

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

[CGD 13-98-001]

RIN 2115-AE47

**Drawbridge Operations Regulations;
Tacoma Harbor, WA**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment removes all operating regulations for the East 11th Street Bridge across the Blair Waterway and changes the operating regulations for the East 11th Street Bridge across the Hylebos Waterway in Tacoma Harbor, Tacoma, Washington. The regulations are being amended because the drawspan on the Blair Waterway has been removed, and because traffic conditions have changed due to the relocation of Washington State Route 509 farther inland. The Hylebos drawspan will open on signal at all times.

DATES: Effective: March 5, 1998.

ADDRESSES: Unless otherwise noted, documents referred to in this preamble are available for inspection and copying at Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Program Section, Aids to Navigation and Waterways Management Branch, Telephone (206) 220-7272.

SUPPLEMENTARY INFORMATION:**Regulatory History**

The current regulations require both the Blair and Hylebos Waterway Bridges to open on signal except from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. the draws need not be opened except for vessels of 1000 gross tons or more, vessels towing such vessels or vessels enroute to take such vessels in tow. These daily periods applied only to Monday through Friday, except federal holidays.

Background and Purpose

This change removes all regulations for the East 11th Street bridge across Blair Waterway because the drawspan was removed in 1997 to facilitate the safe movement of large vessels in the Blair Waterway. Good cause exists for proceeding directly to a final rule without notice and comment and for the

final rule to be effective immediately because the regulations for the operation of the bridge are no longer necessary as the bridge has been removed.

The operating regulations for the East 11th Street Bridge across the Hylebos Waterway are removed so that the bridge will operate according to 33 CFR 117.5, which requires the drawspan to open on signal for the passage of vessels. The periods during which the bridge need not open for vessels in order to accommodate the heavy volume of roadway traffic are no longer necessary. State Route 509, which formerly coincided with East 11th Street in this part of Tacoma Harbor, has been relocated farther inland. East 11th Street now bears far less commuter and commercial traffic.

Good cause exists for proceeding directly to a final rule without notice and comment and for the final rule to be effective immediately because the relocation of State Route 509 has alleviated the congestion on the bridge which necessitated the exception to opening on demand. The traffic volumes no longer warrant any delay to navigation at the drawspan. The bridge owner has not needed to use the congested periods regulations and is amenable to the bridge on signal at all times.

Regulatory Evaluation

This rule is not a significant regulatory action under 3(f) of Executive Order 1286 and does not require an assessment of potential cost 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 rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that vessels will be facilitate in their movement by this amendment, while roadway traffic will not be hindered unreasonable.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this action will not have a significant impact on a significant number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

The Coast Guard has analyzed this action under the principles and criteria contained in Executive Order 12612, and it has been determined that the 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 rule and concluded that, under Section 2.B.2.e. of Commandant Instruction M16475.B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 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); § 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

§ 117.1061 [Amended]

2. Paragraphs (c) and (d) of § 117.1061 are removed.

Dated: February 11, 1998.

J. David Spade,

*Rear Admiral, U.S. Coast Guard, Commander,
13th Coast Guard District.*

[FR Doc. 98-5717 Filed 3-4-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Part 71**

[USCG-1998-3569]

**Hull Examination Alternatives for
Passenger Vessels**

AGENCY: Coast Guard, DOT.

ACTION: Notice of policy.

SUMMARY: The Coast Guard announces the availability of MOC Policy Letter No. 3-98 which updates Coast Guard drydock extension policy for passenger vessels that operate exclusively in benign environments. Upon completion of a comprehensive hull survey process, these passenger vessels, which pose a relatively low risk of hull failure, may obtain a drydock extension of up to 30 months.

DATES: This policy is effective March 5, 1998.

ADDRESSES: The Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001, maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building, at the above address between 9:30 a.m. and 5 p.m. Monday through Friday, except Federal Holidays. The public docket can also be accessed via the internet at: <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Paulette Twine, Chief, Documentary Services Division, Department of Transportation, telephone 202-366-9329, for questions on the docket; or Lt. Brian Willis, Commandant (G-MOC), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone 202-267-6700 for questions on this notice.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard has recognized a growing need to consider risk when addressing the needs and concerns of the passenger vessel industry. Some passenger vessels must travel over 1,000 river miles to find a drydock facility to accommodate them while others, because they are land-locked, would have to build a drydock on site to satisfy Coast Guard hull examination requirements. The majority of the vessels faced with these problems are operated in benign, low-risk environments; i.e. fresh water, near-shore and/or shallow water, mud-bottom rivers, limited routes, and

limited time underway. These low-risk operating conditions, coupled with the use of improved underwater hull examination technologies, enable the Coast Guard to consider drydock extensions beyond the traditional one-year limit. Altogether, these factors make it safe and reasonable to allow drydock extensions of up to 30 months.

MOC Policy Letter No. 3-98, entitled "Drydock Extensions for Certain Passenger Vessels", establishes the criteria for obtaining drydock extensions of up to 30 months for qualified passenger vessels. The policy letter presents specific eligibility criteria, outlines application requirements, and provides detailed criteria for the requisite in-water hull survey. The policy will be implemented by the granting of appropriate extensions through the cognizant OCMI to the Commandant (G-MOC). Please refer to the policy letter for information on requests for extensions.

Coast Guard authority for issuing drydock extensions for passenger vessels is given under Title 46, Code of Federal Regulations, §§ 71.50-36(f), 115.670, and 176.670 for vessels inspected under Subchapters H, K, and T respectively. Until a regulatory project can be completed on this matter, the guidelines presented in this policy letter shall be used by the Coast Guard and affected members of the passenger vessel industry when considering drydock extension requests for these vessels. A notice of proposed rulemaking (NPRM) that incorporates this policy will be published in the **Federal Register** in the near future. This NPRM will also address possible alternatives to traditional hull examination requirements for all passenger vessels. Because a regulatory project is being developed, the Coast Guard is not requesting comments on this notice.

MOC Policy Letter No. 3-98 is available on the Internet in the DMS Docket as mentioned under **ADDRESSES** or on the World Wide Web at: <http://www.uscg.mil/hq/g-m/gmhome.htm> in "Publications, Reports and Forms". Paper copies will soon be available for a nominal fee through the National Technical Information Service, 5285

Port Royal Road, Springfield, VA 22161, telephone 703-605-6000; or fax 703-321-8547.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding this policy so that they can better evaluate how this policy may affect them. If you have questions concerning this notice of policy, please consult the Coast Guard point of contact: Lt. Brian Willis, Commandant, (G-MOC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, telephone 202-267-2735.

Dated: February 26, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98-5691 Filed 3-4-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[WT Docket No. 94-148 and CC Docket No. 93-2; DA 98-349]

Conditional Authorization Authority to Common Carrier and Private Operational Fixed Microwave Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends § 101.31 of the fixed microwave service rules to provide for conditional authority in the 10.6-10.68 GHz band ("10 GHz band") under certain circumstances. The effect of this rule is that licensees will be able to provide service in the 10 GHz band in an expedited manner and will have greater flexibility in coordinating and consolidating construction efforts. This action eliminates a source of regulatory delay and will allow for more rapid delivery of 10 GHz band microwave services to the marketplace.