

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.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

In accordance with agency procedures for implementing the National Environmental Policy Act (NEPA), the Coast Guard has considered the environmental impact of the Special Local Regulations together with the impacts of the marine event with which it is associate. In accordance with these NEPA implementing procedures, listed in Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(h) and (35)(a) this final rule is categorically excluded from further environmental analysis and documentation.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 100

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—[AMENDED]

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

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add § 100.121 to read as follows:

§ 100.121 Hudson Valley Triathlon, Hudson River, Kingston, New York.

(a) *Regulated Area.* All waters of the Hudson River within a 1000 yard radius of approximate position 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 Lighted Buoy 74 (LLNR 38285) north to Lighted Buoy 77 (LLNR 38300).

(b) *Regulations.* (1) Vessels, swimmers, and personal watercraft of any nature not participating in this event are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually from 7 a.m. until 9 a.m. on the first Sunday after July 4th.

Dated: May 10, 1999.

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 117

[CGD01-98-032]

RIN 2115-AE47

Drawbridge Operation Regulations; Lake Champlain, NY & VT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating regulations for the US2 Bridge, mile 91.8, between South Hero Island and North Hero Island over Lake Champlain in Vermont. This change is being made to relieve vehicular traffic congestion due to frequent bridge openings during the boating season. It is expected that this final rule will better balance the needs of vehicular traffic and the needs of navigation during peak traffic hours by scheduling bridge openings on the hour and half hour.

DATES: This final rule is effective June 24, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, MA 02110-3350, between 7 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

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

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Lake Champlain, NY and VT, in the **Federal Register** (64 FR 1155) on January 8, 1999. The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested and none was held.

Background

The US2 Bridge, mile 91.8, over Lake Champlain in Vermont, has a vertical clearance of 4.7 feet at mean high water and 9.7 feet at mean low water.

The current operating regulations published in both 33 CFR 117.993(b) and 117.797(b) require the bridge to open from May 15th through October 15th, on signal from 7 a.m. to 9 p.m., on four hours advance notice from 9 p.m. to 7 a.m., and on twenty-four hours advance notice from October 16th through May 14th.

This published operating schedule, from May 15th to October 15th, 7 a.m. to 9 p.m., was too disruptive on the great deal of vehicular traffic that used the US2 Bridge.

Vehicular delay and congestion at the bridge due to openings was a significant problem. Several years ago, without the Coast Guard's knowledge, the bridge owner, Grand Isle County residents, and Grand Isle County mariners met to try to develop a bridge operating schedule that was less disruptive to vehicular traffic than the published regulations. The schedule developed at this meeting changed the May 15th to October 15th on call operating hours to 8 a.m. to 8 p.m. and restricted openings to on the hour and half-hour. The 4 hour advance notice period changed to 8 p.m. to 8 a.m., but the schedule for October 16th to May 14th remained the same. The bridge owner adopted the schedule and has operated the US2 Bridge under it for several years.

The Coast Guard recently learned that the US2 Bridge was not operating in accordance with the published requirements from May 15th to October 15th and directed the bridge owner to operate the bridge according to 33 CFR 117.993(b). After receiving the Coast Guard's direction to operate the US2 Bridge in accordance with 33 CFR 117.993(b), the bridge owner submitted a request to change the operating regulations to allow the bridge to operate in accordance with the schedule developed at the meeting.

Based upon bridge opening data, vehicle traffic counts, and that the bridge had been operating under the new schedule for several years without noted problems, the Coast Guard has determined that the operating regulations balance the needs of navigation and vehicular traffic.

The Coast Guard has determined that the change from immediate on signal openings on the hour and half hour balances the needs of navigation and vehicular traffic. In 1998, from May 15th through October 15th, 8 a.m. to 8 p.m., there were 1,125 openings with 2,917 boats passing through, for an average of 2.6 boats per opening. In 1997, during the same time period, there were 1,122 openings with 2,551 boats passing through, for an average of 2.3 boats per opening. This data suggests that if the bridge opened on signal versus on the hour and half hour, there could have been over 2,000 openings during those time periods. Restricting bridge openings from on signal to on the hour and half hour effectively reduced the number of openings while it only added, at most, a 30 minute delay for boaters who requested an opening.

