

(3) For any offer to compromise, the IRS may continue to require, where appropriate, the extension of the statute of limitations on assessment. However, in any case where waiver of the running of the statutory period of limitations on assessment is sought, the taxpayer must be notified of the right to refuse to extend the period of limitations or to limit the extension to particular issues or particular periods of time.

(i) *Inspection with respect to accepted offers to compromise.* For provisions relating to the inspection of returns and accepted offers to compromise, see section 6103(k)(1).

(j) *Effective date.* Except as otherwise provided, this section applies to offers to compromise submitted on or after July 21, 1999, through July 19, 2002.

**Charles O. Rossotti,**  
*Commissioner of Internal Revenue.*

Approved: July 14, 1999.

**Donald C. Lubick,**  
*Assistant Secretary of the Treasury.*  
[FR Doc. 99-18456 Filed 7-19-99; 8:45 am]  
BILLING CODE 4830-01-U

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Parts 100 and 165

[CGD11-99-007]

RIN 2115-AE46

#### Special Local Regulations and Safety Zone; Northern California Annual Marine Events

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing a number of outdated sections of Special Local Regulations, the marine events regulations, and replacing them with a single section containing an updated master list of recurring marine events in Northern California, for which Special Local Regulations are required. The Special Local Regulations are necessary to control vessel traffic within the immediate vicinity of these marine events to ensure the safety of life and property during each event. The Coast Guard is also adding a master list of recurring fireworks events to the Code of Federal Regulations. These comprehensive, permanent listings will enable mariners and members of the public to better anticipate major marine events and fireworks displays and will also greatly ease the administration of these events by the Coast Guard.

**DATES:** July 2, 1999.

**ADDRESSES:** U.S. Coast Guard Group San Francisco, Yerba Buena Island, San Francisco, California 94130-9309, Commander, Coast Guard Group San Francisco maintains the public docket for this rulemaking. The docket will be available for inspection and copying at Group San Francisco between 9 a.m. and 5 p.m., Monday through Friday, except holidays. Please call before visiting.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer Doug Adams of Coast Guard Group San Francisco, telephone number (415) 399-3440.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On August 31, 1998, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) for this regulation in the **Federal Register** (63 FR 46206). The comment period ended October 30, 1998. The Coast Guard received no comments on the proposal. A public hearing was not requested and no hearing was held.

Good cause exists for making this rule effective prior to publication of the Final Rule because the events necessitating these Special Local Regulations will occur throughout the summer beginning with various firework displays in July. Consequently, the marine events and fireworks events would occur prior to the effective date of this regulation if the regulation did not become effective until 30 days after publication of this Final Rule in the **Federal Register**, jeopardizing the safety of lives and property of event participants and spectators.

The Coast Guard has made two minor changes to the final rule that were initiated at the request of sponsors after the publication of the NPRM (CGD11-98-007) in 63 FR 46206. The Coast Guard has changed Table 1 of 33 CFR part 100 to reflect the new name of the fireworks event sponsored annually on the last Saturday of May by KFOG Radio, San Francisco. The Coast Guard has changed the table to reflect the change in event name from "KFOG Sky Concert" to "KFOG KaBoom." The Coast Guard has also changed the location of the safety zone for San Francisco Chronicle Fireworks Display sponsored annually by the San Francisco Chronicle on July 4. The Coast Guard was notified by the San Francisco Chronicle that there was a need for safety zone around a second barge located in the vicinity of Aquatic Park. Rather than increase the size of the safety zone published in the NPRM to include the waters surrounding Aquatic Park, the Coast Guard has replaced the

safety zone with two smaller safety zones. Each zone will encompass the navigable waters within 1,000 feet of each launch platform, thereby decreasing the burden on the boating public. The safety zone around the barge near Pier 39 will encompass the waters within a 1,000 foot radius of the barge, which will be located at approximately 37°48'49.0"N, 122°24'46.5"W. The safety zone near Aquatic Park will encompass the navigable waters within a 1,000 foot radius of the launch platform which will be located at the end of the San Francisco Municipal Pier at Aquatic Park at approximately: 37°48'38.5"N, 122°25'30.0"W. The Coast Guard has added these minor changes to the final rule. The Coast Guard expects that these changes will not impose any burden on the public.

