

The Route 280 Bridge is presently required under § 117.739(h) to open on signal if at least eight (8) hours advance notice is given. There have been only 8 requests to open this bridge since 1987. The bridge owner has requested relief from being required to crew the bridge since there have been so few requests to open the bridge.

Discussion of Proposal

The Coast Guard is considering amending the regulations to require that the bridge need not open for navigation, relieving the bridge owner of the requirement and expense to crew the bridge. Section 117.39 contains the authority for the Coast Guard to issue such regulations and authorizes the Coast Guard to place certain restrictions on the bridge closure. The fact that there have been only 8 requests to open the bridge since 1987 indicates that there is good cause to no longer require the bridge owner to crew the bridge on a regular basis. The Coast Guard, as a part of this proposal, would require that the bridge be maintained in good operable condition in the event there is a need to open the bridge, since the bridge is still a moveable bridge.

The Coast Guard is also correcting an error in this regulation by changing the mile point of the Route 7 Bridge which is listed at 6.9 and correctly should be 8.9. This correction will require that two paragraphs be changed in the order they appear in this regulation as a result of the corrected ascending order of mile points in the regulation text. The Route 7 Bridge will be changed from paragraph (j) to paragraph (k) and the NJTRO Bridge will be changed from (k) to (j).

Regulatory Evaluation

This proposed 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; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that there have been only 8 requests to open this bridge in the last ten years. The Coast Guard believes this proposed rule achieves the requirement of balancing both the needs of navigation and vehicular traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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 less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this proposed rule, if adopted, 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 proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed 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 proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Figure 2-1, paragraph 32(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A "Categorical Exclusion Determination" is not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 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. In § 117.739 redesignate paragraphs (j) and (k) as paragraphs (k) and (j) and revise paragraph (h) and newly redesignated (k) to read as follows:

§ 117.739 Passaic River.

* * * * *

(h) The Route 280 Bridge, mile 5.8, at Harrison, New Jersey, need not open for the passage of vessels. The operating machinery of the draw shall be maintained in serviceable condition and the draw operated at sufficient intervals to assure satisfactory operation. The bridge shall be restored to full operational status upon six months notice from the District Commander should the needs of navigation change to require the bridge to open for the passage of vessels.

* * * * *

(k) The draw of the Route 7 (Rutgers Street) Bridge, mile 8.9, at Belleville, shall open on signal if at least four hours notice is given.

* * * * *

Dated: April 18, 1998.

R.M. Larrabee,

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

[FR Doc. 98-13088 Filed 5-15-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-97-098]

RIN 2115-AE47

Drawbridge Operation Regulations: Taunton River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules for the Brightman Street Bridge, mile 1.8, over the Taunton River between Somerset and Fall River, Massachusetts.

The bridge owner, Massachusetts Highway Department (MHD), has requested that the Coast Guard consider a change to the operating regulations for the Brightman Street Bridge to require the bridge to open on signal; except,

from November 1 through March 31, between 6 p.m. and 6 a.m. daily, the draw shall open if at least one hour advance notice is given. From 6 p.m. to midnight on December 24th and all day on December 25th and January 1st, the draw shall open if at least two hours advance notice is given by calling the number posted at the bridge.

Additionally, the provision in the existing regulations to open as soon as possible for state and local vessels used for public safety is being removed since it is now listed under the general requirements for bridges.

This proposal will relieve the bridge owner of the requirement to crew the bridge during time periods when there have been few requests to open the bridge and is expected to still provide for the needs of navigation.

DATES: Comments must reach the Coast Guard on or before July 17, 1998.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110-3350, or deliver them to the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The District Commander maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-97-098) and specific section of this proposal to which their comments apply, and give reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in response to comments received. The Coast Guard does not plan to hold a public hearing; however, persons may

request a public hearing by writing to the Coast Guard at the address listed under **ADDRESSES** in this document. The request should include the reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this matter, the Coast Guard will hold a public hearing at a time and place announced by a subsequent notice published in the **Federal Register**.

Background

The Brightman Street Bridge has a vertical clearance at mean high water (MHW) of 27 feet and at mean low water (MLW) of 31 feet.

