

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

**Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**Protection of Children**

We have analyzed this rule under Executive Order 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 health or risk to safety that may disproportionately affect children.

**Environment**

We prepared an "Environmental Assessment" in accordance with Commandant Instruction M16475.1C, and determined that this rule will not significantly affect the quality of the human environment. The "Environmental Assessment" and "Finding of No Significant Impact" is available in the docket where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

**PART 100—[AMENDED]**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. A temporary section, § 100.35–T05–032 is added to read as follows:

**§ 100.35–T05–032 Special Local Regulations for Marine Events; Chesapeake Challenge, Patapsco River, Baltimore, Maryland.**

(a) *Definitions.* (1) *Regulated Area.* The waters of the Patapsco River bounded by a line connecting the following points:

Latitude	Longitude
39°15'27.5" N .....	076°33'10.0" W, to
39°13'23.0" N .....	076°31'14.0" W, to
39°12'06.0" N .....	076°29'43.5" W, to
39°12'00.0" N .....	076°29'08.0" W, to
39°11'24.0" N .....	076°29'27.5" W, to
39°11'48.0" N .....	076°30'58.0" W, to
39°14'53.5" N .....	076°34'15.0" W, to
39°15'24.0" N .....	076°33'53.0" W, to
39°15'27.5" N .....	076°33'10.0" W.

(2) *Curtis Bay South Spectator Area.* The waters south of Curtis Bay Channel bounded by a line connecting the following points:

Latitude	Longitude
39°13'16.0" N .....	076°32'31.5" W, to
39°13'00.0" N .....	076°32'16.0" W, to
39°12'49.5" N .....	076°32'31.5" W, to
39°13'06.0" N .....	076°32'48.5" W, to
39°13'16.0" N .....	076°32'31.5" W.

(3) *Curtis Bay North Spectator Area.* The waters north of Curtis Bay Channel bounded by a line connecting the following points:

Latitude	Longitude
39°14'00.0" N .....	076°33'18.5" W, to
39°13'33.0" N .....	076°32'50.0" W, to
39°13'20.5" N .....	076°33'13.5" W, to
39°13'37.0" N .....	076°33'40.0" W, to
39°14'00.0" N .....	076°33'18.5" W.

(4) *Hawkins Point Spectator Area.* The waters south of Hawkins Point bounded by a line connecting the following points:

Latitude	Longitude
39°12'26.5" N .....	076°31'39.0" W, to
39°11'48.0" N .....	076°30'58.0" W, to
39°11'40.0" N .....	076°30'33.0" W, to
39°11'16.5" N .....	076°30'46.5" W, to
39°12'19.5" N .....	076°31'50.5" W, to
39°12'26.5" N .....	076°31'39.0" W.

All coordinates reference Datum NAD 1983.

(5) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(6) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities

Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(7) *Participating vessels.* Participating vessels include all vessels participating in the Chesapeake Challenge powerboat race under the auspices of the Marine Event Application submitted by the Chesapeake Bay Power Boat Association, and approved by the Commander, Fifth Coast Guard District.

(8) *Spectator vessels.* Includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is on the Patapsco River to observe the Chesapeake Challenge powerboat race.

(b) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(iii) While in the regulated area, proceed at minimum wake speed not to exceed six (6) knots, unless otherwise directed by the official patrol.

(3) Spectator vessels may enter and anchor in the spectator areas described in paragraphs (a)(2), (a)(3) and (a)(4) of this section without the permission of the Patrol Commander. They shall use caution not to enter the regulated area. These spectator areas are for the exclusive use of spectator vessels.

(c) *Effective dates.* This section is effective from 1 p.m. on August 26, 2000 to 4 p.m. on August 27, 2000.

(d) *Enforcement times.* This section will be enforced from 1 p.m. to 4 p.m. on August 26 and August 27, 2000.

Dated: August 2, 2000.

