

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

#### Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and has determined pursuant to figure 2-1, paragraph 32(e) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion determination has been prepared and is available for inspection and copying in the docket.

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

Bridges.

#### Final Regulations

For the reasons set out in the preamble, the Coast Guard amends Part 117 of Title 33, Code of Federal Regulations, as follows:

#### PART 117—[AMENDED]

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.

#### § 117.261 [Removed and Reserved]

2. In § 117.261, remove and reserve paragraph (f).

Dated: May 18, 1998.

**Norman T. Saunders,**

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

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#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 117

[CGD 08-98-023]

#### Drawbridge Operating Regulation; Dulac Bayou, 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 in 33 CFR 117.5 governing the operation of the SR 57 swing span drawbridge across Dulac Bayou, mile 0.6, at Dulac, Terrebonne Parish, Louisiana. This deviation allows the Louisiana Department of Transportation and

Development to close the bridge from 7 a.m. and noon and from 12:30 p.m. until 3:30 p.m., on July 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28 and 29, 1998. The span will open for the passage of traffic from noon until 12:30 on each of these days. The bridge will operate normally at all other times. This temporary deviation is issued to allow for the cleaning and painting of the swing span, an extensive but necessary maintenance operation.

**DATES:** This deviation is effective from 7 a.m. on July 6 until 3:30 p.m. on July 29, 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 SR 57 swing span drawbridge across Dulac Bayou, mile 0.6, in Dulac, Terrebonne Parish, Louisiana, has a vertical clearance of 7 feet above high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Louisiana Department of Transportation and Development requested a temporary deviation from the normal operation of the bridge in order to accommodate the maintenance work. The maintenance work involves cleaning and painting of the swing span. This work is essential for the continued operation of the draw span.

This deviation allows the draw of the SR 57 swing span bridge across Dulac Bayou, mile 0.6, at Dulac to remain in the closed-to-navigation position between 7 a.m. and noon and from 12:30 p.m. until 3:30 p.m., on July 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28 and 29, 1998. The span will open for the passage of traffic from noon until 12:30 on each of these days. The bridge will operate normally at all other times.

This deviation will be effective from 7 a.m. on July 6 until 3:30 p.m. on July 29, 1998. Presently, the draw opens on signal at any time.

Dated: June 11, 1998.

**A.L. Gerfin, Jr.,**

*Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard Dist.*

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#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 117

[CGD 08-98-030]

#### Drawbridge Operating Regulation; Lafourche Bayou, 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 SR 1 vertical lift bridge across Lafourche Bayou, mile 13.3, in Leeville, Lafourche Parish, Louisiana. This deviation allows the Louisiana Department of Transportation and Development to close the bridge to navigation from 7 a.m. until 9 a.m.; 9:30 a.m. until noon; 12:30 p.m. until 3 p.m.; and 3:30 p.m. until 7 p.m., Monday through Friday, except Federal holidays, from August 3, 1998, until October 2, 1998. This temporary deviation is issued to allow for general maintenance repairs.

**DATES:** This deviation is effective from 7 a.m. on August 3, 1998, until 7 p.m. on October 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Johnson or Mr. David Frank, 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 SR 1 vertical lift span bridge across Lafourche Bayou at Leeville, Lafourche Parish, Louisiana has a vertical clearance of 40 feet above mean high water in the closed-to-navigation position. Mean high water elevation is 3 feet above Mean Sea Level (MSL). Navigation on the waterway consists primarily of fishing vessels, some tugs with tows and occasional recreational craft. Presently, the draw opens on signal for the passage of vessels.

The Louisiana Department of Transportation and Development requested a temporary deviation from the normal operation of the bridge in order to do maintenance work on the bridge. The work consists of mechanical, electrical, and structural repairs which require the bridge to remain in the closed to navigation position for several hours at a time. During portions of this repair work, scaffolding may be placed below the bridge over the navigation channel reducing the approved vertical

clearance to less than 40 feet above mean high water. The reduction in the vertical clearance will be approximately 4 feet. Alternate routes are available. This work is essential for the continued safe operation of the vertical lift span.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the SR 1 vertical lift span bridge across Lafourche Bayou, Louisiana to remain in the closed-to-navigation position from 7 a.m. until 9 a.m.; 9:30 a.m. until noon; 12:30 p.m. until 3 p.m.; and 3:30 p.m. until 7 p.m., Monday through Friday, except Federal holidays, from August 3, 1998, until October 2, 1998.

Dated: June 11, 1998.

**A.L. Gerfin, Jr.,**

*Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard Dist.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-98-040]

RIN 2115-AA97

#### **Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Great Catskills Triathlon located on the Hudson River in the vicinity of Kingston Point Reach, Kingston, New York. The safety zone is in effect from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998. 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 the Hudson River, in the vicinity of Kingston Point Reach.

**DATES:** This rule is effective from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998, unless terminated sooner by the Captain of the Port, New York.

**ADDRESSES:** Comments may be mailed to the Waterways Oversight Branch (CGD01-98-040), 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:** Lietenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4195.

#### **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 this application was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway to protect swimmers and the maritime public from the hazards associated with 500 athletes competing in the swimming portion of the Great Catskills Triathlon.

##### **Background and Purpose**

On April 12, 1998, the New York Triathlon Club, submitted an Application for Approval of Marine Event to hold the swimming competition of the Great Catskills Triathlon on the waters of the Hudson River in the vicinity of Kingston Point Reach. this regulation establishes a safety zone in all waters of the Hudson River within a 1000 year radius of 41°56'06" N 073°57'57" W (NAD 1983). This area encompasses approximately 1,800 yards of Kingston Point Reach, from just south of red buoy #74 to green buoy #77. The safety zone is in effect from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998, unless terminated sooner by the Captain of the Port, New York. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect swimmers and boaters from the hazards associated with 500 swimmers competing in a confined area of the Hudson River.

##### **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 limited marine traffic in the area, the minimal time that vessels will be restricted from the zone, and advance notifications which will be made by the Local Notice to Mariners and marine information broadcasts. Recreational traffic will be able to transit the river to the east of the safety zone during this event. Commercial traffic is not heavy in this area of the Hudson River. It is expected that no more than 1 or 2 commercial vessels may be effected by this event. Due to the advance advisories being made, commercial traffic will be able to adjust their transit time to arrive before or after the event.

##### **Small Entities**

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

##### **Environment**

Under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded