

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165****[COTP Miami 00-030]****RIN 2115-AA97****Safety Zone Regulations; Fort Lauderdale, FL****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard Captain of the Port is establishing a temporary fixed safety zone closing the Atlantic Intracoastal Waterway to all marine traffic at the Fort Lauderdale Southeast 17th Street (State Road A1A) highway bridge in Fort Lauderdale, FL. The safety zone will be in effect during construction activities associated with the disassembly of the temporary and existing drawbridges across the waterway. This safety zone is needed to protect all vessels from potential safety hazards associated with the removal of the bridge span sections. No vessels will be allowed to approach within 200 yards of the bridge during this period unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 6 a.m. on April 3, 2000, until 7 a.m. on April 15, 2000.

FOR FURTHER INFORMATION CONTACT: Lieutenant Boudrow, at Coast Guard Marine Safety Office, Miami, Florida, tel: (305) 535-8701.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

The Coast Guard Captain of the Port is establishing a temporary safety zone closing the Intracoastal Waterway at the 17th Street Causeway Bridge, Mile Marker 1065.9, in Fort Lauderdale, FL to all marine traffic. This closure has been requested by the Florida Department of Transportation in order to remove portions of the temporary and existing drawbridges across the waterway by contractors. The work includes removal of a 150-ton bridge span and 179-ton counterweight and will be carried out from several large barges anchored within the waterway. The Coast Guard has reviewed the planned scope of work and has determined that a safety zone and waterway closure are necessary to protect all vessels from potential safety hazards posed by construction activities. The closure of the waterway is scheduled for weekday and evening periods to minimize the impact to the boating community. The Coast Guard will issue Broadcast Notice to Mariners

and the Florida Department of Transportation will place electronic message signs at various locations on the Intracoastal Waterway to advise mariners of the scheduled closure. Boat traffic will be directed to Hillsboro Inlet and the Port of Palm Beach to the north and Port Everglades to the south as alternate routes. The closure will be strictly enforced by the Coast Guard and will also be monitored by the Florida Marine Patrol.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this rule and good cause exists for making it effective in less than 30 days after **Federal Register** Publication. Publishing an NPRM and delaying its effective date would be contrary to public safety since immediate action is needed to minimize potential danger to the public.

Regulatory Evaluation

This proposal 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 expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The safety zone will only be in effect for two 12 hour periods at night, and a 72 hour weekday period during the removal of the temporary drawbridge. Further, mariners have been advised through local notices and have alternate ways around the closure.

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 effect upon 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.

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 three days during the temporary bridge removal, the closure will be publicized by broadcasts and signs, and mariners

can get around the closure by using alternative inlets.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-221), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs 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 disproportionately affect children.

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 safety that may disproportionately affect children.

Environment

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

List of Subjects in 33 CFR Part 165

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

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends Subpart C of Part 165 of title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. From 6 a.m. April 3, 2000, until 7 a.m., April 15, 2000, temporary § 165.T07-030 is added to read as follows:

§ 165.T07-030 Safety Zone; Fort Lauderdale, Florida

(a) *Regulated area.* All waters within 200 yards on either side of the 17th Street Causeway Bridge, Mile Marker 1065.9, in Fort Lauderdale, Florida.

(b) *Regulations.* In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Coast Guard Captain of the Port. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Effective dates.* This section is applicable from 6 a.m. on April 3, 2000, to 6 a.m. on April 6, 2000, and from 7 p.m. to 7 a.m. each night on April 12 and 13, 2000. In the event of inclement weather on April 12 or 13, this section

is applicable from 7 p.m. on April 14 to 7 a.m., April 15, 2000.

Dated: March 20, 2000.

L.J. Bowling,

Captain, U. S. Coast Guard, Captain of the Port, Miami, Florida.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AJ09

Eligibility Reporting Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule the provisions of an interim final rule that amended the Department of Veterans Affairs (VA) adjudication regulations concerning eligibility verification reports (EVRs) for recipients of pension under programs in effect prior to January 1, 1979. The amendment reduces the number of circumstances under which VA requires such pensioners to furnish annual EVRs. The intended effect of this amendment is to reduce the reporting burden on these beneficiaries, reduce the workload at VA regional offices, and enable VA to use its resources more effectively.

DATES: *Effective Date:* March 30, 2000.

FOR FURTHER INFORMATION CONTACT: Don England, Chief, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: On October 6, 1998, VA published in the **Federal Register** an interim final rule generally exempting old law and section 306 pension beneficiaries from the requirement to submit annual eligibility verification reports (EVRs). (63 FR 53593-96, October 6, 1998.) The term "old law pension" means the disability and death pension programs that were in effect on June 30, 1960. The term "section 306 pension" means those disability and death pension programs in effect on December 31, 1978. VA uses EVRs to request information, such as income and marital status, that VA needs to determine or verify eligibility for its need-based benefit programs.

We requested interested persons to submit comments on or before December 7, 1998. We received no comments. Based on the rationale set forth in the interim final rule and in this document, we are adopting the interim

final rule as a final rule without change, except that we are adding statements explaining that the information collections are approved by the Office of Management and Budget (OMB) under control number 2900-0101. We also affirm the information in the interim final rule document concerning the Regulatory Flexibility Act.

Paperwork Reduction Act

VA submitted the information collection provisions contained in the interim final rule to OMB for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The only action concerning information collection is to eliminate certain collections of information. We requested interested parties to submit comments on the collection of information provisions to OMB by October 14, 1998. No comments were submitted. OMB has approved the information collection provisions under control number 2900-0101.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.105.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: February 29, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

Accordingly, the interim final rule amending 38 CFR part 3 which was published at 63 FR 53593 on October 6, 1998, is adopted as final with the following change:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§§ 3.256 and 3.277 [Amended]

2. In §§ 3.256 and 3.277, a parenthetical is added at the end of each section to read as follows:

(The Office of Management and Budget has approved the information collection