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

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

**[CGD01–00–195]**

**RIN 2115–AA97**

**Safety Zone: T.E.L. Enterprises, Great South Bay, Davis Park, Sayville, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the T.E.L. Enterprises Fireworks Display to be held on Great South Bay, Davis Park, Sayville, NY on August 12, 2000. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

**DATES:** This rule is effective from 9:30 p.m. on August 12, 2000 until 11 p.m. on August 13, 2000.

**ADDRESSES:** Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group/Marine Safety Office Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Chief Chris Stubblefield, Command Center, Group/Marine Safety Office Long Island Sound, New Haven, CT (203) 468-4428.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. The Coast Guard also finds good cause to make this rule effective less than 30 days after publication in the **Federal Register**. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

**Background and Purpose**

Mr. Felix Grucci of Brookhaven, NY is sponsoring a fireworks display on Great South Bay, Davis Park, Sayville, NY. The fireworks display will occur on August 12, 2000 with a rain date of August 13, 2000. The safety zone covers all waters of the Great South Bay within a 600 foot radius of the fireworks launching area which will be located in approximate position: 40°-41°17'N, 073°-00°20'W, (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this

zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

**Regulatory Evaluation**

This 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. The Office of Management and Budget has not reviewed it 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Great South Bay and entry into this zone will be restricted for only 90 minutes on August 12, 2000. Although this regulation prevents traffic from transiting this section of the Great South Bay, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses not-for-profit organizations that are independently owned and operated are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605 (b) that this rule will not have a significant impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Great South Bay from 9:30 p.m. until 11 p.m. on August 12, 2000. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

**Assistance for Small Entities**

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If your small business or organization would be affected by this rule and you have any questions concerning its provisions or options for compliance, please call Chief Chris Stubblefield at (203) 468-4428. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

**Collection of Information**

This rule calls for no collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

**Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize

litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this proposed rule under 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 health or risk to safety that may disproportionately affect children.

### Environment

The Coast Guard has considered the environmental impact of this rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction, M 16475.C, 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.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

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. Add temporary § 165.T01-CGD1-195 to read as follows:

#### **§ 165.T01-CGD1-195 T.E.L. Enterprises, Great South Bay, Davis Park, Sayville, NY.**

(a) *Location.* The safety zone includes all waters of Great South Bay within a 600 foot radius of the launch site located on Great South Bay, Davis Park, Sayville, NY in approximate position 40°-41'17"N, 073°-00'20"W (NAD 1983).

(b) *Effective date.* This section is effective from 9:30 p.m. until 11 p.m. on August 12, 2000. If the event is cancelled due to inclement weather, then this section is effective from 9:30 p.m. until 11 p.m. on August 13, 2000.

(c)(1) *Regulations.* The general regulations covering safety zones contained in section 165.23 of this part 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. U.S. Coast Guard patrol personnel

include 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: July 28, 2000.

**T.V. Skuby,**

*Commander, U.S. Coast Guard, Acting Captain of the Port, Long Island Sound.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-00-192]

RIN 2115-AA97

#### **Safety Zone: Fireworks Display, Western Long Island Sound, Larchmont, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for a fireworks display located on Western Long Island Sound off Larchmont, NY. 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 in a portion of Western Long Island Sound.

**DATES:** This rule is effective from 9:20 p.m. on August 11, 2000 until 10:50 p.m. on August 13, 2000.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01-00-192) and are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4012.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4012.

#### **SUPPLEMENTARY INFORMATION:**

#### **Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(8), the Coast Guard finds that good cause exists for not publishing an NPRM. Good cause exists for not publishing an NPRM due to the date the Application for

Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM. Further, it is a local event with minimal impact on the waterway, vessels may still transit through western Long Island Sound during the event, the zone is only in effect for 1½ hours and vessels can be given permission to transit the zone except for about 20 minutes during this time. Any delay encountered in this regulation's effective date would be unnecessary and 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.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This is due to the following reasons: It is a local event with minimal impact on the waterway, vessels may still transit through western Long Island Sound during the event, the zone is only in effect for 1½ hours and vessels can be given permission to transit the zone except for about 20 minutes during this time. Vessels will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone. There are no commercial facilities in the vicinity of the zone. Additionally, this location will be a permanent fireworks safety zone regulated by 33 CFR 165.168. The final rule for this regulation was published in the **Federal Register** on July 13, 2000. No comments were received during this rulemaking.

#### **Background and Purpose**

The Coast Guard has received an application to hold a fireworks program on the waters of western Long Island Sound off Larchmont, NY. This regulation establishes a safety zone in all waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°54'45"N 73°44'55"W (NAD 1983), about 450 yards southwest of the entrance to Horseshoe Harbor. The safety zone is in effect from 9:20 p.m. (e.s.t.) until 10:50 p.m. (e.s.t.) on Friday, August 11, 2000. If the event is cancelled due to inclement weather, then this section is effective from 9:20 p.m. (e.s.t.) until 10:50 p.m. (e.s.t.) on Sunday, August 13, 2000. The safety 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 through western Long Island Sound during this event. Additionally, vessels