

List of Subjects**33 CFR Part 110**

Anchorage grounds.

33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 and 33 CFR part 165 as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. A new temporary § 110.157(b)(11) is added to read as follows:

§ 110.157 Delaware Bay and River.

* * * * *

(b) * * *

(11) *Additional requirements and restrictions for the anchorages defined in paragraphs (a)(7), (a)(8), and (a)(10) of this section.*

(i) Prior to anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a “first-come, first-serve” basis. The Captain of the Port will allow only one vessel at a time to be at anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours.

(ii) For Anchorage 6 as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(D) The master, owner or operator of a vessel at anchor shall ensure that any tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) *Effective Dates.* This paragraph (b)(11) is effective from October 3, 2000 until November 30, 2000.

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. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

4. Add temporary § 165.T05–048 to read as follows:

§ 165.T05–048 Safety Zone; Delaware Bay and River.

(a) *Location.* The following area is a safety zone: All waters within the arc of a circle with a 150 yard radius having at its center dredging vessel *Essex* operating in or near the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7.

(b) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in § 165.23 of this part.

(2) No person or vessel may enter or navigate within this safety zone unless authorized to do so by the Captain of the Port. Any person or vessel authorized to enter the safety zone must operate in strict conformance with any directions given by the Captain of the Port and leave the safety zone immediately if the Captain of the Port so orders.

(3) Vessels may navigate in and through Anchorage 7 (Marcus Hook Anchorage) to the minimum extent necessary to stay clear of the safety zone. Vessels navigating in Anchorage 7 for this purpose shall do so at minimum speed to maintain steerage, unless otherwise directed by the Captain of the Port.

(4) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (215) 271–4940.

(5) The Captain of the Port will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHz).

(c) *Definitions.* *Captain of the Port* means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(d) *Effective dates:* This section is effective from October 3, 2000 to November 30, 2000.

Dated: October 3, 2000.

T.C. Parr,

Captain, U.S. Coast Guard, Commander, Fifth U.S. Coast Guard District, Acting.

[FR Doc. 00–26768 Filed 10–17–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 154**

[USCG–1999–5149]

RIN 2115–AF79

Response Plans for Marine Transportation-Related Facilities Handling Non-Petroleum Oils; Clarification

AGENCY: Coast Guard, DOT.

ACTION: Clarification to final rule.

SUMMARY: This document clarifies a preamble discussion to a final rule published in the **Federal Register** of June 30, 2000. The rule amended Coast Guard regulations requiring response plans for marine transportation-related (MTR) facilities that handle, store, or transport animal fats or vegetable oils. Specifically, this document clarifies the explanation for higher volume ports.

DATES: This document becomes effective on October 18, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this clarification or the final rule, call Lieutenant Claudia Gelzer, Project Manager, Coast Guard, telephone 202–267–1983. For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:**Clarification of Preamble to Final Rule**

On June 30, 2000, we published in the **Federal Register** the final rule titled “Response Plans for Marine Transportation-Related Facilities Handling Non-Petroleum Oils” (USCG–1999–5149)[65 FR 40820]. In the preamble to that rule, on page 40822, we stated that higher volume port areas were designated based on the availability of response equipment on hand in those ports. After that publication, the Coast Guard received comments from the affected public requesting clarification of our high volume ports discussion.

We previously addressed this topic in an interim final rule, "Response Plans for Marine Transportation-Related Facilities" (58 FR 7330), that was published in the **Federal Register** on February 5, 1993. As stated in the interim rule, higher volume ports were actually designated based on the volume of all types of oil transported through those ports. Faster response times were established for those ports to encourage vessel and facility plan holders to concentrate larger quantities of response equipment as close as possible to locations having the highest probability of a significant spill incident. Over time, the industry has responded by stockpiling larger quantities of response equipment in those ports practicable for all plan holders regardless of the type of oil cargo carried.

Dated: October 12, 2000.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-00-224]

RIN 2115-AA97

Safety Zone: Thunderbird Air Show, Long Island Sound, Governor Alfred E. Smith/Sunken Meadow State Park, Kings Park, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Thunderbird Air Show Display to be held on Long Island Sound, Governor Alfred E. Smith/Sunken Meadow State Park, Kings Park, NY on October 28 & 29, 2000. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 10:30 a.m. on October 28, 2000 until 4:30 p.m. on October 29, 2000.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group/Marine Safety Office Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 7:30 a.m. and 4:00

p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Chris Stubblefield, Command Center, Group/Marine Safety Office Long Island Sound, New Haven, CT (203) 468-4428.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The New York State Office of Parks, Recreation and Historic Preservation is sponsoring an Air Show display on Long Island Sound, Governor Alfred E. Smith/Sunken Meadow State Park, Kings Park, NY. The Air Show display will occur on October 28 & 29, 2000. The safety zone covers all waters of the Long Island Sound within a 3,000 foot by 12,000 foot area which will be located in approximate position: Northeast corner; 40°-55.0.5'N, 073°-16.40'W, Northwest corner; 40°-55.0.5'N, 073°-14.40'W, Southeast corner; 40°-54.55'N, 073°-16.40'W, Southwest corner; 40°-54.55'N, 073°-14.40'W, (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies

and procedures of DOT is unnecessary. This safety zone involves only a portion of Long Island Sound and entry into this zone will be restricted for 6 hours on October 28 and 29, 2000. Although this regulation prevents traffic from transiting this section of Long Island Sound, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this 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 are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605 (b) that this rule will not have a significant impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Long Island Sound from 10:30 a.m. until 4:30 p.m. on October 28 and 29, 2000. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The duration of the event is limited; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If your small business or organization would be affected by this rule and you have any questions concerning its provisions or options for compliance, please call Chief Chris Stubblefield at (203) 468-4428. 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