

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 has not reviewed it 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2-1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

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 section 100.35–T08–037 is added to read as follows:

§ 100.35–T08–037 Tennessee River at Chattanooga, Tennessee.

(a) *Regulated area.* Tennessee River Mile 463.5 to 464.5.

(b) *Special local regulation.* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators 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 patrol 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.* These regulations will be effective from 5:30 p.m. on June 19, 1999 until 12:00 midnight on June 20, 1999.

Dated: May 21, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.
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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8–96–049]

RIN 2115–AE47

Drawbridge Operations Regulation; Back Bay of Biloxi, MS

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: On February 9, 1999, the Coast Guard published an interim rule to change the drawbridge operating regulation for the Popp's Ferry Road bascule span bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. The interim rule permitted the draw of the bridge to

remain closed to navigation from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays. This schedule facilitates the movement of vehicular traffic crossing the bridge during peak rush hour traffic periods. The Coast Guard is adopting the interim rule as final without change.

DATES: This final rule becomes effective on July 15, 1999.

ADDRESSES: Documents referred to in this notice 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, room 1313 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 9, 1999, the Coast Guard published an interim rule in (64 FR 6220) to change the drawbridge operating regulation for the Popp's Ferry Road bascule span bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. The interim rule permitted the draw of the bridge to remain closed to navigation from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

The schedule in the interim rule facilitates the movement of vehicular traffic crossing the bridge during peak rush hour traffic periods which has increased significantly during recent years. Because the Popp's Ferry Road Bridge bisects the City of Biloxi, openings of the draw span, during rush hour traffic periods, paralyze vehicular traffic movement. This is the only route available to mid-city commuters without taking a 15-mile detour. This rule allows the free flow of vehicular traffic while still meeting the reasonable needs of navigation.

The Coast Guard published a notice of proposed rulemaking on November 20, 1996 (61 FR 59047). The proposed rule would have permitted the draw to remain closed to navigation from 7:30 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

Comments prompted the Coast Guard to reevaluate the proposal. Objections to

the proposal were primarily based on the previous poor condition of the bridge that resulted in only one bascule leaf being operable, thereby restricting navigation to daytime transits only. After the bridge had been restored to its fully operable condition, the Coast Guard published a supplemental notice of proposed rulemaking on September 23, 1998 (63 FR 50821). The supplemental notice of proposed rulemaking proposed the same schedule, but was published so that interested parties could have another opportunity to comment on the proposed change before a final decision was made.

Four letters were received in response to the supplemental notice of proposed rulemaking. Some of the comments objected to the mid-day closed period because it would interfere with coal deliveries to the Power Company.

The Coast Guard agreed that the change would be less disruptive to coal deliveries to the power plant and that the two remaining closure periods in the morning and afternoon will provide relief for vehicular traffic during rush hours. This change was published as an interim rule to allow the public to comment on the change before the final rule was issued.

One letter was received in response to the interim rule. An individual motorist suggested that the draw of the bridge remain closed to navigation weekdays from 7 a.m. to 8:30 a.m. and from 3:30 p.m. until 5 p.m. instead of from 7:30 a.m. to 9 a.m. and from 4:30 to 6 p.m. as proposed. Based on data originally provided by the Harrison County Board of Supervisors, the Coast Guard does not feel that this suggested change would enhance the movement of vehicular traffic to any greater degree than the change as proposed. Since no other comments or objections to the interim rule or the initial implementation of the new schedule were received, the Coast Guard is adopting the interim rule without change.

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 cost 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the

regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels impaired during the proposed closed-to-navigation periods is minimal. Commercial fishing vessels and tugs with tows still have ample opportunity to transit this waterway before and after the peak vehicular traffic periods as is their customary practice.

Small Entities

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

This final rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will still have the ability to pass the bridge in the early morning, early afternoon and evening hours. Thus, the economic impact is expected to be minimal. Additionally, there is no indication that other waterway users would suffer any type of economic hardship if they are precluded from transiting the waterway during the hours that the draw is scheduled to remain in the closed-to-navigation position. 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. If, however, you think that your business or organization qualifies as a small entity and that this final rule will have a significant 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 final rule will economically affect it.

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 rule under the principles and criteria contained in Executive Order 12612 and have determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over

the navigable waters of the U.S. belongs to the Coast Guard by Federal statutes.

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 M16475.1C, this final rule is categorical 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.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Accordingly, the interim rule amending 33 CFR Part 117 which was published in 64 FR 6220 on February 9, 1999, is adopted as a final rule without change.

Dated: May 25, 1999.

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

[CGD01-98-175]

RIN 2115-AA97

Safety Zone: New York Super Boat Race, Hudson River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone that will be enacted annually for the New York Super Boat Race. 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 lower Hudson River, New York.

DATES: This final rule is effective July 15, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.