This restriction on openings has clear benefits to vehicular traffic because in May 1998, an average of 2,402 vehicles per day used the bridge from 8 a.m. to 8 p.m., and in July 1998, an average of 3,439 vehicles per day used the bridge from 8 a.m. to 8 p.m. Based on the above, the Coast Guard has determined that restricting bridge openings from on signal to on signal on the hour and half hour balances the needs of navigation and vehicular traffic.

The Coast Guard has determined that changing the on call operating hours from 7 a.m. to 9 p.m., May 15th through October 15th, to 8 a.m. to 8 p.m., May 15th through October 15th, balances the needs of navigation and vehicular traffic. The Coast Guard does not have relevant bridge log data from 7 a.m. to 8 a.m. and from 8 p.m. to 9 p.m. to help determine whether the proposed change is reasonable because the bridge has been operating from 8 a.m. to 8 p.m. over the past several years. However, based on an analysis of the bridge log data from 8 a.m. to 9 a.m. and from 7 p.m. to 8 p.m., the Coast Guard is confident that changing on call hours to 8 a.m. to 8 p.m. is reasonable.

In 1998, from May 15th through October 15th, 8 a.m. to 8 p.m., there were 1,125 openings, and 1,064 of those openings (94.6%) occurred between 9 a.m. and 7 p.m. Similarly, in 1997 during the same periods, 96.2% of bridge openings occurred between 9 a.m. and 7 p.m. Based on the above data, the Coast Guard concludes the needs of navigation between 7 a.m. to 8 a.m. and 8 p.m. to 9 p.m. would also not be significant if the bridge operated under the current operating regulations.

Vehicular traffic will benefit from the restriction on operating hours. In 1997 and 1998, over 150 vehicles per day used the bridge between 7 a.m. and 8 a.m., and over 130 vehicles per day used the bridge between 8 p.m. and 9 p.m. Relatively few bridge openings are requested during hours that there is significant vehicular traffic. Based on the above, the Coast Guard has determined it is reasonable to change the US2 Bridge's operating hours from 7 a.m. to 9 p.m., May 15th through October 15th, to 8 a.m. to 8 p.m., May 15th through October 15th.

The Coast Guard did consider leaving the bridge operating regulations unchanged. This alternative was rejected because openings could effectively double, based on average boats per opening, from what they were in 1997 and 1998 during hours when vehicle traffic is at its peak. Doubling the number of openings during peak traffic hours would have a substantial negative impact on vehicular traffic. The

Coast Guard also realizes that the US2 Bridge has been operating over the past several years under this operating schedule, and all indications lead the Coast Guard to believe that this operating schedule balances the needs of navigation and vehicular traffic.

Discussion of Comments and Changes

The Coast Guard received no comments and no changes have been made to this final rule.

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; Feb. 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 conclusion is based on the fact that the bridge has been operating unofficially on this schedule for several years and the Coast Guard has not received any comments or complaints to date regarding this operating schedule for the bridge. The Coast Guard believes this final rule will promulgate a more balanced schedule of operation and still meet the needs of navigation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*), the Coast Guard considers whether this final 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 reasons discussed in the Regulatory Evaluation section 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 in accordance with 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

The Coast Guard considered the environmental impact of this final rule and concluded that, under Figure 2-1, paragraph 32(e), of Commandant Instruction N16475.1C, this final 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 written "Categorical Exclusion Determination" is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard is amending 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. Revise § 117.993(b) to read as follows:

§ 117.993 Lake Champlain

* * * * *

(b) The draw of the US2 Bridge, mile 91.8, over Lake Champlain, between South Hero Island and North Hero Island, shall operate as follows:

(1) The draw shall open on signal on the hour and the half hour from May 15th through October 15th from 8 a.m. to 8 p.m. daily.

