

to attend the meeting. The Coast Guard is also reopening the comment period until June 10, 1999, to allow additional time for public comment.

DATES: The Coast Guard will hold the public meeting in Washington, DC, on May 12, 1999, from 9 a.m. to 12 p.m., or until all comments have been heard. This meeting may close early if all business is finished. Written material for discussion during the meeting should reach the Docket Management Facility on or before April 29, 1999. Written comments must reach the Docket Management Facility on or before June 10, 1999.

ADDRESSES: The Coast Guard will hold this public meeting at the U.S. Department of Transportation, room 10234, 400 Seventh Street SW., Washington, DC 20590-0001. You may mail your comments to the Docket Management Facility [USCG-1998-4443], U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001, or deliver them to room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this notice. Comments, and documents as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL-401, on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this document, call Mr. Robert Spears, Project Manager, Office of Standards Development (G-MSR), Coast Guard, telephone 202-267-1099. For questions on viewing, or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to submit written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice [USCG-1998-4443], and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the Docket

Management Facility at the address under **ADDRESSES**. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period.

Information on Service for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Robert Spears at the address or phone number under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Background Information

In the interim rule on Emergency Control Measures for Tank Barges published on December 30, 1998 (63 FR 71754), we indicated that we would hold public meetings. Although none of the comments to the docket received by the end of the comment period (March 30, 1999) requested such meetings, we will hold a meeting, to ensure ample opportunity for the public to comment on this rule.

Public Meeting

This meeting is open to the public. Please note that a meeting may close early if all business is finished. Members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Coast Guard point of contact listed under **FOR FURTHER INFORMATION CONTACT** no later than, April 29, 1999.

The Coast Guard will begin the public meeting with a brief presentation discussing the interim rule.

Dated: April 9, 1999.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 99-9449 Filed 4-14-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-165]

RIN 2121-AA97

Regulated Navigation Area: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel, New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the Regulated Navigation Area (RNA) in the New York Harbor to include the Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel, New York and New Jersey. This action is necessary because of the extensive channel deepening project being undertaken jointly by the Army Corps of Engineers and the Port Authority of New York and New Jersey. The RNA is needed to ensure the safety of vessels transiting the restricted channel during blasting and dredging operations.

DATES: This final rule is effective April 19, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4191.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander B. Krenzien, Waterways Management Division, Coast Guard Activities New York (718) 354-4191.

SUPPLEMENTARY INFORMATION:

Regulatory History

On December 31, 1998, the Coast Guard published a notice of proposed rulemaking entitled Regulated Navigation Area: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel, New York and New Jersey in the **Federal Register** (63 FR 72219). The Coast Guard did not receive any 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. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to reduce the risks of collisions, groundings, and other navigational mishaps associated with this channel deepening project. Additionally, vessels will be allowed to transit work areas where dredges and/or drill barges are located unless blasting is to be conducted. Delays resulting from blasting are expected to last no longer than 15 minutes and occur less than 4 times daily in any one area.

Background and Purpose

The Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel are the areas designated as a RNA. These channels are located in the waters between Bayonne, New Jersey, Staten Island, New York, and Elizabeth/Newark, New Jersey. The RNA enhances vessel safety during the extensive channel deepening project that involves dredging and blasting in these areas. These channels connect the deepwater ports of New York Harbor. Current channel depths restrict the full economy of existing and future generations of deep draft vessels. Tankships arriving in the port with drafts approaching the forty five (45) foot controlling depths of Ambrose and Anchorage Channels must lighten some of their cargo to barges in the deep New York Harbor anchorages in order to safely transit the forty (40) foot channel depths. This results in substantial lightering and delay costs. Container vessels cannot lighten in the anchorages and therefore must load to less than full drafts. This project, which is expected to last approximately six (6) years, will deepen the existing forty (40) foot channel to forty five (45) feet to accommodate the deeper draft vessels. The dredging areas will continue to be available for use by the general public. Restrictions on vessels transits during this project are unchanged from the current regulations in § 165.165(d) except for (d)(1, 5, 7, and 9). Paragraph (d)(1) allows vessels to enter or transit a work area where drill barges and/or dredges are located once granted permission from Vessel Traffic Service New York (VTSNY). Blasting operations being conducted in the work area will normally preclude vessels from receiving permission. One-way traffic will be maintained during this project in work areas where drill barges and/or dredges are located. Paragraph (d)(5) specifies that the prevailing current will be measured from the Battery tide

