

concluded that under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. 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.

#### Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.734 is revised to read as follows:

#### **§ 117.734 Navesink River (Swimming River).**

The Oceanic Bridge, mile 4.5, shall open on signal; except that, from December 1 through March 31, the draw shall open on signal, if at least a twenty-four hour notice is given by calling the number posted at the bridge. The owner of this bridge shall provide and keep in good legible condition clearance gauges with figures not less than eight inches high, designed, installed and maintained according to the provisions of § 118.160 of this chapter.

Dated: December 8, 1999.

**R.M. Larrabee,**

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

[FR Doc. 99-33212 Filed 12-21-99; 8:45 am]

**BILLING CODE 4910-15-U**

#### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 165

[CGD01-99-150]

RIN 2115-AE84

#### Regulated Navigation Area; Arrival Notification and Year 2000 (Y2K) Reporting Requirements for Vessels Transiting the Cape Cod Canal

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule with request for comments.

**SUMMARY:** The Coast Guard is establishing a regulated navigation area for U.S. and foreign flag vessels transiting the Cape Cod Canal during the peak Y2K risk periods of December 30, 1999 to January 1, 2000 and February 27, 2000 to February 29, 2000. Owners and operators of U.S. vessels transiting the Cape Cod Canal during these periods will be required to notify the Captain of the Port, Marine Safety Office Providence RI, (hereinafter COTP Providence RI) 24 hours in advance of their transit. Owners and operators of foreign vessels will be required to notify and report Year 2000 (Y2K) preparedness information to the COTP Providence, RI 24 hours in advance of transiting the Cape Cod Canal. The advance notice and Y2K information will allow the COTP Providence, RI to assess vessel preparedness for potential Y2K-related malfunctions of equipment and systems and enable appropriate measures to be taken to protect the Cape Cod Canal from a serious marine casualty.

**DATES:** This temporary rule is effective from December 22, 1999 and expires on March 1, 2000. Comments must reach the addresses below on or before January 21, 2000. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before February 22, 2000.

**ADDRESSES:** To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to Commander, First Coast Guard District (m), 408 Atlantic Avenue, Boston, Massachusetts, 02210.

(2) By hand to room 632 on the 6th floor at the address listed above between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8334.

(3) By fax to the Docket Manager at 617-223-8904.

Commander, First Coast Guard District (m) maintains the public docket for this rulemaking. Comments and related material, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 632 on the 6th floor at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Dennis O'Mara, Marine Safety Division, First Coast Guard District, 617-223-8334.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD1-99-150), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand or fax, to the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they were received, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard encourages you to file any important comments as quickly as possible. We will consider all comments and material received during the comment period and may change this rule, if necessary, in response to the comments.

##### Regulatory Information

Due to the unique nature of the Y2K problem, this rule is being made effective on the date of publication. It will have considerable positive impact on marine safety and environmental protection in the Cape Cod Canal by establishing a reporting requirement for vessels transiting the Cape Cod Canal during the peak Y2K risk periods of midnight December 30, 1999 to midnight January 1, 2000 and midnight February 27, 2000 to midnight February 29, 2000. The Cape Cod Canal is administered by the Army Corps of Engineers. There is presently no regulation requiring either a U.S. or a foreign flag vessel planning on transiting the Cape Cod Canal to notify either the Army Corps of Engineers or the Coast Guard prior to arrival at the eastern or western entrance to the Cape Cod Canal. Therefore, without this rule, the COTP Providence, RI would not be able to assess a vessel's Y2K compliance prior to the vessel arriving at the entrance of the Cape Cod Canal. Vessels could experience delay while the COTP Providence, RI determines whether the vessel should transit the Cape Cod Canal. This rule will facilitate the movement of vessels through the Cape Cod Canal during the peak Y2K risk periods by allowing the COTP Providence, RI to determine a vessel's Y2K compliance status prior to its arrival at the entrance to the Cape Cod

Canal. The reporting of the information causes no harm and the time requirements to report the information are minimal.

