

Dated: January 28, 1998.

**John W. Magaw,**  
Director.

Approved: March 13, 1998.

**John P. Simpson,**

Deputy Assistant Secretary (Regulatory, Tariff  
and Trade Enforcement).

[FR Doc. 98-8990 Filed 4-6-98; 8:45 am]

BILLING CODE 4810-31-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD 08-98-014]

#### Drawbridge Operating Regulation; Back Bay of Biloxi, MS

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulation governing the operation of the bascule spans of the Popp's Ferry Road Bridge across the Back Bay of Biloxi, mile 8.0, in Biloxi, Harrison County, Mississippi. From April 13, 1998 through August 10, 1998 operation of the draw will be limited to one span at a time during daylight hours, and the horizontal clearance will be restricted at night. This action is necessary to allow for cleaning and painting of the bascule spans, an extensive but necessary maintenance operation.

**DATES:** This rule is effective from 6 a.m. on April 13, 1998 through 8 p.m. on August 10, 1998.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary rule.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Phil Johnson, Bridge Administration Branch, telephone number 504-589-2965.

**SUPPLEMENTARY INFORMATION:** The Coast Guard was not notified of the dates of the work in time to issue a notice of proposed rulemaking. The deteriorated condition of the bridge warrants the closures so that remedial work can be

accomplished. For the same reason, good cause exists to make this temporary rule effective in less than 30 days after publication.

#### Background and Purpose

The bascule spans of the Popp's Ferry Road Bridge across the Back Bay of Biloxi near Biloxi, Mississippi provide a vertical clearance of 25 feet above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Horizontal clearance between bascule span tips is 178 feet with both bascule spans open and 89 feet with only one bascule span open. Since the U.S. Army Corps of Engineers navigation project channel is 150 feet wide, horizontal clearance with only one span open will be approximately 75 feet within the navigation channel. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft.

The Harrison County Board of Supervisors sent a letter to the Coast Guard requesting this temporary rule so that the bascule spans can be cleaned and painted. The equipment used for this procedure has to be removed each time the draw span is opened, a process which is time consuming and costly. To allow the contractor to maximize work time, one span needs to remain continuously closed during the daylight hours of 6 a.m. to 8 p.m. daily. While both spans of the bridge will operate normally from 8 p.m. to 6 a.m. daily, a work barge will remain under the bascule span being serviced, reducing the available horizontal clearance through the bridge to approximately 108 feet. The actual available width within the navigation channel will be reduced to approximately 94 feet. Between the hours of 8 p.m. to 6 a.m. the barge will be cleared from the channel only for vessels which require greater than 108 feet of horizontal clearance, or greater than 94 feet within the channel limits, for safe passage if at least 10 hours notice is given. The short term inconvenience, attributable to a restriction of vessel traffic to a horizontal clearance of 89 feet during daylight hours or 75 feet within the navigation channel and 108 feet at night or 94 feet within the navigation channel for a maximum of 120 days, is outweighed by the long term benefits to be gained by keeping the bridge spans free of corrosion and in proper working condition. This work is essential for the continued operation of the draw spans.

#### Regulatory Evaluation

This temporary rule is not a significant regulatory action under

section 3(f) of Executive Order 12866 and does not require an assessment of potential cost 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 temporary rule to be so minimal that a full Regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels affected by the reduced horizontal clearance is minimal. All commercial fishing vessels and all single-wide tows which normally transit the bridge will still be able to transit the bridge with one leaf open during daylight hours and during nighttime hours when both spans will open to navigation and the horizontal clearance reduced to only 108 feet and only 94 feet within the navigation channel limits. At all times during this period, tugs with double wide or triple wide tows will be required to break down their tows in order to transit the bridge during the times when only one span opens. These vessels may transit without reconfiguring tows at night, provided at least 10 hours notice is given, so that the construction barge can be removed.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will 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 of less than 50,000.

