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on western Long Island Sound for the Koechlin Wedding Fireworks Display. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on a portion of western Long Island Sound.

DATES: This rule is effective from 8:30 p.m. until 10 p.m. on July 24, 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**

On May 10, 1999, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, New York, in the **Federal Register** (64 FR 24982). The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Good cause exists for making this regulation effective less than 30 days after **Federal Register** publication. Because of the date the Application for Approval of Marine Event was received, there was insufficient time to promulgate both a NPRM and a final rule that would be effective at least 30 days after it was published. The Coast Guard did publish an NPRM with a 30-day comment period, but this did not leave sufficient time to 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 since immediate action is needed to prevent traffic from transiting a portion of western Long Island Sound, and provide for the safety of life on navigable waters. And the public was notified of this event when the NPRM was published in the Local Notice to Mariners on May 19, 1999.

Background and Purpose

On March 9, 1999, Bay Fireworks submitted on Application for Approval of a Marine Event for a fireworks display on western Long Island Sound. This regulation establishes a temporary safety zone on all waters of western Long Island Sound within a 360-yards radius of the fireworks, barge in approximate position 40°56'33"N, 073°41'25"W (NAD 1983), about 400 yards east of Milton Point, Rye, New York. The zone is in effect from 8:30 p.m. until 10 p.m. on Saturday July 24, 1999. There is no rain date for this event. The zone prevents vessels from transiting a portion of western Long Island Sound 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 to the east of the zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notifications will be made before the event by Local Notice to Mariners and marine information broadcasts. The Coast Guard limited the comment period for this NPRM to 30 days because the zone is only for a one-and-a-half-hour-long local event and it should have negligible impact on vessel transits.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking.

It made no changes to the proposed rule.

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 a portion of western Long Island Sound during the event, the effect of this regulation will not be significant, for several reasons: that vessels will be restricted from the areas for a minimal time, that they may safely transit to the east of the zone, and that advance notifications will be made to the local maritime community by the Local Notice to Mariners and marine-information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on 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 field, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed under *Regulatory Evaluation*, above the Coast Guard certifies under 5 U.S.C. 605(b) 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 written 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.

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.T01-030 to read as follows:

§ 165.T01-030 Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, New York.

(a) *Location.* The following area is a safety zone: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°56'33"N, 073°41'25"W (NAD 1983), approximately 400 yards east of Milton Point, Rye, New York.

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on July 24, 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.

Dated: June 23, 1999.

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

[CGD01-99-106]

RIN 2115-AA97

Technical Amendments to USCG Regulations to Update RIN Numbers: Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to six Notices of Proposed rulemakings (NPRMs) and two Final rules. This action corrects the RIN accounting string for each document to read RIN 2115-AA97.

DATES: This correction notice is effective July 7, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Waterways Oversight Branch of Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, room 205, between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard published the following regulations in the **Federal Register** with the incorrect RIN accounting numbers: 1. December 22, 1998, NPRM entitled Security Zone: Dignitary Arrival/Departure New York, NY in the **Federal Register** (63 FR 70707) (CGD01-98-006). 2. February 24, 1999, NPRM entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 9107) (CGD01-98-170). 3. May 10, 1999, NPRM entitled Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, NY (64 FR 24982) (CGD01-99-030). 4. May 10, 1999, NPRM entitled Safety Zone: PricewaterhouseCooper LLP Fireworks, Hudson River, Manhattan, NY (64 FR 24985) (CGD01-99-037). 5. May 10,

1999, NPRM entitled Safety Zone: Hastings-on-Hudson Fireworks, Hudson River, New York (64 FR 24983) (CGD01-99-041). 6. May 10, 1999, NPRM entitled Safety Zone: Glen Cove, New York Fireworks, Hempstead Harbor, NY (64 FR 24987) (CGD01-99-042). 7. May 10, 1999, final rule entitled Security Zone: Dignitary Arrival/Departure New York, NY (64 FR 24947) (CGD01-99-006). 8. May 10, 1999, Final rule entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 24945) (CGD01-99-170).

Need for Correction

As published, the NPRMs and Final rules contain the incorrect RIN accounting Data. This notice corrects the RIN Data for each document to read "RIN 2115-AA97".

Correction of Publication

Accordingly, the following publications RIN Data are corrected to read "RIN 2115-AA97";

1. December 2, 1998, NPRM entitled Security Zone: Dignitary Arrival/Departure New York, NY in the **Federal Register** (63 FR 70707) (CGD01-98-006).

2. February 24, 1999, NPRM entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 9107) (CGD01-98-170).

3. May 10, 1999, NPRM entitled Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, NY (64 FR 24982) (CGD01-99-030).

4. May 10, 1999, NPRM entitled Safety Zone: PricewaterhouseCooper LLP Fireworks, Hudson River, Manhattan, NY (64 FR 24985) (CGD01-99-037).

5. May 10, 1999, NPRM entitled Safety Zone: Hastings-on-Hudson Fireworks, Hudson River, New York (64 FR 24983) (CGD01-99-041).

6. May 10, 1999, NPRM entitled Safety Zone: Glen Cove, New York Fireworks, Hempstead Harbor, NY (64 FR 24987) (CGD01-99-042).

7. May 10, 1999, Final rule entitled Security Zone: Dignitary Arrival/Departure New York, NY (64 FR 24947) (CGD01-98-006).

8. May 10, 1999, Final rule entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 24945) (CGD01-98-170).

Dated: June 23, 1999.

R.E. Bennis,

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

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