For these reasons, the Coast Guard finds good cause exists, under 5 U.S.C. 553 (b)(B) and 5 U.S.C. 553(d)(3), for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**.

### **Background and Purpose**

The maritime industry incorporates automation and computer technology into almost every aspect of its business operations. Automation is used for many shipboard systems such as main propulsion, boilers, auxiliary systems, power generation, position fixing navigation systems, communications, radar, steering systems, cargo systems, and bilge/ballast controls. Despite current regulations for equipment and systems testing, the potential technological malfunctions associated with the Year 2000 (Y2K) problem could disrupt maritime operations.

#### *What is the Y2K Problem?*

The Y2K problem stems from the widespread computer industry practice of using 2 digits instead of 4 to represent the year in databases, software applications, and hardware microchips. Certain systems will face difficulty in the year 2000 when that year is represented as "00". Unable to differentiate "00" from the year 1900, computer programs and systems aboard ships could malfunction or completely shut down.

#### *How Might the Y2K Problem Affect Vessels?*

Computer programs for engine automation systems that send critical operating signals are good examples of the Y2K problem. If these programs misread "00" as the year 1900 instead of 2000, they may misinterpret that 100 years have passed and respond with an inappropriate action or a series of inappropriate actions, creating a domino effect, that could shut down systems. Temporary loss of main engine operation or steering at sea on a calm day with no other ships in sight may only prove inconvenient. However, the unexpected loss of a ship's propulsion in the Cape Cod Canal could result in a serious casualty. The risk period for Y2K-related equipment and system failures and malfunctions is not limited to January 1, 2000. Similar problems are associated with the date February 29, 2000.

#### *Why Is February 29, 2000 a Date of Concern?*

February 29, 2000 is a date of concern because of how leap years are determined. Our calendars reflect leap years occur every four years; however, leap years do not adhere to a strict four-year cycle. As a result, century years generally are not leap years (i.e. year 1800 or 1900). However, exceptions apply to century years evenly divisible by 400, such as February 29, 2000. Problems could occur in computers not properly programmed to accept this date. If a microprocessor reads "00" as the year 1900, it will fail to accept the 29th of February because 1900, unlike 2000, was not a leap year.

#### *Why is this Temporary Rule Necessary?*

On June 23, 1999, the Coast Guard published a Temporary Interim Rule (hereinafter referred to as the "Interim Rule") that requires certain vessels to report Y2K preparedness information via the submission of a questionnaire (64 FR 33404, June 23, 1999); (64 FR 41794, August 2, 1999). The Interim Rule and current regulations do not require vessels to give advance notification prior to transiting the Cape Cod Canal. U.S. vessels are required to provide 24 hour notice of arrival to the port of destination, but the existing rules do not require canal transits to be reported. The Interim Rule requires certain U.S. vessels that are operating during the peak periods to submit a vessel Y2K questionnaire so that it is received by the Coast Guard no later than August 20, 1999. This rule requires U.S. vessels to notify COTP Providence, RI 24 hours prior to transiting the Cape Cod Canal. This will allow COTP Providence RI to access the information already provided to the Coast Guard under the Interim Rule.

The Interim Rule requires foreign vessels operating on waters subject to the jurisdiction of the U.S. during peak risk periods to submit a Y2K vessel questionnaire so that it is received by the Coast Guard no later than 24 hours prior to arrival in a U.S. port or place of destination. However, since the Cape Cod Canal is not a port or place of destination as defined by the Interim Rule, a foreign flag vessel could arrive at the canal entrance without having submitted a questionnaire to the Coast Guard within the previous 24 hour period, leaving the COTP Providence, RI uncertain as to a foreign vessel's Y2K compliance. This rule requires foreign vessels to submit Y2K preparedness information and arrival notification 24 hours in advance of arrival at the Cape Cod Canal.

