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(3) *Date*: Date the action was taken.

Dated: September 7, 1999

John W. Carlin,

Archivist of the United States.

[FR Doc. 99-23800 Filed 9-10-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-99-156]

Drawbridge Operation Regulations: Gowanus Canal, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Ninth Street Bridge, mile 1.4, across Gowanus Canal in New York City, New York. This deviation allows the bridge owner to require an eight hour advance notice for openings from 4 p.m. to 8 a.m., daily, from September 7, 1999, through November 5, 1999. This action is necessary to facilitate necessary repairs to the operating machinery at the bridge.

DATES: This deviation is effective from September 7, 1999, to November 5, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Ninth Street Bridge, at mile 1.4, across the Gowanus Canal in New York City, New York, has a vertical clearance of 5 feet at mean high water, and 9 feet at mean low water in the closed position. The bridge is required to open on signal at all times. The bridge owner, New York City Department of Transportation

(NYCDOT), requested a deviation from the drawbridge operating regulations to facilitate repairs to the operating machinery at the bridge. This deviation from the operating regulations allows the Ninth Street Bridge to open on signal; except that, from 4 p.m. to 8 a.m., daily, from September 7, 1999, through November 5, 1999, the draw shall open if at least eight hours notice is given by calling the number posted at the bridge.

Thirty days notice to the Coast Guard for approval of this maintenance repair was not given by the bridge owner and was not required because this work involves vital, unscheduled maintenance that must be performed without undue delay. The Coast Guard has approved NYCDOT's request to because the work was determined to be necessary for public safety and the continued operation of the bridge.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 2, 1999.

R.M. Larrabee,

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

[FR Doc. 99-23715 Filed 9-10-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-99-159]

Drawbridge Operation Regulations: Mystic River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge, mile 2.4, across the

Mystic River in Mystic, Connecticut. This deviation from the regulations allows the bridge owner to require a two hour advance notice for openings, Sunday through Thursday, 9:30 p.m. to 11:30 p.m., and 12:30 a.m. to 5 a.m., September 7, 1999, through September 27, 1999. This action is necessary to facilitate electrical modifications at the bridge.

DATES: This deviation is effective from September 7, 1999, through September 27, 1999.

FOR FURTHER INFORMATION CONTACT: Joe Schmied, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, mile 2.4, across the Mystic River in Mystic, Connecticut, has a vertical clearance of 4 feet at mean high water, and 7 feet at mean low water in the closed position. The bridge owner, National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the operating regulations to facilitate electrical modifications at the bridge.

The Coast Guard granted a deviation allowing AMTRAK to deviate from the normal operating regulations to facilitate necessary repairs for 39 days beginning on July 25, 1999, through September 2, 1999. The work did not begin on July 25 as scheduled. Work did not start until August 3, 1999. The bridge owner has requested a second deviation for 21 days to complete the work.

This deviation to the operating regulations allows the bridge owner to require a two hour advance notice for bridge openings for the Amtrak Bridge, mile 2.4, across the Mystic River in Mystic, Connecticut. This deviation will be in effect from Sunday through Thursday, 9:30 p.m. to 11:30 p.m., and 12:30 a.m. to 5 a.m., September 7, 1999, through September 27, 1999. Requests for bridge openings can be made by calling (860) 395-2355 or on marine radio channel 13 VHF/FM. Mariners requiring an emergency opening are advised to call Amtrak's Chief Dispatcher at (617) 345-7569. Vessels that can pass under the bridge without

an opening may do so at all times during the closed periods.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 2, 1999.

R.M. LaRabee,

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

[FR Doc. 99-23713 Filed 9-10-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-152]

RIN 2115-AA97

Safety Zone: Periphonics Corp. 30th Anniversary Fireworks, New York Harbor, Upper Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Periphonics Corp. 30th Anniversary Fireworks Display located in Federal Anchorage 20C, New York Harbor, Upper Bay. 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 a portion of Federal Anchorage 20C.

DATES: This rule is effective from 9 p.m. until 10:30 p.m., on Saturday, September 25, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, 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

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

and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the hazards associated with this fireworks display.

Background and Purpose

On August 17, 1999, Fireworks by Grucci Inc. submitted an application to hold a fireworks program on the waters of Upper New York Bay in Federal Anchorage 20C. The fireworks program is being sponsored by Periphonics Corp. This regulation establishes a safety zone in all waters of Upper New York Bay within a 360 yard radius of the fireworks barge in approximate position 40°41'16.5"N 074°02'23"W (NAD 1983), approximately 360 yards east of Liberty Island, New York. The safety zone is in effect from 9 p.m. until 10:30 p.m. on Saturday, September 25, 1999. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of Federal Anchorage 20C and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorage 20C. Federal Anchorages 20A and 20B, to the north, and Federal Anchorages 20D and 20E, to the south, are also available for vessel use. Marine traffic will still be able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 125 yards into the 925-yard wide channel. Public notifications will be made prior to the event via the Local Notice to Mariners and marine information broadcasts.

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. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may safely anchor to the north and south of the zone, that vessels may still transit through Anchorage Channel during the event, and extensive advance notifications which will be made.

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 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 final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.