The Coast Guard has also moved the regulations pertaining to fireworks events, previously listed under 33 CFR 100.1103 in the Notice of Proposed Rulemaking, to a separate listing under 33 CFR part 165. The Coast Guard has created a separate listing for the fireworks events previously listed under 33 CFR 100.1103 to ensure that the general regulations for safety zones, 33 CFR 165.23, apply to the fireworks events. No substantive change has been made in the regulatory provisions for these fireworks events. The Coast Guard is making this minor technical change from the text of the NPRM in order to incorporate the general regulations that are more closely tailored to ensuring the safety of the public during fireworks events.

##### Background and Purpose

In accordance with the Coast Guard's responsibility to promulgate special local regulations and safety zones to insure the safety of life and protection of property on the navigable waters where marine events are held, Commander, Eleventh Coast Guard District, is replacing the outdated text of 33 CFR 100.1103 with a complete table of the annually recurring marine events in the Northern California area and is adding a table of recurring fireworks events to 33 CFR Part 165. The regulations currently contained in 33 CFR 100.1104 and 33 CFR 100.1203, which have also become outdated, will be deleted and superseded by the new text of 33 CFR 100.1103 as part of this revision as well.

##### Discussion

To streamline the administration of its safety enforcement responsibilities the Coast Guard has revised 33 CFR 100.1103. The former text in 33 CFR 100.1103 is deleted and new Special

Local Regulations will replace its content. Within this section will be a listing of recurring marine regattas and races, non-competitive marine parades, for which Special Local Regulations are required. This listing will be placed under the heading "Table 1."

Generic requirements for all Special Local Regulations will be explained in the paragraphs that precede Table 1 in 33 CFR 100.1103. Any requirements that are event-specific will accompany the individual listings in Table 1.

Notification of the implementation of these Special Local Regulations for the duration of each individual event will be effectuated by announcement in the Local Notice to Marines. This list of regulated events does not necessarily reflect all recurring marine events in the Northern California area. Only those recurring events that the Coast Guard has knowledge of and that are necessary to insure the safety of life and protection of property on the navigable waters of Northern California are listed.

Commander, Coast Guard Group San Francisco, is designated Patrol Commander for the events listed in 33 CFR 100.1103; he has the authority to delegate this responsibility to any commissioned, warrant, or petty officer of the Coast Guard. Once the zone is established, authorization to remain within the zone is subject to termination by the Patrol Commander at any time. The Patrol Commander may impose other restrictions within this zone if circumstances dictate. Restrictions will be tailored to impose the least impact on maritime interests yet provide the level of security deemed necessary to safely conduct these events.

The Coast Guard is also adding a new section 33 CFR 165.1112. This section will contain a listing of recurring fireworks events that will be placed in Table 1 of 33 CFR 165.1112. The general requirements for fireworks events will be explained in the paragraphs that precede Table 1 in 33 CFR 100.1112. Notification of the implementation of these safety zones for the duration of each individual event will be effectuated by announcement in the Local Notice to Mariners. This list of regulated events does not necessarily reflect all recurring fireworks events in the Northern California area. Only those recurring events that the Coast Guard has knowledge of and that are necessary to insure the safety of life and protection of property on the navigable waters of Northern California are listed.

Commander, Coast Guard Group San Francisco, is designated Patrol Commander for the events listed under Table 1 of 33 CFR 165.1112. He has the authority to delegate this responsibility

to any commissioned, warrant, or petty officer of the Coast Guard. Once the safety zone is established, no person may enter the safety zone unless authorized by the Patrol Commander. No person may remain in the safety zone or allow any vehicle, vessel or object to remain in the safety zone unless authorized by the Patrol Commander. Each person in the safety zone who has notice of a lawful order or direction shall obey the order of the Patrol Commander.

#### Discussion of Comments

No comments were received.

#### Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review 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). Due to the short duration of these marine events and fireworks events and the advance notice provided to the maritime community, the Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary.

#### 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 and not-for-profit organizations that are not dominant in their fields and governmental jurisdictions with populations less than 50,000. Because it expects the impact of this rule to be so minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a substantial impact on a significant number of small entities.

