

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD08-98-007]****Drawbridge Operation Regulation;
Bayou Chico, FL****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 State Route 292 bascule span bridge across Bayou Chico, mile 0.3, at Pensacola, Florida. This deviation allows the bridge to remain closed to navigation between the hours of 7:30 a.m. and 11:30 a.m. on Saturday, February 28, 1998. This closure is necessary to facilitate the running of the Blue Angel Marathon, a long distance foot race which is an event of public interest.

DATES: The deviation is effective from 7:30 a.m. until 11:30 a.m. on February 28, 1998.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, Eighth Coast Guard District at 504-589-2965.

SUPPLEMENTARY INFORMATION: The State Route 292 bridge across Bayou Chico, mile 0.3, at Pensacola, Florida has a vertical clearance of 13 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 primarily of tugs with tows, commercial fishing vessels, sailboats and other recreational craft. The U.S. Naval Air Station has requested a temporary deviation from the normal operation of the bridge for the running of the Blue Angel Marathon.

This deviation requires that the draw of the State Route 292 bridge across Bayou Chico at mile 0.3 remain closed to navigation between the hours of 7:30 a.m. and 11:30 a.m. on Saturday, February 28, 1998. Presently, the following special drawbridge operating regulation is in effect: The draw shall open on signal at any time for the passage of commercial vessels. The draw shall open at any time for the passage of pleasure vessels; except that, from 6 a.m. to 8 a.m., 11 a.m. to 1 p.m., and 3 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need be opened only on the hour and half hour or when five or more pleasure vessels are waiting to pass or in emergencies or severe storms. When

the draw is open for commercial vessels during these restricted periods, accumulated pleasure vessels shall be passed.

Dated: February 12, 1998.

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

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD05-97-072]****RIN 2115-AE47****Drawbridge Operation Regulations;
Atlantic Intracoastal Waterway, North
Carolina****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the Onslow Beach Swing Bridge across the Atlantic Intracoastal Waterway (AICW), mile 240.7, at Camp Lejeune, North Carolina, at the request of the United States Marine Corps (USMC).

The final rule continues to provide for openings on signal, except that from 7 a.m. to 7 p.m., the draw will only open on the hour and half hour, year-round. This rule is intended to reduce vehicular traffic delays while still providing for the reasonable needs of navigation.

DATES: This final rule is effective on March 27, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 8 a.m. and 4:30 p.m., through Friday, except Federal holidays. The telephone number is (757) 398-6222.

FOR FURTHER INFORMATION CONTACT: Ann Deaton, Bridge Administrator, Fifth Coast Guard District, (757) 398-6222.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On October 16, 1997, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, North Carolina" in the **Federal Register** (62 FR 53770). The Coast Guard received one

letter commenting on the proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The Onslow Beach Swing Bridge and adjoining property are part of the Marine Corps Base at Camp Lejeune military reservation, located adjacent to Jacksonville, North Carolina. The current regulations require the Onslow Beach Swing Bridge to open on signal at all times. This requirement is included in the general operating regulations at 33 CFR 117.5.

The USMC requested changes in the regulation to require the bridge to open on signal, except from 7 a.m. to 7 p.m., when the bridge would open on the hour and half hour.

Prior to publishing the NPRM, the Coast Guard reviewed the USMC's bridge logs from October 1993 through July 1997 which revealed an average of 38 bridge opening requests per day. During peak opening periods in the Fall and Spring, bridge tenders received an average of 45 bridge opening requests per day. Considering the minimal number of openings identified by the bridge logs, the Coast Guard believes that this rule will more fairly balance the competing needs of vehicular and vessel traffic.

Other drawbridges along the AICW in North Carolina are governed by specific regulations listed in 33 CFR 117.821 which require them to open on the hour or on the hour and half hour. The USMC's requested change to the regulations for the Onslow Beach Swing Bridge would make its schedule consistent with those for the other AICW drawbridges in North Carolina.

Therefore, the Coast Guard is amending § 117.821 by revising paragraph (a)(3) to require the Onslow Beach Swing Bridge across the AICW, mile 240.7, at Camp Lejeune, North Carolina, to open on signal except that openings will be limited to on the hour and half hour, between 7 a.m. and 7 p.m.

The final rule also amends § 117.821(a) by deleting the text stating that the bridge shall open on signal for public vessels of the United States, state and local government vessels, and any vessel in an emergency involving danger to life or property. This is a general requirement published at 33 CFR 117.31, which is no longer required in each specific bridge regulation. Commercial vessels will continue to pass on signal as provided in new paragraph (a).

To ensure clarity and consistency of the operating regulation, parts of former paragraph (b) have been reworded and

redesignated as paragraph (a). The final rule makes no substantive changes in paragraphs (b)(1)–(6); however minor editorial changes to the text have been made to clarify the regulation. For clarity and ease of use to the public, the Coast Guard is republishing the entire section as amended.

Discussion of Comments and Changes

The Coast Guard received one comment on the NPRM expressing support for the proposed rule. No adverse comments were received; therefore, the final rule is being implemented without change.

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 been exempted from review 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

This final rule does not restrict vessel navigation, but merely limits the bridge openings to on the hour and half hour, from 7 a.m. to 7 p.m. 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 contains no collection of information requirement 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 federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this final rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard amends 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 117.821 is revised to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

(a) The drawbridges across the Atlantic Intracoastal Waterway in North Carolina shall open on signal for commercial vessels at all times and on signal for pleasure vessels, except at the times and during the periods specified in this paragraph:

(1) S.H. 94 Bridge, mile 113.7, at Fairfield, NC from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(2) S.R. 304 Bridge, mile 157.2, at Hobucken, NC, from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(3) Onslow Beach Swing Bridge, mile 240.7, at Cap Lejeune, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(4) S.R. 50 Bridge, mile 260.7, at Surf City, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(5) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, the draw need only open on the hour and half hour.

(6) S.R. 74 Bridge, mile 283.1, at Wrightsville Beach, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(7) S.R. 1172 Bridge, mile 337.9, at Sunset Beach, NC, shall open on the hour on signal between 7 a.m. and 7 p.m., April 1 to November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 9 p.m.

(b) If a pleasure vessel is approaching a drawbridge which is only required to open on the hour or on the hour and half hour, and cannot reach the drawbridge on the hour or on the half hour, the drawtender may delay the required opening up to 10 minutes past the hour or half hour.

Dated: February 13, 1998.

Roger Rufe, Jr.

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 251

[Docket No. 98–1 CARP]

Copyright Arbitration Royalty Panels; List of Arbitrators

AGENCY: Copyright Office, Library of Congress.

ACTION: Publication of the 1998–1999 CARP arbitrator list.

SUMMARY: The Copyright Office is publishing the list of arbitrators eligible for service on a Copyright Arbitration Royalty Panel (CARP) during 1998 and 1999. The CARP arbitrator list will be used to select the arbitrators who will serve on panels initiated in 1998 and 1999 for determining the distribution of royalty fees or the adjustment of royalty rates.

EFFECTIVE DATE: February 25, 1998.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney-Advisor, at Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

For royalty rate adjustments and distributions that are in controversy, the Copyright Act requires the selection of a Copyright Arbitration Royalty Panel (CARP) consisting of three arbitrators from "lists provided by professional