The Brightman Street Bridge is presently required to open on signal at all times. This proposed change to the operating regulations will require the bridge to open on signal; except that, from November 1 through March 31, between 6 p.m. and 6 a.m. daily, the draw shall open if at least one hour advance notice is given by calling the number posted at the bridge. From 6 p.m. to midnight on December 24th and all day on December 25th and January 1st, the draw shall open if at least two hours advance notice is given by calling the number posted at the bridge.

The Shell Oil facility upstream of the bridge has closed and the Montaup Electric Company has reduced its delivery schedule which together have reduced the total opening requests during the winter time period affected by this proposal.

Additionally, as part of this rule change the Coast Guard is removing from the existing regulations the provisions for opening the bridge as soon as possible for the passage of state and local vessels used for public safety because this is now included under the general operating regulations for bridges at § 117.31.

It is expected that this change to the operating rules will relieve the bridge owner of the requirement to crew the Brightman Street Bridge during time periods when there have been few requests to open and still provide for the needs of navigation.

Discussion of Proposal

The Coast Guard is proposing to revise section 117.619 of the regulations to remove the unnecessary language regarding the state and local vessels and to add the requirement that a one hour notice be provided for bridge openings November 1 to March 31, 6 p.m. to 6 a.m. and a two hour advance notice is required for openings from 6 p.m. to midnight on December 24th and all day on December 25th and January 1st at the Brightman Street Bridge.

The Brightman Street Bridge is presently required to open on signal which requires the bridge owner to crew the bridge at all times. The closure of the Shell Oil facility and the decrease in deliveries to Montaup Electric have changed the demand for openings. Going to an on call basis during the evenings in the winter months should allow the bridge owner to lower their operating expenses but still meet the level of demand for openings. The bridge will still be required to open at all times but from 6 p.m. to midnight on December 24th and all day on December 25th and January 1st, a two hour notice will be required by calling the number posted at the bridge.

The requirement under the existing rules to open as soon as possible for state and local vessels used for public safety will be removed from this regulation because it is now listed under the general bridge requirements at § 117.31.

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. 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 conclusion is based on the fact that bridges must operate in accordance with the needs of navigation while providing for the reasonable needs of land transportation. This NPRM proposes to adopt the operating hours which the Coast Guard believes to be appropriate because there have been so few requests to open the bridge during the time period the bridge will be on an advance notice status. The proposed advance notice requirements should still provide for the needs of navigation and allow the bridge owner to not crew the bridge during periods when there are few requests to open the bridge. The Coast Guard believes this proposal achieves the requirements of balancing the needs of navigation and the needs of vehicular transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this proposed 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 less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed 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 proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule would economically affect it.

Collection of Information

This proposed 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 proposed rule in accordance with the principles and criterion contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Figure 2-1, paragraph 32(e), of Commandant Instruction M16475.1C, this proposed 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 not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 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 117.619 is revised to read as follows:

§ 117.619 Taunton River.

(a) The owners of the Brightman Street and Bristol County bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than twelve inches high, designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(b) The draw of the Brightman Street Bridge, mile 1.8, between Somerset and Fall River shall open on signal; except that from November 1 through March 31, between 6 p.m. and 6 a.m. daily, the draw shall open if at least one hour advance notice is given. From 6 p.m. to midnight on December 24th and all day on December 25th and January 1st, the draw shall open on signal if at least two hours, notice is given by calling the number posted at the bridge.

(c) The Bristol County Bridge, mile 10.3, shall open on signal if at least twenty-four hours' notice is given by calling the number posted at the bridge.

Dated: April 18, 1998.

R.M. Larrabee,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-042]

RIN 2121-AA97

Safety Zone; Tri-State Inboard Powerboat Championships, Hackensack River, Secaucus, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone in the Hackensack River for the Tri-State Inboard Powerboat Championships. The temporary safety zone will be in effect on Saturday, August 29, and Sunday, August 30, 1998, from 11:30 a.m. until 6 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The temporary safety zone will restrict vessel traffic in the Hackensack River in the vicinity of Laurel Hill Park, Secaucus, New Jersey. The temporary safety zone is needed to protect racing participants and spectator craft from the

hazards associated with high-speed powerboat racing.

DATES: Comments must reach the Coast Guard on or before July 17, 1998.

ADDRESSES: You may mail comments to the Waterways Oversight Branch (CGD01-98-042), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Junior Grade Alma Kenneally, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4195.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-98-042) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.