#### Assistance For Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small

business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Andrew B. Cheney, U.S. Coast Guard Marine Office San Francisco Bay at (510) 437-3073.

#### Collection of Information

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

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria 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 considered the environmental impact of this rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1C, figure 2-1, paragraphs (34) (g) and (h), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and environmental analysis checklist will be available for inspection and copying in the docket to be maintained by Group San Francisco at the address listed under ADDRESSES.

#### Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Coast Guard must consider whether this 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 a 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 entities will be effected by this rule, so this rule will not result in annual or aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

#### Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in its 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 section 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

##### 33 CFR Part 100

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

##### 33 CFR Part 165

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

#### Regulation

For the reasons set out in the preamble, the Coast Guard amends parts 100 and 165 of Title 33, Code of Federal Regulations, 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. Revise 33 CFR 100.1103 to read as follows:

#### **§ 100.1103 Northern California annual marine events.**

(a) *General.* Special local regulations are established for the events listed in table 1 of this section. Further information on exact dates, times, and other details concerning the number and type of participants and an exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To be placed on the mailing list contact: Commander (oan), Eleventh Coast Guard District, Coast Guard Island, Building 50–6, Alameda, CA 94501–5100.

**Note to Paragraph (a):** Sponsors of events listed in Table 1 of this section must submit an application each year as required by 33 CFR Part 100, Subpart A, to Commander, Coast Guard Group San Francisco, Yerba Buena Island, San Francisco, CA 94130–9309.

(b) *Special local regulations.* All persons and vessels not registered with the sponsor as participants or with Commander, Coast Guard Group San

Francisco as official patrol vessels are considered spectators. The “official patrol” consists of any Coast Guard, other Federal, state or local law enforcement, and any public or sponsor-provided vessels assigned or approved by Commander, Coast Guard Group San Francisco, to patrol each event.

(1) No spectator shall anchor, block, loiter, nor impede the through transit of participants or official patrol vessels, in the regulated areas during all applicable effective dates and times, unless cleared to do so by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, any spectator located within a regulated area during all applicable effective dates and times shall come to an immediate stop.

(3) The Patrol Commander (PATCOM) is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Coast Guard Group San Francisco; will be a U.S. Coast Guard commissioned officer, warrant officer or petty officer to act as the Group Commander's official representative; and will be located aboard the lead official patrol vessel. As the Group Commander's representative, the PATCOM may terminate the event any time it is deemed necessary for the protection of life and property. PATCOM may be reached on VHF–FM Channel 13 (156.65MHz) when required, by the call sign “PATCOM”.

(4) The Patrol Commander may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

TABLE 1 TO § 100.1103

[All coordinates referenced use datum NAD 83.]

#### San Francisco Grand Prix

Sponsor .....	Pacific Offshore Powerboat Racing Association.
Event Description .....	Professional High-speed powerboat race.
Date .....	Saturday or Sunday in April.
Location .....	San Francisco Waterfront to South Tower of Golden Gate Bridge.
Regulated Area .....	37°–49'–10"N, 122°–24'–07"W; thence to 37°–48'–50"N, 122°–24'–07"W; thence to 37°–48'–56"N, 122°–28'–48"W; thence to 37°–48'–48"N, 122°–28'–48"W; thence returning to the point of origin.

#### Blessing of the Fleet

Sponsor .....	Corinthian Yacht Club.
Event Description .....	Boat parade during which vessels pass by a pre-designated platform or vessel.
Date .....	Last Sunday in April.
Location .....	Raccoon Strait.
Regulated Area .....	The area between a line drawn from Bluff Point on the southeastern side of Tiburon Peninsula to Point Campbell on the northern edge of Angel Island, and a line drawn from Peninsula Point on the southern edge of Tiburon Peninsula to Point Stuart on the western edge of Angel Island.

TABLE 1 TO § 100.1103—Continued  
[All coordinates referenced use datum NAD 83.]