Timely Y2K assessments of vessels transiting the Cape Cod Canal during peak risk periods are required due to the congested approaches, narrow width of the canal and environmental sensitivity of the surrounding area. Several shellfish beds are located in close proximity of the approaches of the Cape Cod Canal. By requiring vessels to provide 24 hour advance notification before transiting the Cape Cod Canal, the COTP Providence, RI will have time to assess a U.S. vessel's Y2K compliance (using the information submitted by the vessel) prior to its arrival at the canal. This will prevent unnecessary delays to the vessel while its Y2K compliance is determined.

#### *How Will the COTP Providence RI Collect Y2K Preparedness Information From Foreign Vessels?*

Vessels will be required to complete IMO Year 2000 questionnaire 2 and United States (U.S.) Supplement 1. The questionnaire is based on the questionnaire found in the IMO's Year 2000 Code of Good Practice. The questionnaire has U.S. specific instructions and includes a U.S. supplement. More information on this questionnaire, including applicability and submission requirements, can be found in the Discussion section of this document.

#### *How Will COTP Providence, RI, Assess Y2K-Related Risks for Vessels Requesting To Transit the Cape Cod Canal?*

The COTP Providence, RI, will use the "Y2K Risk Assessment Matrix" as a tool to help assess potential Y2K risks associated with vessel operations during peak risk periods. The risk assessment matrix is part of NVIC 7-99. NVIC 7-99 will be available in the docket at the address under **ADDRESSES** and on the Internet at <http://www.uscg.mil/hq/g-m/nvic/>.

COTP Providence, RI will conduct risk assessments during two peak risk periods:

- Between midnight December 30, 1999, and midnight January 1, 2000 (48 hours); and
- Between midnight February 27, 2000, and midnight February 29, 2000 (48 hours).

The risk assessment matrix, however, is not meant to be a binding mechanism from which the COTP cannot deviate. It is simply one tool that is designed to assist the COTP in making decisions regarding maritime safety and the marine environment. The COTP Providence, RI will use the vessel movement section of the matrix to evaluate whether or not a vessel will be

permitted to transit the Cape Cod Canal or if any conditions will be placed on the vessel prior to transit. The vessel movement section identifies vessel and cargo risk factors (inspection status, cargo, vessel history, etc.) and balances these factors with local environmental factors (time of day, weather, etc.) and the potential consequences of accidents (health and safety, environmental, vessel traffic, etc.) in the Cape Cod Canal. The matrix considers these risk factors along with mitigating factor information obtained from the questionnaires (equipment testing, contingency planning, etc.) to calculate an overall risk factor.

The Y2K Risk Assessment Matrix is a tool designed to analyze information from a variety of sources. The questionnaire required by this temporary interim rule is only one component of the risk assessment process. It is conceivable, if unlikely, that a vessel or representative could reply "no" to every question on the applicable questionnaire (indicating that no Y2K preparedness actions have been taken). The COTP, after conducting a risk assessment and classifying the vessel as low risk, could allow the vessel to transit the Cape Cod Canal without restriction during one or more peak risk periods. A vessel not prepared for Y2K could be classified as low risk based on a number of factors such as weather conditions, tide and current, type of cargo, vessel traffic density, etc. However, in most cases, a vessel that demonstrates some level of Y2K preparedness should receive a better overall risk factor score than a vessel that is not prepared for Y2K. We encourage vessel owners and operators to obtain copies of NVIC 7-99 so they can use the risk assessment matrix to conduct Y2K preparedness self-assessments.

### Discussion

This rulemaking will prescribe temporary advance arrival notification for certain U.S. vessels and temporary advance arrival notification and Y2K preparedness reporting requirements for foreign vessels desiring to transit the Cape Cod Canal by adding a temporary new section in 33 CFR 165.123—Regulated Navigation Area: Advance Arrival Notification and Year 2000 (Y2K) Preparedness Reporting for Certain Vessels Transiting the Cape Cod Canal. The new section contains applicability for certain vessels and instructions for submitting the appropriate advance arrival notification and Y2K preparedness information. These temporary reporting requirements will help COTP Providence, RI assess

potential Y2K risks associated with vessels transiting the Cape Cod Canal during peak risk periods.

