

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD07 98-075]

RIN 2115-AE46

Special Local Regulations; BellSouth Winterfest Boat Parade, Broward County, Fort Lauderdale, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary Special local regulations are being adopted for the BellSouth Winterfest Boat Parade. The event will be held on December 12, 1998, on the waters of the Port Everglades turning basin and the Intracoastal Waterway from Dania Sound Light 35 (LLNR 47575) to the Pompano Beach Day Beacon 74 (LLNR 47230). The regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 5 p.m. and terminate at 10 p.m. EST on December 12, 1998.

FOR FURTHER INFORMATION CONTACT: QMCS T.E. KJERULFF, Coast Guard Group, Miami, Florida at (305) 535-4448.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

The BellSouth Winterfest Boat Parade is a nighttime parade of approximately 110 pleasure boats ranging in length from 20 feet to 200 feet decorated with holiday lights. Approximately 1000 spectator craft are anticipated. The parade will form in the staging area at the Port Everglades turning basin then proceed north on the Intracoastal Waterway (ICW) to Lake Santa Barbara where the parade will disband. The regulated area includes the staging area and the parade route. The staging area encompasses the Port Everglades turning basin, north to Dania Sound Light 35 LLNR 42865. The parade route encompasses the Intracoastal Waterway from Dania Sound Light 35 (LLNR 47575) to Pompano Beach day beacon 74 (LLNR 47230). No anchoring is permitted in the staging area. Further, no anchoring is permitted in the vicinity of the viewing area which extends from the Sunrise Blvd Bridge south to the New River Sound Light 3 (LLNR 47240) west of the ICW. During the parade transit, these regulations prohibit nonparticipating vessels from approaching within 500 feet ahead of the lead vessel in the parade to 500 feet astern of the last participating vessel in

the parade to within 50 feet on either side of the parade, unless authorized by the Patrol Commander. After the passage of the parade participants, all vessels will be allowed to resume normal operations at the discretion of the Patrol Commander.

In accordance with 5 U.S.C. § 553, good cause exist for making these regulations effective less than 30 days after the **Federal Register** publication. Publishing a Notice of Proposed Rulemaking and delaying the effective date would be contrary to national safety interest since immediate action is needed to minimize potential danger to the public as the permit was only recently received from the event organizer.

Regulatory Evaluation

This regulation 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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only 5 hours on the day of the event.

Small Entities

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

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, as the regulations will only be in effect for approximately five hours in a limited area of the ICW.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

Federalism

This action has been analyzed in accordance with 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.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

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. A temporary section 100.35T-07-075 is added to read as follows:

§ 100.35T-07-075 Bellsouth Winterfest Boat Parade, Broward County, Ft. Lauderdale, FL**(a) Definitions:**

(1) *Staging Area:* The staging area is the Port Everglades Turning Basin and that portion of the Intracoastal Waterway extending from Port Everglades Turning Basin to Dania Sound light 35 (LLNR 42865).

(2) *Parade Route:* The parade route includes the Intracoastal Waterway from Dania Sound light 35 (LLNR 47575) to Pompano Beach daybeacon 74 (LLNR 47230).

(3) *Viewing area:* The viewing area extends from the Sunrise Blvd Bridge south to the New River Sound Light 3 (LLNR 47240) west of the ICW.

(4) *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 Group Miami, Florida. The Coast Guard assumes no responsibility for the operation of the event, the safety of participants and spectators, the safety of transient craft, and the qualification and instruction of participants. These

responsibilities rest solely with the sponsor of the event.

(b) *Special Local Regulations:*

(1) Staging area: Entry or anchoring in the staging area by nonparticipating vessels is prohibited, unless authorized by the Patrol Commander.

(2) Parade route: During the parade transit, nonparticipating vessels are prohibited from approaching within 500 feet ahead of the lead vessel in the parade to 500 feet astern of the last participating vessel in the parade to within 50 feet on either side of the parade unless authorized by the Patrol Commander.

(3) Viewing Area: Anchoring in the vicinity of the viewing area is prohibited.

(4) Miscellaneous: A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately. At the discretion of the Patrol Commander, all vessels may resume normal operations after the passage of the parade participants.

(c) *Dates:* These regulations become effective at 5 p.m. and terminate at 10 p.m. EST on December 12, 1998.

Dated: November 20, 1998.

Norman T. Saunders,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-98-009]

RIN 2115-AE47

Drawbridge Operation Regulations; Billy's Creek, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the State Road 80 bridge, across Billy's Creek, Fort Myers, Lee County by changing the operating regulations to allow the drawbridge to remain closed. This action will accommodate the needs of auto traffic and still provide for the reasonable needs of navigation.

DATES: The rule becomes effective January 6, 1999.

FOR FURTHER INFORMATION CONTACT:

Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536-4103.

SUPPLEMENTARY INFORMATION:

Regulatory History

On June 1, 1998, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operations Regulations, Billy's Creek, FL in the **Federal Register** (63 FR 29676). The Coast Guard received one comment on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The State Road 80 bridge across Billy's Creek near Fort Myers currently is required to open with 24 hours advance notice. However, no requests for bridge opening have been received since 1987.

Discussion of Comments and Changes

One comment was received from a property owner along the river requesting that the bridge not be permanently closed, as there is a potential for increased traffic in the area as the property is zoned for commercial use and it could be developed as a marine facility. The Coast Guard agrees, and a provision has been added to restore the bridge to operable condition within 6 months of notification by the District Commander to do so.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of the 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. We conclude this because of the lack of requests to open the draw.

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 and not for profit organizations that are independently owned and operated and are not dominant in their field and

governmental jurisdictions with populations of less than 50,000.

Because it expects the impact of the proposal to be minimal, 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.

Collection of Information

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

Federalism

The Coast Guard has analyzed the rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule 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 under Figure 2-1, paragraph 32 of Commandant Instruction M16475.1C, that the promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" has been prepared and is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations: In consideration of the foregoing, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—[Amended]

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).

2. Section 117.268 is added to read as follows:

§ 117.268 Billy's Creek.

The draw of the State Road 80 bridge at Fort Myers need not be opened for the passage of vessels; however, the draw shall be restored to operable condition within 6 months after notification by the District Commander to do so.

Dated: November 2, 1998.

Norman T. Saunders,

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

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