

the proposal were primarily based on the previous poor condition of the bridge that resulted in only one bascule leaf being operable, thereby restricting navigation to daytime transits only. After the bridge had been restored to its fully operable condition, the Coast Guard published a supplemental notice of proposed rulemaking on September 23, 1998 (63 FR 50821). The supplemental notice of proposed rulemaking proposed the same schedule, but was published so that interested parties could have another opportunity to comment on the proposed change before a final decision was made.

Four letters were received in response to the supplemental notice of proposed rulemaking. Some of the comments objected to the mid-day closed period because it would interfere with coal deliveries to the Power Company.

The Coast Guard agreed that the change would be less disruptive to coal deliveries to the power plant and that the two remaining closure periods in the morning and afternoon will provide relief for vehicular traffic during rush hours. This change was published as an interim rule to allow the public to comment on the change before the final rule was issued.

One letter was received in response to the interim rule. An individual motorist suggested that the draw of the bridge remain closed to navigation weekdays from 7 a.m. to 8:30 a.m. and from 3:30 p.m. until 5 p.m. instead of from 7:30 a.m. to 9 a.m. and from 4:30 to 6 p.m. as proposed. Based on data originally provided by the Harrison County Board of Supervisors, the Coast Guard does not feel that this suggested change would enhance the movement of vehicular traffic to any greater degree than the change as proposed. Since no other comments or objections to the interim rule or the initial implementation of the new schedule were received, the Coast Guard is adopting the interim rule without change.

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 cost 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 10(e) of the

regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels impaired during the proposed closed-to-navigation periods is minimal. Commercial fishing vessels and tugs with tows still have ample opportunity to transit this waterway before and after the peak vehicular traffic periods as is their customary practice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may 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.

This final rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will still have the ability to pass the bridge in the early morning, early afternoon and evening hours. Thus, the economic impact is expected to be minimal. Additionally, there is no indication that other waterway users would suffer any type of economic hardship if they are precluded from transiting the waterway during the hours that the draw is scheduled to remain in the closed-to-navigation position. Therefore, 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. If, however, you think that your business or organization qualifies as a small entity and that this final rule will have a significant impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this final rule will economically affect it.

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 rule under the principles and criteria contained in Executive Order 12612 and have determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over

the navigable waters of the U.S. belongs to the Coast Guard by Federal statutes.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, this final rule is categorical 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 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Accordingly, the interim rule amending 33 CFR Part 117 which was published in 64 FR 6220 on February 9, 1999, is adopted as a final rule without change.

Dated: May 25, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard Dist.

[FR Doc. 99-15049 Filed 6-14-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-175]

RIN 2115-AA97

Safety Zone: New York Super Boat Race, Hudson River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone that will be enacted annually for the New York Super Boat Race. 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 the lower Hudson River, New York.

DATES: This final rule is effective July 15, 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) 354-4193.

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

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 12, 1999, the Coast Guard published a notice of proposed rulemaking entitled *Safety Zone: New York Super Boat Race, Hudson River, New York in the Federal Register* (64 FR 7147). The Coast Guard received one comment on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

Super Boat International Productions sponsors this annual high-speed powerboat race with approximately 40 powerboats, 24 to 50 feet in length, racing on an 8-mile oval course at speeds in excess of 100 mph. An average of 100 spectator craft view this event each year. The safety zone encompasses all waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N	074°01'09.0"W, then south to
40°41'55.0"N	074°01'16.0"W, then southwest to
40°41'47.0"N	074°01'36.0"W, then northwest to
40°41'55.0"N	074°01'59.0"W, then to shore at
40°42'20.5"N	074°02'06.0"W.

The safety zone area encompasses approximately four nautical miles of the Lower Hudson River from Pier 76, Manhattan to approximately 650 yards northwest of the Governors Island Light (LLNR 35010) in approximate position 40°42'20.5"N, 074°01'11"W (NAD 1983).