### Applicability and Exemptions

The 24 hour advance notification will apply to vessels owned in the U.S. and foreign flag vessels transiting the Cape Cod Canal during one of the following periods:

- a. Between midnight December 30, 1999 and midnight January 1, 2000 (48 hours)
- b. Between midnight February 27, 2000 and midnight February 29, 2000 (48 hours).

The following vessels are exempt from the 24 hour advance notification requirement:

- Recreational vessels under 46 U.S.C. 4301 *et seq.*;
- Public vessels;
- Uninspected commercial fishing vessels;
- Uninspected barges; and
- Uninspected passenger vessels.

The Y2K reporting requirements will apply to foreign flag vessels transiting the Cape Cod Canal during one of the following periods:

- a. Between midnight December 30, 1999 and midnight January 1, 2000
- b. Between midnight February 27, 2000 and midnight February 29, 2000 (48 hours).

Foreign flagged public vessels are exempt from the Y2K reporting requirements.

### Definitions

The terms used in § 165.123 have the same meaning as those found in 33 CFR 160.309. (64 FR 33404, June 23, 1999).

### Questionnaire

The Questionnaire consists of four pages. Page 1 includes instructions for completing the Questionnaire. The instructions provide very specific and detailed information on how to use the questionnaire, where to send it, when and how to update information, etc. Page 2 is the IMO Year 2000 Questionnaire 2. This questionnaire is designed to collect specific Y2K preparedness information for a vessel or fleet of vessels. Page 3 is the U.S. Supplement 1. The Coast Guard developed U.S. Supplement 1 to collect vessel specific information such as vessel type and cargo. It also asks one additional risk assessment-related question concerning Y2K contingency planning. Page 4 is a list of Marine Safety Offices/Captains of the Port. Foreign vessels requesting to transit the Cape Cod Canal must submit the questionnaire directly to COTP Providence, RI.

### Y2K Reporting Requirements for Vessels Owned in the United States

Vessels owned in the U.S. are required by the Interim rule published on June 23, 1999 (amended August 2, 1999), to submit Y2K compliance information by August 20, 1999. Therefore there is no additional Y2K information required. However, if you are the vessel representative of a vessel owned in the U.S. that will transit the Cape Cod Canal during any of the peak risk periods, you must provide advance notification to COTP Providence, RI, no later than 24 hours prior to the vessel's transit of the canal.

### Y2K Reporting Requirements for Foreign Flag Vessels

If you are a representative of a foreign flag vessel that will transit the Cape Cod Canal during one of the peak risk periods, you must give notification and submit a Vessel Questionnaire to COTP Providence, RI, no later than 24 hours prior to the vessel's arrival at the approach buoys of the canal.

### 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).

### Costs

The costs of the rule are the labor costs, and fax and mail costs required by industry to complete and submit the questionnaires, plus costs to the government to review the forms. The total cost of the rule to industry and government is less than \$1,000.

### Benefits

This rule will provide COTP Providence RI with critical Y2K preparedness information on vessels desiring to transit the Cape Cod Canal. COTP Providence, RI will use this information to identify potentially high risk operations during peak risk periods so appropriate measures can be taken to promote safety and environmental protection.

### Small Entities

Since we did not publish a notice of proposed rulemaking, this action is not covered by the Regulatory Flexibility Act (5 U.S.C. 601-612). However, we have considered whether this temporary 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 and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Small entities that own or operate certain U.S. vessels or foreign flag vessels that desire to transit the Cape Cod Canal on one of the peak dates are affected by this rule. Small entities that own or operate uninspected commercial fishing vessels, uninspected passenger vessels, uninspected barges, recreational vessels, and public vessels are exempted from this rule. It is expected to take a foreign vessel representative, on average, 13 minutes to complete a Vessel Questionnaire (includes 8 minutes to complete IMO Year 2000 Questionnaire 2 and 5 minutes to complete U.S. Supplement 1). The total cost for a single vessel, on average, is expected to range from \$9.45 to \$10.75 (depending on delivery costs). For each additional vessel in a fleet, total labor cost increases by \$3.60 per vessel, and total delivery cost increases by \$0 to \$0.65, depending upon method of delivery.