station. This is expected to reduce confusion among mariners because use of the Battery tide station is the port norm. Paragraph (d)(7) refers to the hawser and wire throughout the paragraph. Paragraph (d)(9) defines the phrase "tugs with tows" to include tugs with vessels or barges alongside or being pushed. This rulemaking is needed to reduce the risks of collisions, groundings, and other navigational mishaps associated with this project. These are the same restrictions taken during 1991–92 when dredging was last conducted in this vicinity. They were instituted then due to three groundings that resulted in one oil spill and one channel blockage. Public notifications for specific dredging dates will be made prior to the commencement of dredging via the Local Notice to Mariners, marine information broadcasts, facsimile, and at New York Harbor Operations Committee meetings. The expected starting date is April 19, 1999, in Work Area 2.

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. The effect of this regulation will not be significant for several reasons: vessels will be allowed to transit work areas where dredges and/or drill barges are located unless blasting is to be conducted, delays resulting from blasting are expected to last no longer than 15 minutes and occur less than 4 times daily in any one area, there are no restrictions on vessel traffic in the RNA in areas where there are no dredges or drill barges, the Port Authorities of New York and New Jersey are working with the U.S. Army Corps of Engineers on this project to ensure future generations of deep draft vessels are able to use the Port of New York/New Jersey, it will reduce substantial costs associated with lightering operations currently required by vessels unable to transit the harbor fully loaded, and advance notifications will be made to the local maritime community by the Local Notice to Mariners, facsimile, marine information broadcasts, and New York Harbor Operations Committee

meetings. Additionally, these are the same restrictions taken during 1991–92 when dredging was last conducted in this vicinity and other than minor delays in vessel transit time, no impact was noted.

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 the reasons stated in the Regulatory Evaluation section 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 "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 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), 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), 6.04–6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Revise § 165.165 to read as follows:

§ 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.

(a) *Regulated Navigation Area (RNA).* All waters of the Kill Van Kull (KVK)

Channel east of KVK Light 16A (LLNR 37340) in North of Shooters Island Reach, east of Shooters Island Light 2 (LLNR 37375) in South of Shooters Island Reach, and west of KVK Channel Junction Lighted Bell Buoy 'KV' (LLNR 37265) in Constable Hook Reach; all waters of Newark Bay Channel south of Newark Bay Light 19 (LLNR 37505); all waters of South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel south of New Jersey Pierhead South Channel Lighted Buoy 5 (LLNR 37020).

(b) *Description of Work Areas in the RNA.*

(1) Work Area (1): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'40.0"N	074°03'45.0"W
40°38'50.4"N	074°04'16.0"W
40°38'57.9"N	074°04'11.8"W
40°39'03.8"N	074°04'43.8"W
40°39'04.5"N	074°05'07.6"W
40°39'01.8"N	074°05'14.8"W
40°39'05.0"N	074°05'17.1"W
40°39'10.3"N	074°05'05.0"W
40°39'09.3"N	074°04'27.8"W
40°39'00.2"N	074°03'45.1"W
40°38'58.0"N	074°03'34.9"W
40°38'40.0"N	074°03'45.0"W

(2) Work Area (2): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'50.4"N	074°04'16.0"W
40°38'57.5"N	074°04'37.8"W
40°38'59.2"N	074°04'55.4"W
40°38'57.4"N	074°05'12.9"W
40°38'47.5"N	074°05'33.8"W
40°38'45.8"N	074°05'43.6"W
40°38'49.4"N	074°05'44.7"W
40°38'51.0"N	074°05'35.7"W
40°39'04.7"N	074°05'06.6"W
40°39'03.7"N	074°04'29.5"W
40°38'57.9"N	074°04'11.8"W
40°38'50.4"N	074°04'16.0"W