Opening Day on San Francisco Bay	
Sponsor .....	Pacific inter-Club Yacht Association and Corinthian Yacht Club.
Event Description .....	Boat parade during which vessels pass by a pre-designated platform or vessel.
Date .....	Sunday in April.
Location .....	San Francisco waterfront, Crissy Field to Pier 35.
Regulated Area .....	The area defined by a line drawn from Fort Point (37°48.66N, 122°28.64W); thence easterly approximately 5,000 yards to a point located at 37°49.15N, 122°25.61'W; thence easterly to the Blossom Rock Bell Buoy (37°49.10N 122°24.20W); thence westerly to the Northeast corner of Pier 35; thence returning along the shoreline to the point of origin. Special Requirements. All vessels entering the regulated area shall follow the parade route established by the sponsor and be capable of maintaining an approximate speed of 6 knots. Commercial Vessel Traffic Allowances. The parade will be interrupted, as necessary, to permit the passage of commercial vessel traffic. Commercial traffic must cross the parade route at a no-wake speed and perpendicular to the parade route.
Race the Straits Offshore Grand Prix Festival	
Sponsor .....	Pacific Offshore Powerboat Racing Association.
Event Description .....	Professional high-speed powerboat race.
Date .....	Sunday in July.
Location .....	Carquinez Strait and San Pablo Strait.
Regulated Area .....	38°02'12"N, 122°08'31"W thence to 38°02'38"N, 122°10'00"W thence to 38°03'20"N, 122°10'20"W thence to 38°03'48"N, 122°13'32"W thence to 38°03'36"N, 122°17'37"W thence to 38°03'19"N, 122°17'34"W thence to 38°03'35"N, 122°13'32"W thence to 38°03'24"N, 122°12'01"W thence to 38°02'58"N, 122°10'58"W thence to 38°01'55"N, 122°09'47"W thence to 38°01'58"N, 122°08'31"W thence returning to the point of origin.
Delta Thunder Powerboat Race	
Sponsor .....	Pacific Offshore Power Racing Association.
Event Description .....	Professional high-speed powerboat race.
Date .....	Sunday in September.
Location .....	Off Pittsburg, CA in the waters around Winter Island and Brown Island.
Regulated Area .....	The water area of Suisun Bay commencing at Simmons Point on Chipps Island; thence southwesterly to Stake Point on the southern shore of Suisun Bay; thence easterly following the southern shoreline of Suisun Bay and New York Slough to New York Slough Buoy 13; thence north-northwesterly to the Northwestern corner of Fraser Shoal; thence northwesterly to the western tip of Chain Island; thence west-northwesterly to the northeast tip of Van Sickle Island; thence following the shoreline of Van Sickle Island and Chipps Island and returning to the point of origin.
Festival of the Sea	
Sponsor .....	San Francisco Maritime National Historical Park.
Event Description .....	Tugboat Race.
Date .....	Sunday in September.
Location .....	From Crissy Field to Aquatic Park.
Regulated Area .....	San Francisco Bay approximately 500 yards offshore of Golden Gate Yacht club, Gas house Cove, and extending east to Pier 45. All mariners may proceed with caution but must keep at least 500 foot distance from the competing tugboats.

**§ 100.1104 [Removed]**

3. Remove 33 CFR 100.1104.

**§ 100.1203 [Removed]**

4. Remove 33 CFR 100.1203.

**PART 165—[AMENDED]**

5. 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.

6. A new § 165.1112 is added to read as follows:

**§ 165.1112 Safety zones: Northern California annual fireworks events.**

(a) *General.* Safety zones are established for the events listed in Table 1 of this section. Further information on exact dates, times, and other details

concerning the exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners prior to each event.

(b) *Regulations.* “Official Patrol Vessels” consist of any Coast Guard, other Federal, state or local law enforcement, and any public or sponsor-provided vessels assigned or approved

by Commander, Coast Guard Group San Francisco, to patrol each event.

(1) In accordance with the general regulations in § 165.23 of this part, entering into, transiting through, or anchoring within these zones is prohibited, unless authorized by the Patrol Commander.

(2) Each person in a safety zone who receives notice of a lawful order or

direction issued by an official patrol vessel shall obey the order or direction.

(3) The Patrol Commander (PATCOM) is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Coast Guard Group San Francisco; will be a U.S. Coast Guard commissioned officer, warrant officer or petty officer to act as

the Group Commander's official representative; and will be located aboard the lead official patrol vessel.