The smaller a company's fleet, the smaller the hour burden and labor cost to complete and submit the Vessel Questionnaire. Because fleet size is a reasonable measure of entity size, we expect small entities to have relatively small fleets. According to the Coast Guard's data base, a U.S. vessel company, on average, has 4 vessels. Thus, the total hour burden and total cost of this rule to an entity with an average fleet is 0.47 hours and from \$21.15 to 24.58, respectively. We expect the hour burden and cost of this rule to small entities to be less than this average.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule would not have a significant economic impact on a substantial number of small entities.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this temporary interim rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call LT Dennis O'Mara at (617) 223-8334.

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

*Need for Information:* At present, there are no regulations requiring advance notification or Y2K preparedness information for vessel transiting the Cape Cod Canal during one of the peak risk periods. The advance notice of arrival and Y2K preparedness information required by this rule will help COTP Providence, RI assess vessel preparedness for potential Y2K-related malfunctions of equipment and systems. This preparedness information will help COTP Providence, RI identify potentially hazardous situations during peak Y2K risk periods, enabling him to take appropriate measures to promote port safety and environmental protection.

*Proposed Use of Information:* To help COTP Providence, RI conduct Y2K risk assessments for vessels transiting the Cape Cod Canal. Risk assessments will identify potentially hazardous situations during peak risk periods so appropriate measures can be taken to help ensure port safety and environmental protection.

*Description of the Respondents:* Vessels that transit the Cape Cod Canal during one of the peak risk periods.

*Number of Respondents:* 50 U.S. Vessels and 25 foreign vessels. These totals are based upon information provided by the Army Corps of Engineers regarding the average number of vessel transits through the Cape Cod Canal.

*Frequency of Response:* One arrival notification for each U.S. vessel and one arrival notification, one IMO Year 2000 questionnaire 2, and one U.S. supplement 1 for each foreign flag vessel. Each U.S. company will be required to give 24-hour advance notice of arrival for every vessel in its fleet that desires to transit the Cape Cod canal during one of the peak risk periods. We expect that 50 advance notices of arrival will be submitted for U.S. vessels. The Coast Guard estimates it will take, on average, 5 minutes (0.08 hours) to submit advance notification of arrival. Thus, the total hour burden to U.S. vessel companies is less than 3 hours. With an average unit labor cost of \$45

per hour, we expect the total labor cost to owners/operators of U.S. vessels is \$135.

The Coast Guard estimates the average delivery cost for the required vessel information is \$0.65 per page by fax. The Coast Guard anticipates receiving 100% notice of arrivals via fax. U.S. vessel representatives will submit a total of 50 submissions via fax. Thus, the delivery cost of this rule to U.S. vessels is \$32.50. The total cost to U.S. vessels is \$167.50.

The Coast Guard estimates that 25 foreign flag vessels will desire to transit the Cape Cod Canal during one of the peak risk periods. Thus, we expect that a total of 25 arrival notifications, 25 IMO Year 2000 Questionnaire 2's and 25 U.S. Supplement 1's will be submitted by foreign flag vessel representatives. The Coast Guard estimates it will take, on average, 5 minutes (0.08 hours) to complete and submit an advance notification of arrival, 5 minutes (0.08 hours) to complete and submit U.S. Supplement 1, and 8 minutes (0.13 hours) to complete and submit IMO Year 2000 Questionnaire 2. Consequently, the total hour burden to foreign flag vessels is 6.25 hours. At a unit labor cost of \$45 per hour, the total labor cost is \$281.25.