(3) Work Area (3): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'45.8"N	074°05'43.6"W
40°38'49.4"N	074°05'44.7"W
40°38'51.2"N	074°05'35.8"W
40°39'01.8"N	074°05'14.8"W
40°39'05.0"N	074°05'17.1"W
40°38'57.5"N	074°05'32.3"W
40°38'53.8"N	074°05'44.1"W
40°38'53.1"N	074°05'56.8"W
40°38'55.3"N	074°06'38.1"W
40°38'41.5"N	074°07'18.3"W
40°38'38.2"N	074°07'41.4"W
40°38'38.5"N	074°07'46.0"W

Latitude	Longitude
40°38'35.2"N	074°07'49.0"W
40°38'31.2"N	074°07'50.0"W
40°38'30.1"N	074°07'41.3"W
40°38'33.9"N	074°07'15.1"W
40°38'44.0"N	074°06'45.7"W
40°38'46.7"N	074°06'25.9"W
40°38'44.8"N	074°05'49.6"W
40°38'45.8"N	074°05'43.6"W

(4) Work Area (4): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'31.2"N	074°07'50.0"W
40°38'35.2"N	074°07'49.0"W
40°38'36.6"N	074°08'01.2"W
40°38'28.2"N	074°08'51.0"W
40°38'35.2"N	074°09'06.2"W
40°38'30.0"N	074°09'12.0"W
40°38'24.8"N	074°09'02.6"W
40°38'24.0"N	074°08'52.0"W
40°38'31.5"N	074°08'07.4"W
40°38'31.8"N	074°07'54.6"W
40°38'31.2"N	074°07'50.0"W

(5) Work Area (5): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'35.2"N	074°07'49.0"W
40°38'38.5"N	074°07'46.0"W
40°38'40.7"N	074°08'01.3"W
40°38'34.0"N	074°08'41.0"W
40°38'40.0"N	074°08'52.0"W
40°38'50.0"N	074°08'55.0"W
40°38'35.2"N	074°09'06.2"W
40°38'28.2"N	074°08'51.0"W
40°38'36.6"N	074°08'01.2"W
40°38'35.2"N	074°07'49.0"W

(6) Work Area (6): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'17.0"N	074°08'38.0"W
40°40'21.0"N	074°08'00.0"W
40°40'34.3"N	074°07'54.0"W
40°40'35.9"N	074°08'03.9"W
40°40'33.2"N	074°08'12.0"W
40°40'26.6"N	074°08'17.9"W
40°39'34.3"N	074°08'55.8"W
40°39'30.8"N	074°08'58.2"W
40°39'21.6"N	074°08'50.2"W
40°39'17.0"N	074°08'38.0"W

(7) Work Area (7): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°40'26.7"N	074°08'17.9"W
40°41'14.4"N	074°09'35.0"W
40°41'18.9"N	074°09'31.9"W
40°40'46.1"N	074°08'38.9"W
40°40'44.5"N	074°08'30.2"W

Latitude	Longitude
40°40'33.2"N	074°08'12.0"W
40°40'26.7"N	074°08'17.9"W

(8) Work Area (8): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'30.8"N	074°08'58.2"W
40°39'40.6"N	074°09'22.5"W
40°39'43.5"N	074°09'25.8"W
40°39'44.8"N	074°09'24.9"W
40°39'32.8"N	074°08'55.2"W
40°39'30.8"N	074°08'58.2"W
AND	
40°39'21.6"N	074°08'50.2"W
40°39'17.0"N	074°03'38.0"W
40°38'50.0"N	074°08'55.0"W
40°38'30.0"N	074°09'12.0"W
40°38'33.3"N	074°09'19.5"W
40°38'46.8"N	074°09'22.8"W
40°39'07.7"N	074°08'58.8"W
40°39'21.6"N	074°08'50.2"W