(2) The draw shall open on signal from May 15th through October 15th from 8 p.m. to 8 a.m. if at least four hours notice is given by calling the number posted at the bridge.

(3) The draw shall open on signal from October 16th through May 14th if at least four hours notice is given by calling the number posted at the bridge.

* * * * *

3. Revise § 117.797(b) to read as follows:

§ 117.797 Lake Champlain

* * * * *

(b) The draw of the US2 Bridge, mile 91.8, over Lake Champlain, between South Hero Island and North Hero Island, shall operate as follows:

(1) The draw shall open on signal on the hour and the half hour from May 15th through October 15th from 8 a.m. to 8 p.m. daily.

(2) The draw shall open on signal from May 15th through October 15th from 8 p.m. to 8 a.m. if at least four hours notice is given by calling the number posted at the bridge.

(3) The draw shall open on signal from October 16th through May 14th if at least four hours notice is given by calling the number posted at the bridge.

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Dated: May 13, 1999.

R.M. Larrabee,

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

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 77, 80, 81, 82, 83, 152, 207, 220, 221, 222, 301, 303, 306, 308, 320, 324, 325, 328, 333, and 336

RIN 3067-AC91

Removal of Certain Parts of Title 44 CFR

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule removes 20 parts from title 44 of the Code of Federal Regulations. The rules we are removing are no longer authorized, covered in other regulations, or are complete, discontinued, or otherwise obsolete.

EFFECTIVE DATE: This rule is effective June 24, 1999.

FOR FURTHER INFORMATION CONTACT: H. Crane Miller, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3340, (telefax)(202) 646-4536, or (email) crane.miller@fema.gov.

SUPPLEMENTARY INFORMATION: We published a proposed rule on February 18, 1999, 64 FR 8048-8050, and received no comments. Removal of these rules is part of our continuing efforts to update and streamline FEMA regulations. For readers' convenience, we are reprinting our reasons for removing these parts.

Part 77—Acquisition of Flood Damaged Structures

The National Flood Insurance Reform Act of 1994 removed the authority underlying Part 77, Acquisition of Flood Damaged Structures, when it repealed § 1362 of the National Flood Insurance Act (Pub. L. 103-325, title V, § 551(a), Sept. 23, 1994, 108 Stat. 2269). Regulations governing acquisition of flood damaged structures are now found in 44 CFR part 78.

Parts 80—Description of Program and Offer to Agents, 81—Purchase of Insurance and Adjustment of Claims, 82—Protective Device Requirements, and 83—Coverages, Rates, and Prescribed Policy Forms

These parts contain the regulations for the Federal Crime Insurance Program (FCIP), the authorization for which expired on September 30, 1996. The Congress established the FCIP in 1970 under Title VI of the Housing and Urban Development Act of 1970 to make crime insurance available at affordable rates in any State where a critical market unavailability situation for crime insurance existed and had not been met through State action or to make affordable crime insurance available in states where no affordable crime insurance was available and the state had taken no action. No new crime insurance coverage is available under this program, and with the exception of a few remaining claims in process, the program is no longer active. See 12 U.S.C. 1749bbb(a).

Part 152—State Grants for Arson Research

The authorization under the Arson Prevention Act of 1994 expired on September 30, 1996 and was not renewed by Congress. The Act authorized FEMA to make grants to States or consortia of States for competitive arson research, prevention and control grant awards. Part 152 established the uniform administrative rules under which the States or consortia of States applied for, and administered, the grants. The Director of FEMA delegated his responsibilities under the Act to the U.S. Fire Administration, which, working through its grantees, completed the research authorized under this program. See the Arson Prevention Act of 1994, Pub.L. 103-254, approved May 19, 1994, 108 Stat. 679.

Part 207—Great Lakes Planning Assistance

The Great Lakes Planning Assistance Act of 1988, approved November 23, 1988, expired one year later and was not