The final rule is effective annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day. The race boats will be competing at high speeds with numerous spectator crafts in the area, creating an extra or unusual hazard in the navigable waterway. The final rule prohibits all vessels not participating in the event, swimmers, and personal watercraft from transiting this portion of the Lower Hudson River during the race. It is needed to protect the waterway users from the hazards associated with high-speed powerboats racing in confined waters.

Discussion of Comments and Changes

The Coast Guard received one comment on the proposed rule. This final rule is the same as the proposed rule except that the starting time for the event has been moved from 11:30 a.m. to 10 a.m. This change was made to provide for a Super Boat Limited race beginning at 11 a.m. This will be followed by the Super Boat Race beginning at 1 p.m. The Coast Guard is not publishing a Supplemental NPRM (SNPRM) for this change. A SNPRM is not necessary because the final rule is not materially different from the proposed rule, therefore the notice provided for the NPRM was sufficient for this final rule. This conclusion is based upon the following factors: the minimal extra time requested, the minimal amount of commercial traffic affected, pleasure craft can take an alternate route through the East River and the Harlem River, and commercial ferry traffic will be authorized to transit around the perimeter of the safety zone for their scheduled operations at the direction of the Patrol Commander.

The Coast Guard received one comment regarding the location of spectator craft at the southwest corner of the safety zone during 1998's event. This location is in the vicinity of Liberty State Parks, Jersey City, New Jersey and Ellis Island. Commercial charters, which were authorized to transit between Liberty State Park and Ellis Island during the event, experienced difficulty navigating safely through this area due to spectator craft infringing on the safety zone. The charter boats experienced difficulty when entering and departing from their berth at Liberty State Park. The charter boats were also forced to transit further into the safety zone than had originally been planned. The Coast Guard will maintain a clear lane at the southwest corner of the safety zone for the charter boats to transit through. There is still sufficient room around the remaining southern boundary of the safety zone for the expected spectator craft to view this event.

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 the lower Hudson River Hudson River during the race, the effect of this regulation will not be significant for several reasons: it is an annual event with local support, the volume of commercial vessel traffic transiting the Lower Hudson River on a Sunday is less than half of the normal daily traffic volume; pleasure craft desiring to view the event will be directed to designated spectator viewing areas outside the safety zone; pleasure craft can take an alternate route through the East River and the Harlem River; the duration of the event is limited to six hours; the extensive advisories which will be made to the affected maritime community by Local Notice to Mariners, Safety Voice Broadcast, and facsimile notification. Additionally, commercial ferry traffic will be authorized to transit around the perimeter of the safety zone for their scheduled operations at the direction of the Patrol Commander.

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 jury imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in an 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.

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 and environmental risk to safety disproportionately affecting children.

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 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), 6.04-6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of sec. 311, Pub. L. 105-383.

2. Add § 165.162 to read as follows:

§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.

(a) *Regulated area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52"N 074°01'01"W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0"N	074°01'09.0"W, then south to
40°41'55.0"N	074°01'16.0"W, then west to
40°41'47.0"N	074°01'36.0"W, then north-west to
40°41'55.0"N	074°01'59.0"W, then to shore at
40°42'20.5"N	074°02'06.0"W.

(b) *Regulations.*

(1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designed 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.

(c) *Effective period.* This section is in effect annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day.

R.E. Bennis,

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

[FR Doc. 99-15045 Filed 6-14-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-057]

RIN 2115-AA97

Safety Zone: 4th of July Fireworks, Charles River Esplanade, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the 4th of July Fireworks on the Esplanade, Boston, MA. This regulation establishes a two-stage safety zone on waters of the Charles River, around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 a.m. on 3 July 1999 and establishes a safety zone one hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. This safety zone prevents entry into or movement within this portion of the Charles River, and it is needed to protect the boating public viewing this display from the dangers posed by the loading of the fireworks and the fireworks display. The two-stage approach is needed due to the risks posed first by the loading of the fireworks, then the expanded risks posed by the firework display event.

DATES: This rule is effective from 12:01 a.m., Monday, 28 June 1999 until 11:00 p.m., Monday, 5 July 1999 unless canceled earlier by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Conclusive information