(9) Work Area (9): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°40'34.3"N	074°07'54.0"W
40°41'08.5"N	074°07'38.5"W
40°41'11.6"N	074°07'50.8"W
40°41'17.6"N	074°07'56.4"W
40°41'20.0"N	074°08'00.3"W
40°41'42.3"N	074°08'21.2"W
40°41'59.4"N	074°09'11.0"W
40°41'55.8"N	074°09'13.1"W
40°41'39.1"N	074°08'24.6"W
40°41'21.0"N	074°08'07.6"W
40°40'46.1"N	074°08'38.9"W
40°40'44.5"N	074°08'30.2"W
40°40'50.4"N	074°08'30.3"W
40°41'13.4"N	074°08'09.7"W
40°41'13.7"N	074°08'05.6"W
40°41'03.2"N	074°07'55.7"W
40°40'54.4"N	074°07'55.7"W
40°40'35.9"N	074°08'03.9"W
40°40'34.3"N	074°07'54.0"W

(e) *Projected dates for each work area.* Dredging is scheduled to commence in Work Area (2) on April 19, 1999. As contracts are let for dredging of each of the remaining work areas, commencement dates will be made available via the Local Notice to Mariners, marine information broadcasts, facsimile, and at New York Harbor Operations Committee meetings.

(d) *Regulations.* (1) No vessel shall enter or transit any work area where drill barges and/or dredges are located without permission of Vessel Traffic Service New York (VTSNY).

(2) Each vessel transiting in the vicinity of the work areas, where drill barges and/or dredges are located, is required to do so at no wake speed.

(3) No vessel shall enter the RNA when they are advised by the drilling barge or VTSNY that a misfire or hangfire has occurred. Vessels already underway in the RNA shall proceed to clear the impacted area immediately.

(4) Vessels, 300 gross tons or greater, and tugs with tows are prohibited from meeting or overtaking other vessels when transiting alongside an active work area.

(5) Vessels, 300 gross tons or greater, and tugs with tows transiting with the prevailing current (as measured from the Battery tide station) are regarded as the stand-on vessel.

(6) Prior to entering the RNA, the master, pilot or operator of each vessel, 300 gross tons or greater and tugs with tows, shall ensure that they have sufficient propulsion and directional control to safely navigate the area under the prevailing conditions, and shall notify VTSNY as to their decision regarding the employment of assist tugs while transiting the RNA.

(7) Hawser or wire length must not exceed 100 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge, for any vessel with another vessel/barge in tow.

(8) Waiver. The Captain of the Port, New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 24 hours before the intended operation and must state the need and describe the proposal.

(9) Tugs with tows includes a tug with a vessel or barge in tow, alongside, or being pushed.

Dated: April 8, 1999.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 99-9431 Filed 4-14-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Danger Zone, Chesapeake Bay, Point Lookout to Cedar Point, Maryland

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: This rule amends the danger zone regulations by redesignating an aerial firing range as an aerial and

surface firing range and increases the use of the firing range and target area in the waters of the Chesapeake Bay. It also increases the use of the firing range from Monday through Saturday, except holidays, to continuous use. The restricted area of the Hannibal Target previously encompassed a water area with a radius of 600 yards. The change increases the radius of the restricted area to 1000 yards, prohibits entry into the areas at all times and prohibits the public from climbing on the targets. These changes are necessary to protect the public from hazardous conditions which may exist as a result of the U.S. Navy's use of the area. Other editorial amendments are made to reflect changes in the Navy's organization.

EFFECTIVE DATE: May 17, 1999.

ADDRESSES: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, at (202) 761-1787, or Mr. Steve Elinsky, Corps Baltimore District, at (410) 962-4503.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat. 892 U.S.C. 3) the Corps is amending the danger zone and restricted area regulations in 33 CFR Part 334.200. The Commanding Officer of the U.S. Naval Air Station, Patuxent River, Maryland has requested that the Corps amend the danger zone and restricted area regulations by redesignating the existing "aerial firing range" as an "aerial and surface firing range" and increasing the Navy's use of the range from Monday through Saturday except holidays, to continuous use. The Navy is also enlarging the existing restricted area of the Hannibal Target from a water area with a radius of 600 yards to a radius of 1000 yards and making entry into the area prohibited at all times. The restricted area is presently closed during daylight hours except to vessels authorized entry by the Navy command. We are also adding a prohibition on climbing on the targets. These changes are necessary to protect the public from hazardous conditions which may exist as a result of the Navy's use of this area. Enforcement of these regulations is being changed from the Commander of the Naval Air Test Center to the Commanding Officer of the Naval Air Station.