(4) The Patrol Commander may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

TABLE 1 to § 165.1112

[All coordinates referenced use datum NAD 83]

KFOG KaBoom	
Sponsor .....	KFOG Radio, San Francisco.
Event Description .....	Fireworks display.
Date .....	Last Saturday in May.
Location .....	1,000 feet off Pier 30/32.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, City of Monterey	
Sponsor .....	City of Monterey, Recreation & Community Services Department.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Monterey Bay, East of Municipal Wharf #2.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, City of Sausalito	
Sponsor .....	City of Sausalito.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	1,000 feet off-shore from Sausalito waterfront, North of Spinnaker Rest.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, Lake Tahoe	
Sponsor .....	Anchor Trust.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	1,000 feet off Incline Village, Nevada in Crystal Bay.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
Fourth of July Fireworks, South Lake Tahoe Gaming Alliance	
Sponsor .....	Harrah's Lake Tahoe.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Off South Lake Tahoe, California near Nevada border.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
Independence Day Fireworks	
Sponsor .....	North Tahoe Fire Protection District.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Offshore from Kings Beach State Beach.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
July 4th Fireworks Display	
Sponsor .....	North Tahoe Fire Protection District.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Offshore of Common Beach, Tahoe City, CA.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.
San Francisco Chronicle Fireworks Display	
Sponsor .....	San Francisco Chronicle.
Event Description .....	Fireworks Display.

TABLE 1 to § 165.1112—Continued  
[All coordinates referenced use datum NAD 83]

Date .....	July 4th.
Location 1 .....	A barge located approximately 1,000 feet off of San Francisco Pier 39 at approximately: 37°48'49.0" N, 122°24'46.5" W.
Regulated Area .....	The area of navigable waters within a 1,000 foot radius of the launch platform.
Location 2 .....	The end of the San Francisco Municipal Pier at Aquatic Park at approximately: 37°48'38.5" N, 122°25'30.0" W.
Regulated Area .....	The area of navigable waters within a 1,000 foot radius of the launch platform.
<b>Vallejo Fourth of July Fireworks</b>	
Sponsor .....	Vallejo Marina.
Event Description .....	Fireworks Display.
Date .....	July 4th.
Location .....	Mare Island Strait.
Regulated Area .....	That area of navigable waters within a 1,000 foot radius of the launch platform.

Dated: July 1, 1999.

**T.H. Collins,**

*Vice Admiral, U.S. Coast Guard, Commander,  
Eleventh Coast Guard District.*

[FR Doc. 99-18486 Filed 7-20-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-99-104]

RIN 2115-AA97

#### **Safety Zone: Gloucester Schooner Fest, Gloucester, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Gloucester Harbor in a four hundred (400) yard radius around a fireworks launch site located at Stage Head Point in Gloucester, MA. The safety zone is in effect from 8:00 p.m. until 11:00 p.m., on Saturday, September 4, 1999. This safety zone prevents entry into or movement within this portion of Gloucester Harbor and it is needed to protect the boating public from the dangers posed by a fireworks display.

**DATES:** This rule is effective from 8:00 p.m. until 11:00 p.m., Saturday, September 4, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**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. Good cause exists for not publishing an NPRM. Conclusive information about this event was not provided to the Coast Guard until June 4, 1999, making it impossible to draft or publish an NPRM with sufficient comment period for the public. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

##### **Background and Purpose**

One June 4, 1999 the Gloucester Fireworks Fund, Gloucester, MA, field a marine event permit with the Coast Guard to hold a fireworks program over the waters of Gloucester Harbor, Gloucester, MA. This regulation establishes a safety zone on the waters of Gloucester Harbor in a four hundred (400) yard radius around a firework launch site located at Stage Head Point in Gloucester, MA. The safety zone is in effect from 8:00 p.m. until 11:00 p.m. on Saturday, September 4, 1999. This safety zone prevents entry into or movement within this portion of Gloucester Harbor and it is needed to protect the boating public from the dangers posed by a fireworks display.

##### **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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary since the safety zone will be limited in duration, marine advisories will be made in advance of the implementation of the safety zone, and the safety zone will not restrict the entire harbor, allowing traffic to continue without obstruction.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. *Small entities* may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations or less than 50,000.

For the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this rule will not have a significant impact on a substantial number of small entities.

##### **Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).