Local commercial fishing vessels will be able to pass the bridge with one bascule span open during the day and both spans open at night with 108 feet of horizontal clearance, 94 feet horizontal clearance within the navigation channel limits. Thus, the Coast Guard expects there to be no economic impact on these vessels. The Coast Guard is not aware of any other waterway users who would suffer economic hardship from being unable to transit the waterway during this period. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule, will not have a significant economic impact on a substantial number of small entities.

In accordance with section 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 this temporary 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 Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

#### Collection of Information

This temporary 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 proposal under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over the navigable waterways of the United States belongs to the Coast Guard by Federal Statutes.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1C, this temporary rule is categorically excluded from further environmentally documentation. A "Categorically Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending Part 117 Title 33, Code of Federal Regulations 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; and 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Effective April 13, 1998 through August 10, 1998, § 117.675 is amended by adding a new paragraph (c) to read as follows:

**§ 117.675 Back Bay of Biloxi.**

\* \* \* \* \*

(c) The draw of the Poppo Ferry Road bridge, mile 8.0, shall open on signal except as follows:

(1) The south span need not open for the passage of vessels from 6 a.m. until 8 p.m. daily from April 13, 1998, through June 12, 1998.

(2) The north span need not open for the passage of vessels from 6 a.m. until 8 p.m. daily from June 13, 1998, through August 10, 1998.

(3)(i) From April 13, 1998, through August 10, 1998, from 8 p.m. to 6 a.m. daily, both spans will be open on signal, but navigation through the bridge will be restricted to a horizontal clearance of 108 feet and 94 to feet within the navigation channel limits by the presence of construction equipment associated with bridge maintenance.

(ii) Vessels requiring greater than 108 feet of horizontal clearance of greater than 94 feet horizontal clearance within the navigation channel limits must provide 10 hours notice for an unrestricted passage between the hours of 8 p.m. to 6 a.m.

(4) In the event of an approaching tropical storm or hurricane, the bridge will be returned to normal operation within 24 hours of notification by the Coast Guard.

Dated: April 1, 1998.

**T.W. Josiah,**

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

[FR Doc. 98-9090 Filed 4-6-98; 8:45 am]

BILLING CODE 4910-15-M

#### DEPARTMENT OF EDUCATION

##### 34 CFR Part 280

RIN 1810-AA88

##### Magnet Schools Assistance Program

**AGENCY:** Department of Education.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Education published a final rule amending 34 CFR Part 280 on February 17, 1998. A clause was inadvertently removed from the amendment. This document adds that clause.

**EFFECTIVE DATE:** These regulations take effect February 17, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven L. Brockhouse, U.S. Department of Education, 600 Independence Ave., SW., Room 4500, Portals Building, Washington, DC 20202-6140. Telephone: (202) 260-2476. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8

p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:** The Department of Education published a final rule in the **Federal Register** of February 28, 1998 (63 FR 8020) amending 34 CFR 280.32. A clause was inadvertently removed from the text of the amendatory language. This document adds the clause.

#### Correction

In rule document 98-3830 on page 8020, in the issue of Tuesday, February 17, 1998, make the following correction:

##### § 280.32 [Corrected]

On page 8020, at the bottom of the third column, amendatory instruction 2., line 2, add "removing the designation for paragraph (b)(1);" after "(b)(2);".

Dated: March 16, 1998.

**Gerald N. Tirozzi,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 98-8995 Filed 4-6-98; 8:45 am]

BILLING CODE 4000-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Parts 73 and 76

[FCC 98-39]

##### 1998 Biennial Regulatory Review—Filing Dates for the Commission's Equal Employment Opportunity Annual Employment Reports

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On March 16, 1998, the Commission released a *Memorandum Opinion and Order (MO&O)* amending the rules concerning the filing dates for the Commission's Equal Employment Opportunity Annual Employment Reports. The *MO&O* is intended to change the dates that annual employment reports are due to be filed with the Commission, to enable licensees and permittees that also file similar data with the Equal Employment Opportunity Commission to use the same pay period record information.

**EFFECTIVE DATES:** This rule is effective March 16, 1998.