

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward mast-head light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS BLUE RIDGE .....	LCC 19	N/A	N/A	X	84

Dated: March 31, 1998.

Approved:

**R.R. Pixa,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD 08-98-012]

#### Drawbridge Operating Regulation; Lake Pontchartrain, LA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans across Lake Pontchartrain, between Metairie, Jefferson Parish, Louisiana, and Mandeville, St. Tammany Parish, Louisiana. From May 4, 1998, through July 2, 1998 the draw will remain closed Mondays through Saturdays, except for the Memorial Day holiday weekend. This temporary deviation is issued to allow for cleaning and painting of the bascule structures, an extensive but necessary maintenance operation.

**DATES:** This deviation is effective from 12:01 a.m. on May 4, 1998 through 12:01 a.m. on July 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, telephone number 504-589-2965.

**SUPPLEMENTARY INFORMATION:** The north bascule spans of the Greater New Orleans Expressway Commission

causeway across Lake Pontchartrain, Louisiana have a vertical clearance of 42 feet above mean high water in the closed to navigation position and unlimited clearance in the open to navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft. As an alternate route, the south channel span provides a vertical clearance of 50 feet above mean high water.

The Greater New Orleans Expressway Commission sent a letter to the Coast Guard requesting this temporary deviation from normal drawbridge operating regulations so that the draw spans can be cleaned and painted. The equipment used for this procedure has to be removed each time the draw span is opened. Since this process is time consuming and costly, the equipment should remain in place for 6-day periods, allowing the contractor to maximize work time. Painting operations in the counterweight area will require the bridges to be placed in the open to navigation position. During the time in which the span of one bridge is in the open position to be painted, the span of the other bridge will need to be closed to detour vehicular traffic. The short term inconvenience, attributable to a delay of vessel traffic for a maximum of six days, is outweighed by the long term benefits to be gained by keeping the bridges free of corrosion and in proper working condition. This work is essential for the continued operation of the draw spans.

This deviation allows the draws of the Greater New Orleans Expressway Commission causeway, north bascule spans, to remain closed to navigation from 12:01 a.m. on Mondays until 12:01 a.m. on Sundays from May 4 through July 2, 1998 except for the holiday weekend of May 23, 24 and 25, 1998. In the event of an approaching tropical storm or hurricane, the bridges will be returned to the normal operation within 24 hours of notification by the Coast Guard.

This deviation will be effective from 12:01 a.m. on May 4, 1998 through 12:01 a.m. on July 2, 1998. Presently, the draw opens on signal if at least three hours' notice is given, as required by 33 CFR 117.467.

Dated: April 10, 1998.

**T.W. Josiah,**

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

[FR Doc. 98-10550 Filed 4-20-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD1-98-029]

RIN 2115-AA97

#### Safety Zone: Bath/Woolwich Bridge Construction Project, Bath, ME

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary moving safety zone to close a portion of the Kennebec River to waterway traffic in a 100-foot radius around each of two construction barges operating in the vicinity of the Carlton Bridge, Bath, Maine, from May 10, 1998 at 7 a.m. through October 1, 1998 at 7 a.m. This safety zone is needed to protect persons, vessels and others in the maritime community from the safety hazards associated with construction barges working in a bridge construction capacity. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

**DATES:** This regulation is effective from May 10, 1998 at 7 a.m. until October 1, 1998 at 7 a.m.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant J.D. Gafkjen, Chief of Response and Planning, Captain of the Port, Portland at (207) 780-3251.

**SUPPLEMENTARY INFORMATION:**

## Regulatory History

As authorized by 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 in less than 30 days after **Federal Register** publication. Due to the complex planning and coordination involved, final details for the channel closure were not provided to the Coast Guard until April 3, 1998, making it impossible to publish an NPRM or a final rule 30 days in advance. Publishing an NPRM and delaying its effective date would effectively suspend construction of the new Bath/Woolwich Bridge which would be contrary to the public interest.

## Background and Purpose

A portion of the Kennebec River will be closed to all marine traffic from May 10, 1998 at 7 a.m. until October 1, 1998 at 7 a.m. The safety zone covers a portion of the Kennebec River in a radius of 100 feet around each of two construction barges, which will be functioning as platforms for cranes, and operating in the vicinity of the Carlton Bridge, Bath, Maine. This safety zone is required to protect construction personnel and the maritime community from the hazards associated with heavy bridge construction. Vessels and recreational craft venturing close to the construction equipment present a safety risk to both themselves and the construction personnel. Entry into this zone will be prohibited unless authorized by the Captain of the Port. Because the safety zone encompasses only a portion of the Kennebec River, vessel traffic will not be impeded.

## Regulatory Evaluation

This temporary 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 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 the Kennebec River. The effect of this regulation will not be significant for several reasons: the area covered by the safety zone restricts only a portion of

the main channel allowing traffic to continue to pass through; advance coordination of port operations around the channel closure has been established to minimize the effect on commercial vessel traffic; and advance maritime advisories will be made.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and 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. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

## 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 contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available in the docket for inspection or copying.

## List of Subjects in 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 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, 6.04-6 and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01-CGD1-141, is added to read as follows:

### **§ 165.T01-029 Carlton Bridge Construction Project, Bath, ME.**

(a) *Location.* The safety zone covers a portion of the Kennebec River in a radius of 100 feet around each of two construction barges operating in the vicinity of the Carlton Bridge, Bath, Maine.

(b) *Effective date.* This regulation is effective from May 10, 1998 at 7 a.m. until October 01, 1998 at 7 a.m. unless terminated sooner by the Captain of the Port.

(c) *Regulations.* The general regulations contained in 33 CFR 165.23 apply.

Dated: April 7, 1998.

**Burton S. Russell,**

*Commander, U.S. Coast Guard, Captain of the Port, Portland, Maine.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 187

[CGD 89-050]

RIN 2115-AD35

### Vessel Identification System; Effective Date Change

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim final rule; change in effective date.

**SUMMARY:** The Coast Guard extends the delay of the effective date of part of its regulations establishing the vessel identification system. Subpart D of these regulations addressing guidelines for State vessel titling systems was to become effective on April 24, 1998. Based on comments received from the States and banking interests, the Coast Guard needs more time to address the issues raised. Therefore, by extending