We expect foreign flag vessel representatives to submit a total of 25 submissions (25 advance arrival notifications, 25 IMO Year 2000 Questionnaires and 25 U.S. Supplement 1's). The Coast Guard estimates that 100% (75 pages) will be submitted via fax at a cost of \$0.65 per page. Thus, we estimate the total delivery cost to foreign flag vessels is \$48.75. The total cost of this rule to foreign flag vessels is \$330.00. The total cost of this rule to industry is \$497.50.

#### Estimate of Total Annual Burden

The estimated total annual burden is 11.5 hours. The temporary interim rule implementing this collection will be effective from December 22, 1999 through February 29, 2000.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this temporary interim rule to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the

quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

The Coast Guard has received emergency approval from OMB on the collection of information requirements (OMB approval number 2115-0643). This emergency OMB approval is effective until March 31, 2000.

#### Federalism

We have analyzed this temporary rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that order.

#### Unfunded Mandates

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 temporary rule would not impose an unfunded mandate.

#### Taking of Private Property

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

#### Civil Justice Reform

This temporary 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 temporary 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

We considered the environmental impact of this temporary rule and concluded that, under figure 2-1, paragraph (34)(i), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. This rule

establishes temporary reporting requirements that will assist the Coast Guard in assessing Y2K-related risks. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

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

#### Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165, as follows:

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, 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46. § 165.100 is also issued under the authority of sec. 311, Pub. L. 105-383.

2. Add temporary § 165.123 to read as follows:

#### § 165.123 Regulated Navigation Area: Cape Cod Canal.

(a) The waters of the Cape Cod Canal as defined by the area between Cleveland East Ledge lighted buoy in Buzzards Bay to the 1351 lighted buoy at the east end of the canal in Cape Cod Bay.

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 160.309.

(c) *Effective period.* This section is effective from December 22, 1999 to March 1, 2000.

(d) *Applicability.* This section applies to U.S. and foreign flag vessels transiting the Cape Cod Canal during one of the following periods:

(1) Between midnight December 30, 1999 and midnight January 1, 2000 (48 hours); and,

(2) Between midnight February 27, 2000 and midnight February 29, 2000 (48 hours).

(e) *Exemptions.* The following vessels are exempt from complying with this section:

(1) Recreational vessels under 46

U.S.C. 4301 et seq.;

(2) Public vessels;

(3) Uninspected commercial fishing vessels;

(4) Uninspected barges; and

(5) Uninspected passenger vessels.

(f) *Regulations.*

(1) The vessel representative of a U.S. vessel that will transit the Cape Cod Canal during a period described in paragraph (d) of this section, must provide arrival notification to COTP Providence RI, in accordance with requirements contained in 33 CFR 160.207 at least 24 hours prior to transiting the canal.

(2) The vessel representative of a foreign flag vessel that will transit the Cape Cod Canal during a period described in paragraph (d) of this section, must provide the following to COTP Providence, RI, at least 24 hours prior to transiting the canal:

(i) Arrival notification in accordance with 33 CFR 160.207; and

(ii) A Vessel Questionnaire, as contained in appendix A to subpart D of part 160 of this chapter.

(iii) The information required to complete the questionnaire includes:

(A) Name of person completing the questionnaire;

(B) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available);

(C) Vessel's name;

(D) Vessel's type;

(E) Cargo type;

(F) Vessel's gross tonnage;

(G) Vessel's Flag State;

(H) Vessel's IMO or Official Number;

and,

(I) Status of Y2K preparedness.

Dated: December 9, 1999.

**R.M. Larrabee,**

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

[FR Doc. 99-33213 Filed 12-21-99; 8:45 am]

**BILLING CODE 4910-15-U**

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 258

[Docket No. RM 99-8 CARP]

#### Rate Adjustment of the Satellite Carrier Statutory License

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the reduction of royalty rates for the section 119 satellite carrier statutory license pursuant to Title I of the Intellectual Property and Communications Omnibus Reform Act. The royalty rates for the section 119 satellite carrier statutory license are reduced from 27 cents per subscriber per month for network and superstations, respectively, to 14.85 cents for network stations and 18.9 cents for superstations.

**EFFECTIVE DATE:** July 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, P.O. Box