

2. A temporary section, § 100.35–T05–063 is added to read as follows:

§ 100.35–T05–063 Prospect Bay, Maryland.

(a) *Definitions.*

(1) *Regulated area.* The waters of Prospect Bay, between Kent Island and Hog Island enclosed by:

Latitude	Longitude
38°57'52.0" North	76°14'48.0" West, to
38°58'02.0" North	76°15'05.0" West, to
38°57'38.0" North	76°15'29.0" West, to
38°57'28.0" North	76°15'23.0" West, to
38°57'52.0" North	76°14'48.0" West

[Datum: NAD 1983]

(2) *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 the Commander, Coast Guard Activities Baltimore.

(b) *Special local regulations.* (1) All persons and/or vessels not authorized as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state, county or local law enforcement vessels assigned and/or approved by Commander, Coast Guard Activities Baltimore.

(2) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(3) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective dates.* This section is effective from 12 p.m. EDT (Eastern Daylight Time) to 6 p.m. EDT on August 1 and 2, 1998.

Dated: July 14, 1998.

Roger T. Rufe, Jr.,

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

[FR Doc. 98–20418 Filed 7–29–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–94–028]

RIN 2115–AE47

Drawbridge Operating Regulation; Kelso Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the State Route 27 swing span drawbridge across Kelso Bayou, mile 0.7, at Hackberry, Cameron Parish, Louisiana. The change requires four hours advance notification at night from May 20 through December 22. The change will increase the advance notification from four hours to 24 hours from December 23 through May 19. This action provides relief to the bridge owner and still provides for the reasonable needs of navigation.

DATES: This rule is effective August 31, 1998.

ADDRESSES: Unless otherwise indicated, 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 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. Commander (ob) maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, telephone number 504–589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 4, 1994, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (59 FR 50528). The NPRM proposed a change to the advance notification required prior to opening the bridge.

The Coast Guard received four letters in response to the NPRM. One of the letters was from a business owner whose business was dependent upon access by waterway users to deliver their product to his facility. He stated that the change would force a closure of his business. The applicant and the bridge owner began discussions to attempt to resolve their differences, but were unable to reach any agreement.

Since that time, the business owner has sold his business. Subsequently, the business closed completely. The Louisiana Department of Transportation and Development (LDOTD) resubmitted a proposal requesting a new operating schedule.

On April 15, 1998, the Coast Guard published a Supplemental Notice of Proposed Rulemaking entitled Drawbridge Operation Regulation; Kelso Bayou, LA in the **Federal Register** (63 FR 18350). The Coast Guard received one letter commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The Kelso Bayou bridge is a 406-foot long structure. Navigational clearances provided by the bridge are 9.1 feet vertical above mean high water in the closed position and unlimited in the open position. Horizontal clearance is 50 feet. Navigation on the waterway consists mainly of small and large fishing boats and occasional small oil field work boats.

LDOTD requested the new regulation because of a decline in vessel traffic that passes the Kelso Bayou bridge at Hackberry during certain times of the year. The rule allows the bridge owner relief from having a person available at the bridge site during the periods when vessel traffic is less frequent. This rule creates a saving to the taxpayer while still serving the reasonable needs of navigational interests.

The regulation requires that from May 20, through October 31, the draw opens on signal from 7 a.m. until 7 p.m. From 7 p.m. until 7 a.m., the draw opens on signal if at least four hours notice is given. From November 1, through December 22, the draw opens on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m., the draw opens on signal if at least four hours notice is given. From December 23, through May 19, the draw opens on signal if at least 24 hours notice is given. Alternate routes are available.

Data provided by LDOTD show that from January 1, through December 31, 1997, the number of vessels that passed the bridge totaled 803. Between January 1, and May 20, the bridge opened a total of 13 times for the passage of vessels. Due to the limited number of openings, LDOTD requested an increase in notification from four hours to 24 hours between December 23, and May 19. Between May 20, and October 31, the bridge open 682 times for the passage of vessels. Between November 1, and December 31, the bridge opened 108 times for the passage of vessels. Of the 803 openings, 579 occurred between the

hours of 7 a.m. and 7 p.m. and 224 occurred between the hours of 7 p.m. and 7 a.m. Due to the limited openings at night, LDOTD has requested that the 4-hour notification, used at other times during the year, be extended to include night time hours during shrimp season. These changes provide savings to the taxpayer and still serve the reasonable needs of navigation. Alternate routes are available at all times. They are the Calcasieu Ship Channel, the Intracoastal Canal and the Salt Ditch.

Discussion of Comments

One letter was received in reference to the change. The National Marine Fisheries Service stated that the change to the special operation regulation does not adversely impact marine fishery resources.

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. 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 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 considered whether this rule has a significant economic impact on a substantial number of small entities. "Small entities" include (1) small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with populations of less than 50,000.

The rule also considered the needs of local commercial fishing vessels and the economic impact is expected to be minimal. Therefore, 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.

Collection of Information

This rule does not provide for a collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard analyzed this rule under the principals and criteria contained in Executive Order 12612 and determined that this rulemaking does not have 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 Figure 2-1, CE #32 (e) of the NEPA Implementing Procedures COMDINST M16475.IC, this rule is categorically 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.

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); section 117.255 also issued under the authority of Pub. L. 102-587, 105 Stat. 5039.

2. Section 117.459 is revised to read as follows:

§ 117.459 Kelso Bayou.

The draw of the S27 bridge mile 0.7 at Hackberry, shall operate as follows:

(a) From May 20, through October 31, the draw shall open on signal from 7 a.m. to 7 p.m. From 7 p.m. to 7 a.m., the draw shall open on signal if at least four hours notice is given.

(b) From November 1 through December 22, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m., the draw shall open on signal if at least four hours notice is given.

(c) From December 23 through May 19, the draw shall open on signal if at least 24 hours notice is given.

Dated: July 16, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11-98-015]

RIN 2115-AE47

Drawbridge Operation Regulations; Three Mile Slough, Sacramento County, CA, State of California Department of Transportation State Route 160 Highway Bridge

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the opening of the State of California Department of Transportation (Caltrans) vertical lift bridge over Three Mile Slough near Rio Vista, CA. The deviation specifies that the bridge need not open for vessels from 9:00 a.m. until 5:00 p.m. August 19, 1998. The purpose of the deviation is to allow Caltrans and its contractors to electrically test the main power cables. The work requires that the bridge remain closed for 8 hours to complete the testing.

DATES: Effective period of the deviation is 9:00 a.m.-5:00 p.m. August 19, 1998.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry Olmes, Bridge Administrator, Eleventh Coast Guard District, Building 50-6 Coast Guard Island, Alameda, CA 94501-5100, telephone (510) 437-3515.

SUPPLEMENTARY INFORMATION: The Coast Guard anticipates that the economic consequences of this deviation will be minimal. With adequate Local Notice to Mariners and Broadcast Notice to Mariners notification, commercial vessel operators should have ample time to plan their transits accordingly. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: July 9, 1998.

R.D. Sirois,

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

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