

List of Subjects in 33 CFR Part 100

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

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations 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. Add temporary § 100.35T-07-068 to read as follows:

§ 100.35T-07-068 Head of the South Rowing Regatta; Savannah River, Augusta, GA

(a) *Regulated Area:* A regulated area is established on that portion of the Savannah River at Augusta GA, between mile markers 187 and 200.2. The regulated area encompasses the width of the Savannah River between these two points.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Group Charleston, SC.

(c) *Special Local Regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. After termination of the Head of the South Rowing Regatta, all vessels may resume normal operations.

(d) *Dates:* These regulations become effective at 6:30 a.m. and terminate at 6:30 p.m. on November 13 and 14, 1999.

Dated: October 27, 1999.

G.W. Sutton,

Captain U.S.Coast Guard, Commander, Seventh Coast Guard District Acting.

[FR Doc. 99-28748 Filed 11-2-99; 8:15 am]

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

[CGD05-98-111]

RIN 2115-AE47

Drawbridge Operation Regulations; Debbies Creek, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Monmouth County highway bridge, at mile 0.4, across Debbies Creek, at Manasquan, New Jersey. This rule will continue to provide the current opening schedule, except that from January 1 through April 1, from 4:30 p.m. to 8 a.m., a four-hour advance notice will be required. This change is intended to relieve the bridge owner of the burden of having a bridge tender staff the bridge during periods when there are few or no requests for openings, while still providing for the reasonable needs of navigation.

DATES: This final rule is effective December 3, 1999.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-98-111 and are available for inspection or copying at the office of 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., Monday 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 January 22, 1999, we published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Debbies Creek, New Jersey" in the **Federal Register** (64 FR 3464). We received 10 letters commenting on the proposed rulemaking. One of the comments included a request for a public hearing, but after reading and considering the comments, we determined that a public hearing would provide no additional information and would not aid the rulemaking process.

On July 6, 1999, we published a Supplemental Notice of Proposed Rulemaking (SNPRM) entitled "Drawbridge Operation Regulations; Debbies Creek, New Jersey" in the **Federal Register** (64 FR 36318). We received no comments on the supplemental notice of proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

The Monmouth County highway bridge is owned and operated by the Board of Chosen Freeholders of the County of Monmouth (BCFCM) in New Jersey. Title 33 Code of Federal Regulations (CFR) part 117.715 requires

the bridge to open on signal, except that, from Memorial Day through Labor Day from 7 a.m. to 8 p.m., the draw need be opened only on the hour and the half hour if any vessels are waiting to pass.

The BCFCM had initially requested a change in the regulation by requiring a 24-hour advance notice for bridge openings from January 1 through March 31. Bridge logs from 1989 through 1997 revealed a total of 496 bridge openings in the months of January, February and March. During this period, bridge tenders received an average of approximately 18 bridge-opening requests per month. Considering the minimal number of openings identified by the bridge logs, the Coast Guard believed that the initial proposal would more fairly balance the competing needs of vehicular and vessel traffic. However, the Coast Guard received 10 comments objecting to the proposed rule. After consideration of the comments and further discussions with BCFCM, the Coast Guard determined that since vessel use from January 1 through March 31 was primarily during the daylight hours, an alternative proposal, as set forth in the SNPRM was appropriate. The Coast Guard also believes that enumeration and rewording will clarify the current regulation.

Discussion of Comments and Changes

The Coast Guard received 10 comments on the NPRM in opposition to a 24-hour advance notice for vessel openings from January 1 to March 31. Nine comments opposed the proposed change as unreasonable and unfair. The remaining comment suggested manning the bridge between the hours of 8 a.m. and 4:30 p.m. during January and February, and between 8 a.m. and 6 p.m. or 7 p.m. in the month of March with a 24-hour advance notice at all other times. All commenters generally indicated that a 24-hour advance notice would be inconvenient and was excessive due to the unpredictable weather conditions. Further review of the bridge logs from 1995 through 1997 revealed a total of 61 bridge openings for vessels from January 1 to March 31, from 4:30 p.m. to 8 a.m. During the same timeframes, bridge logs from 1989 to 1997 showed a total of 104 vessel openings. The Coast Guard responded to the comments by reducing the 24-hour advance notice requirement in our original proposal to only four hours.

The Coast Guard received no comments opposing our new proposal and is amending 33 CFR 117.715 by inserting a new provision requiring a four-hour advance notice for bridge openings from January 1 through April

1, between the hours of 4:30 p.m. to 8 a.m. Additionally, to ensure clarity and consistency of the operating regulation, the text of the current 33 CFR 117.715 will be enumerated and reworded.

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 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 reached this conclusion based on the fact that the final rule will not prevent mariners from transiting the bridge, but merely require mariners to plan their transits and to provide the four-hour advance notice to the bridge tender.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that this rule will continue to provide openings to mariners on a schedule they are accustomed to, and merely require advance notice for openings during nighttime transits.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1966 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effect on them and participate in the rulemaking process. This was accomplished by publication of a NPRM in the **Federal Register**, consideration of comments received in response to the NPRM, and subsequent issuance of a SNPRM based on those comments.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

We have analyzed this rule under Executive Order 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act and Enhancing the Intergovernmental Partnership

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) and E.O. 12875, Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under 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 health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph (32e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule only deals with the operating schedule of an existing drawbridge, and will have no effect on the environment. 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 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 117.715 is revised to read as follows:

§ 117.715 Debbies Creek.

(a) The draw of the Monmouth County highway bridge, mile 0.4 at Manasquan, shall open on signal, except as follows:

(1) From 4:30 p.m. January 1 through 8 a.m. April 1, from 4:30 p.m. to 8 a.m., the draw need open only if at least four-hours advance notice is given.

(2) From Memorial Day through Labor Day from 7 a.m. to 8 p.m., the draw need open only on the hour and half hour if any vessels are waiting to pass.

(b) The owners of the bridge shall provide and keep in good legible condition two board gauges painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

Dated: October 20, 1999.

John E. Shkor,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-158-2-9942(a); TN-211-1-9943(a); TN-215-1-9944(a); TN-221-1-9945(a); FRL-6452-8]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee SIP Regarding Use of LAER for Major Modifications and Revisions to the Tennessee SIP Regarding the Coating of Miscellaneous Metal Parts

AGENCY: Environmental Protection Agency (EPA).