

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 temporary 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 temporary final rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, 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**.

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 temporary 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), 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), 6.04-1, 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.T01-071 to read as follows:

§ 165.T01-071 Safety Zone: Clamfest Fireworks, Sandy Hook Bay, Atlantic Highlands, New Jersey.

(a) *Location.* The following area is a safety zone: All waters of Sandy Hook Bay within a 150-yard radius of the fireworks barge in approximate position 40°25'12" N 074°02'04" W (NAD 1983), which is moored at the end of Seastreak America's dock, Sandy Hook Bay, Atlantic Highlands, New Jersey.

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on Saturday, June 19, 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.

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

[COTP GUAM 99-011]

RIN 2115-AA97

Safety Zone: Cocos Lagoon, Guam

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Cocos Lagoon because of a planned International Cocos swimming event

occurring on June 20, 1999. The safety zone will encompass all waters within a triangle formed by connecting the following points: the mouth of the Bile River (13 degrees 16 minutes 37 seconds North Latitude, 144 degrees 39 minutes 51 seconds East Longitude), the west tip of Cocos Island (13 degrees 14 minutes 02 seconds North Latitude, 144 degrees 38 minutes 39 seconds East Longitude), and Balang Point (13 degrees 15 minutes 03 seconds North Latitude, 144 degrees 41 minutes 26 seconds East Longitude). This zone is needed to protect personnel swimming in the water within this zone during the event. Law enforcement, Fire Department, and sponsor safety boats will be allowed in this zone during the event. Entry of all other vessels into this temporary zone is prohibited unless authorized by the Captain of the Port (COTP).

EFFECTIVE DATE: This safety zone will be in effect from 06:30 A.M. (+ Kilo, Local Time) to 10:00 A.M. (+ Kilo, Local Time) on June 20, 1999. Following the conclusion of the event the Captain of the Port will cease enforcement of the safety zone and will announce that fact by Broadcast Notice to Mariners.

ADDRESSES: Documents pertaining to this regulation are available for inspection and copying at U.S. Coast Guard Marine Safety Office Guam, PSC 455, Box 176, FPO AP 96540-1056.

FOR FURTHER INFORMATION CONTACT: Lieutenant David McClellan, Chief, Port Operations Department, Marine Safety Office Guam; (671) 339-2001, extension 163.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this regulation, and good cause exists for making it effective before, or less than 30 days after, **Federal Register** publication. The precise location of the event necessitating promulgation of this safety zone and other logistical details surrounding the event were not finalized until a date fewer than 30 days before the event date. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete, jeopardizing the safety of lives of event participants.

Discussion of Regulation

The Manukai Athletic Club will be holding their international Cocos Crossing swim competition on the Navigable waters of Cocos Lagoon. In order to promote public safety, the

Captain of the Port established a triangular safety zone. The safety zone will encompass all waters within a triangle formed by connecting the following points: the mouth of the Bile River (13 degrees 16 minutes 37 seconds North Latitude, 144 degrees 39 minutes 51 seconds East Longitude), the west tip of Cocos Island (13 degrees 14 minutes 02 seconds North Latitude, 144 degrees 38 minutes 39 seconds East Longitude), and Balang Point (13 degrees 15 minutes 03 seconds North Latitude, 144 degrees 41 minutes 26 seconds East Longitude).

This zone is established to protect the swimming event's participants from possible safety hazards associated with vessel traffic. Law enforcement, Fire Department, and sponsor's safety boats will be allowed in this zone during the event. Entry of all other vessels into this temporary zone is prohibited unless authorized by the Captain of the Port (COTP). Vessels may request authorization to transit the regulated area by calling the U.S. Coast Guard on Channel 16 VHF or by phone at (671) 339-2001, extension 112.

Regulatory Evaluation

This temporary 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 sections 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). Because of the short duration and limited geographic scope of the safety zone, 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.

Collection of Information

This temporary final rule contains no information-collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary final rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this temporary final rule and concluded that under Chapter 2.B.2 of Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(g), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. An environmental analysis checklist has been completed.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this temporary final rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation). If so, the Act requires that reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government will be affected by this rule, so this rule will not result in annual or aggregate cost of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations, is amended 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. A new section 165.T14-011 is added to read as follows:

§ 165.T14-011 Safety Zone: Cocos Lagoon, Guam.

(a) *Location:* The following area constitutes a safety zone in the navigable waters of the United States within Cocos Lagoon, Guam: a triangle formed by connecting the mouth of the Bile River (13 degrees 16 minutes 37 seconds North Latitude, 144 degrees 39 minutes 51 seconds East Longitude), the west tip of Cocos Island (13 degrees 14 minutes 02 seconds North Latitude, 144

degrees 38 minutes 39 seconds East Longitude), and Balang Point (13 degrees 15 minutes 03 seconds North Latitude, 144 degrees 41 minutes 26 seconds East Longitude). All

coordinates refer to Datum: NAD 83.

(b) *Effective Dates:* This safety zone will be effective from 06:30 a.m. (+Kilo, Local Time) to 10:00 a.m. (+Kilo, Local Time) on June 20, 1999. Following the conclusion of the event the Captain of the Port will cease enforcement of the safety zone and will announce that fact by Broadcast Notice to Mariners.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port, or his or her designated representative. Vessels may request authorization to transit the safety zone by calling the U.S. Coast Guard Marianas Section Guam on Channel 16 VHF or call at (671) 339-2001, extension 112.

Dated: May 26, 1999.

S.J. Glover,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01 99-078]

RIN 2115-AA97

Safety Zone: Salvage of Sunken Fishing Vessel CAPE FEAR, Buzzards Bay, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone within a five-hundred (500)-yard radius of the site of the sunken fishing vessel CAPE FEAR in the entrance to Buzzards Bay, Massachusetts, during oil removal and salvage. Once the vessel is salvaged and brought to the surface, a temporary moving safety zone extending 1,000 yards ahead and astern, and 500 yards on either side, is established around the fishing vessel CAPE FEAR while it is towed into and safely moored in the port of Fairhaven, MA. This safety zone is needed to protect personnel and their resources on-scene during oil pollution abatement and salvage, the maritime community from hazards associated with ongoing oil-pollution abatement