

**List of Subjects in 33 CFR Part 100**

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

**Temporary Regulations**

In consideration of the foregoing, part 100 of Title 33, Code of Federal Regulations, is amended as follows:

**PART 100—[AMENDED]**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35

2. A temporary § 100.35–T08–054 is added to read as follows:

**§ 100.35–T08–054 Kaskaskia River at Mile 28.0–29.0**

(a) *Regulated Area:* A regulated area is established between mile 28.0 and 29.0 of the Kaskaskia River.

(b) *Special Local Regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. "Participants" are those persons and/or vessels identified by the sponsor as taking part in the event. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessel assigned to patrol the event. The Coast Guard "Patrol Commander" is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office St. Louis.

(1) No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sign "PATCOM".

(c) *Effective Date:* This section is effective from 7 a.m. until 8 p.m. on September 12 and 13, 1998.

Dated: August 21, 1998.

**Paul J. Pluta,**

*Radm, USCG.*

[FR Doc. 98–24054 Filed 9–4–98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD08–98–049]

**Drawbridge Operating Regulation; Victoria Channel, TX**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing the operating regulation for the Missouri Pacific railroad automated bridge across Victoria Channel, mile 29.4, near Bloomington, Texas, which was published in 1978 allowing the bridge to operate as an automated bridge. However, the mechanism to automate the bridge was never connected and the bridge owner does not wish to automate the bridge. The bridge opens on signal. Therefore, the operating regulation is unnecessary and is being removed.

**DATES:** This regulation becomes effective September 8, 1998.

**ADDRESSES:** Documents referred to in this rule 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. Commander (ob) maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Frank, Bridge Administration Branch, telephone number 504–589–2965.

**SUPPLEMENTARY INFORMATION:****Background**

In 1977, the contractor proposing to automate the Missouri Pacific railroad bridge across Victoria Channel, mile 29.4, at Bloomington, Texas, requested a special operating regulation for the automation of the drawbridge. The Coast Guard proceeded with the publication of the proposed regulation and on November 9, 1978, the operation regulation was published in the **Federal Register** (43 FR 53236). The regulation was amended on January 11, 1979 (44 FR 2386). However, the railroad never established the automation system and

the bridge has operated manually throughout its existence. Presently, the bridge operates as required by 33 CFR 117.5 rather than under 33 CFR 117.991. Therefore, 33 CFR 117.991 is unnecessary and should be removed.

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because although the drawbridge operation regulation was established, the bridge was never automated and continues to open on signal. Since the bridge was never automated and the owner does not wish to automate the bridge, there is no need for the regulation.

The Coast Guard, for the reason just stated, has also determined that good cause exists for this rule to become effective upon publication in the **Federal Register**.

**Regulatory Evaluation**

This final rule is not a significant regulatory action under section 39f) 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 under that Order has not reviewed it. 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.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include (1) small businesses, 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.

The Missouri Pacific railroad bridge across Victoria Channel, mile 29.4, at Bloomington, Texas opens for the passage of traffic on signal making the rule governing the bridge unnecessary. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) 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. 3051 *et seq.*).

**Federalism**

The Coast Guard has analyzed this final rule under the principals and criteria contained in Executive Order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, CE # 32(e) of the NEPA Implementing Procedures, COMDINST M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

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

Bridges.

**Regulations**

For the reasons set out in the preamble, the Coast Guard is amending part 117 of 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; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 105 Stat. 5039.

**§ 117.991 [Removed]**

2. Section 117.991 is removed.

Dated: August 21, 1998.

**Paul J. Pluta,**

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

[FR Doc. 98-24053 Filed 9-4-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD08-98-052]

RIN 2115-AE47

**Drawbridge Operation Regulation; Lafourche Bayou, LA**

AGENCY: Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulation for the operation of the draw of the SR1 vertical lift bridge across Lafourche Bayou, mile 13.3, in Leeville, Lafourche Parish, Louisiana. The draw will remain closed to navigation continuously from noon on Mondays through noon on Fridays from October 5, 1998, through November 6, 1998. In the event of an approaching tropical storm or hurricane, work on the bridge will be discontinued and the draw will return to normal operation. This temporary rule is issued to allow for the replacement of the electrical and mechanical components of the bridge.

**DATES:** This temporary rule is effective from noon on October 5, 1998 through noon on November 6, 1998.

**ADDRESSES:** All documents referred to in this notice will be available for inspection and copying at room 1313 in the Hale Boggs Federal Building at Commander (ob), Eighth Coast Guard District, 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 Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary rule.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson or 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:** On June 5, 1998, the Louisiana Department of Transportation and Development (LDOTD), requested a change to the operating schedule of the SR1 vertical lift bridge across Lafourche Bayou, mile 13.3, in Leeville, Lafourche Parish, Louisiana. LDOTD requested that the bridge be closed to navigation continuously from 7 a.m. on Tuesday through 7 p.m. on Thursday each week from July 7, 1998 through July 30, 1998. The reason for the closure was to allow for the replacement of the four (4) lift Cables on the bridge. The District Commander granted the deviation request on June 11, 1998. The deviation (CGD 08-98-28) was published in the **Federal Register** on Friday, June 19, 1998 (63 FR 33575). The lift cables were replaced and work was completed by July 30, 1998.

Additionally, on June 5, 1998, LDOTD requested a second temporary deviation from the regulation governing the

operation of the SR1 vertical lift bridge across Lafourche Bayou, mile 13.3, in Leeville, Lafourche Parish, Louisiana. LDOTD requested that the bridge be closed 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 was requested to allow for general maintenance repairs. The District Commander granted the deviation request on July 11, 1998. The deviation (CGD 08-98-30) was published in the **Federal Register** on Friday, June 19, 1998 (63 FR 33577). General maintenance repairs are currently underway and the deviation is in effect.

On July 16, 1998, LDOTD requested a modification to temporary deviation (CGD 08-98-30) to allow the bridge to be closed continuously during the mid-week period for two weeks in August, two weeks in September, and two weeks in October. LDOTD stated that the contractor was unable to complete scheduled electric and mechanical repairs without disconnecting power to the bridge rendering the draw inoperable. LDOTD subsequently requested that the SR1 vertical lift bridge across Lafourche Bayou, mile 13.3, in Leeville, Lafourche Parish, Louisiana remain closed to navigation continuously from noon on Mondays through noon on Fridays from October 5, 1998, through November 6, 1998. This closure would allow the contractor to replace the electrical and mechanical components on the bridge. The contractor can not complete these repairs without disconnecting power to the bridge, rendering the draw inoperable.

In making this revised request for closure, LDOTD has moved the dates of the closure outside of the height of hurricane season. However, in the event of an approaching tropical storm or hurricane, work on the bridge will be discontinued and the draw will return to normal operation. The contractor has also worked out an agreement with the Port Authority which will allow larger vessels that are unable to transit through the bridge while in the closed-to-navigation position to off load their catch below the bridge. Since the applicant has adequately resolved the concerns of the Coast Guard, the District Commander is granting LDOTD's request for a temporary change to bridge operating procedures.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking for this rule has been published, and good cause exists for making it effective in less than