

bed linens by machine washing in hot water (above 54 °C (130 °F)), then using hottest dryer cycle for at least 20 minutes [bullet] items that cannot be washed (bedspreads, blankets, pillows, stuffed toys, etc.) should be dry-cleaned or sealed in a plastic bag for 4 weeks, then removed outdoors and shaken out very hard before using again [bullet] items that cannot be washed, dry-cleaned, or stored may be sprayed with a product designed for this purpose [bullet] soak all combs and brushes in hot water (above 54 °C (130 °F)) for at least 10 minutes [bullet] vacuum all carpets, mattresses, upholstered furniture, and car seats that may have been used by affected people".

(2) "Pubic (crab) lice [highlighted in bold type] [bullet] may be transmitted by sexual contact. Sexual partners should be treated simultaneously to avoid reinfestation [bullet] lice are very small and look like brown or grey dots on skin [bullet] usually cause intense itching and lay small white eggs (nits) on the hair shaft generally close to the skin surface [bullet] may be present on the short hairs of groin, thighs, trunk, and underarms, and occasionally on the beard and mustache [bullet] disinfect underwear by machine washing in hot water (above 54 °C (130 °F)), then using hottest dryer cycle for at least 20 minutes".

(3) "Body lice [highlighted in bold type] [bullet] body lice and their eggs (nits) are generally found in the seams of clothing particularly in waistline and armpit area [bullet] body lice feed on skin then return to clothing to lay their eggs [bullet] disinfect clothing by machine washing in hot water (above 54 °C (130 °F)), then using hottest dryer cycle for at least 20 minutes [bullet] do not seal clothing in a plastic bag because nits can remain dormant for up to 30 days".

Dated: April 29, 2002.

**Margaret M. Dotzel,**  
Associate Commissioner for Policy.

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BILLING CODE 4160-01-S

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD09-02-017]

RIN-2115-AE47

#### Drawbridge Operation Regulations; Saginaw River, MI

AGENCY: Coast Guard, DOT.

#### ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to revise the operating regulation governing drawbridges over Saginaw River in Bay City, Michigan. The proposed rule would update current owners of railroad bridges, add a bridge that has been constructed, remove a bridge that has been demolished, and assign standardized mile marker designations. The revision was requested by the Michigan Department of Transportation and the city of Bay City, Michigan, to update the regulation for bridges on Saginaw River.

**DATES:** Comments must be received on or before July 9, 2002.

**ADDRESSES:** You may mail comments and related material to Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH, 44199-2060. Ninth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket (CGD09-02-017) and are available for inspection or copying at the address above between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scot M. Striffler, Project Manager, Ninth Coast Guard District Bridge Branch, at (216) 902-6084.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments for or against this rule. Persons submitting comments should include names and addresses, identify the rulemaking (CGD09-02-017) and the specific section of this proposed rule to which each comment applies, and give the reason(s) for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

##### Public Meeting

The Coast Guard plans no public hearing. Individuals may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral

presentation will aid this rulemaking, we will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

The current bridge operating regulations for drawbridges over Saginaw River are found in 33 CFR § 117.647. The city of Bay City operates all highway drawbridges on Saginaw River, including the Veterans Memorial bridge and Lafayette Street bridge, miles 5.6 and 6.78, respectively, which are owned by the Michigan Department of Transportation (MDOT). The current regulation does not contain an operating schedule for the Liberty Street bridge, which was constructed in 1987. The former Sixth Avenue bridge at mile 17.1 was removed in 1985.

In addition to the proposed changes for the highway bridges, the railroad bridges listed at miles 2.5 and 4.4, respectively, have changed ownership and would be updated through this rulemaking.

The mile marker designations for the bridges listed in this rulemaking will be revised to reflect the mile markers used in the United States Coast Pilot for proper cross-reference.

#### Discussion of Proposed Rule

The city of Bay City, Michigan has asked the Coast Guard to update § 117.647 by adding an operating schedule for Liberty Street bridge, which is located between Independence bridge and Veterans Memorial bridge. The current regulation has established bridge openings from March 16 to December 15 each year, between the hours of 8 a.m. and 8 p.m. on Saturdays, Sundays, and Federal holidays, to provide a continuous flow of vessels between Independence and Lafayette Street bridges during the busiest periods of vessel traffic on the river. All four highway bridges open twice an hour for pleasure vessels between 8 a.m. and 8 p.m. Two of the four bridges open on the hour and half-hour, while the other two bridges open on the quarter hour and three-quarter hour. This schedule is designed to have each bridge open in succession as vessels pass through. With the addition of Liberty Street bridge, this proposed rule would correctly place the bridges in proper order. The Veterans Memorial and Lafayette Street bridges will be adjusted to place them in the proper order for successive passage.

The Sixth Street bridge will be removed from the regulation because the bridge no longer exists. The names of the former Detroit and Mackinac and Conrail railroad bridges, miles 2.5 and

4.4, respectively, will be updated to reflect the current owners.

In addition, the mile markers for all listed bridges will be corrected to match the mile marker listings in the U.S. Coast Pilot to eliminate confusion and provide proper cross-references.

### **Regulatory Evaluation**

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This determination is based on the relatively minor adjustments to the current regulation. There are no additional limitations placed on navigation, and the proper sequencing of bridge openings is expected to improve service to navigation and vehicular traffic.

### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this proposed rule will have a significant 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 fields, and governmental jurisdictions with populations of less than 50,000 people.

The proposed schedule is not expected to place any additional limitations on passing vessel traffic. No identified entities would be unable to pass the bridges, as needed. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Ninth Coast Guard District, at the address above.

### **Collection of Information**

This proposed rule would call for no new collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3520).

### **Federalism**

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 13132, and determined that this proposed rule does not have federalism implications under that Order.

### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### **Taking of Private Property**

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

### **Civil Justice Reform**

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

### **Protection of Children**

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed 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.

### **Indian Tribal Governments**

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibility between the Federal Government and Indian tribes.

### **Energy Effects**

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### **Environment**

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(e) of Commandant Instruction M16475.ID, this proposed rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” is available in the docket where indicated under **ADDRESSES**.

### **List of Subjects in 33 CFR Part 117**

#### **Bridges.**

For reasons set out in the preamble, the Coast Guard proposes to amend 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, 106 Stat. 5039.

2. In § 117.647, revise paragraph (a), and paragraphs (b), introductory text, (b)(3), and (b)(4); remove paragraph (c);

and redesignate paragraphs (d) and (e) as paragraphs (c) and (d), to read as follows:

#### **§ 117.647 Saginaw River.**

(a) The draws of the Lake State Railways railroad bridge, mile 3.10 at Bay City, and the Central Michigan railroad bridge, mile 4.94 at Bay City, shall open on signal; except that, from December 16 through March 15, the draws shall open on signal if at least 12 hours advance notice is provided.

(b) The draws of the Independence bridge, mile 3.88, Liberty Street bridge, mile 4.99, Veterans Memorial bridge, mile 5.60, and Lafayette Street bridge, mile 6.78, all in Bay City, shall open on signal from March 16 through December 15, except as follows:

(1) \* \* \*

(3) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Independence and Veterans Memorial bridges need not be opened for the passage of pleasure craft except from three minutes before to three minutes after the hour and half-hour.

(4) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Liberty Street and Lafayette Street bridges need not be opened for the passage of pleasure craft, except from three minutes before to three minutes after the quarter hour and three-quarter hour.

\* \* \* \* \*

Dated: April 29, 2002.

**James D. Hull,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 02-11718 Filed 5-9-02; 8:45 am]

**BILLING CODE 4910-15-P**

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## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 165**

**[CGD09-02-009]**

**RIN 2115-AA97**

#### **Safety Zones; Captain of the Port Buffalo Zone**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish safety zones for annual fireworks displays located in the Captain of the Port Buffalo Zone. This action is necessary to provide for the safety of life and property on navigable waters during each event. This action is intended to restrict vessel traffic in a

portion of the Captain of the Port Buffalo Zone.

**DATES:** Comments must be received on or before June 10, 2002.

**ADDRESSES:** Comments may be mailed or delivered to: Commanding Officer, U.S. Coast Guard Marine Safety Office Buffalo, 1 Fuhrmann Blvd., Buffalo, NY 14203. Marine Safety Office Buffalo maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at MSO Buffalo between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**  
Lieutenant Commander David Flaherty at (716) 843-9574.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number on this rulemaking (CGD09-02-009), indicate the specific section of this proposal to which each comment applies, and give the reason(s) for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for photocopying and electronic filing. If you would like to know they reached us, please enclose a stamped, self-addressed envelope or postcard.

The Coast Guard will consider all comments received during the comment period. We may change this proposed rule in view of them.

#### **Public Meeting**

We do not now plan to hold a public meeting. But you may request a public meeting by writing to MSO Buffalo at the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

#### **Background and Purpose**

The Coast Guard proposes to establish 14 permanent safety zones that will be activated for marine events occurring annually at the same location. The 14 proposed locations are: (1) The waters of the Niagara River within 300-yards of a fireworks barge moored/anchored with its center in approximate position 43°01'52" N, 078°53'16" W; (2) all

navigable waters of Sodus Bay Channel between a line drawn from buoy R4 to buoy G5 and the West Pier; (3) all waters of the Black Rock Canal between a line drawn bulkhead to bulkhead at Buoy #5 extended to a line drawn bulkhead to bulkhead at Buoy #12 and the Black Rock Canal Entrance Channel within 1000-feet of the fireworks display located at position 42°52'39" N, 078°53'42" W; (4) the waters of the Niagara River and Lake Erie between Fort Erie, Ontario, Canada and Buffalo, NY; (5) all waters of Rochester Harbor and the Genesee River encompassed by an area 300-yards around the fireworks barge moored/anchored in approximate position: 43°15.8' N, 077°36.0' W; (6) the waters of the Niagara River within 300-yards of the fireworks barged moored/anchored with its center in approximate position 43°01'06" N, 078°53'13" W; (7) the navigable waters of the Niagara River between Grand Island and Tonawanda, NY; (8) all waters of Oswego Harbor in Lake Ontario within 300-yards of a fireworks barge moored/anchored in approximate position 43°28'25" N, 076°31'01" W; (9) all waters of Oswego Harbor within an 800-foot radius around the fireworks barge located at 43°28' N, 076°31'9" W; (10) all waters of Oswego Harbor within a line from West Pierhead Light at 43°28'25" N, 076°31' W to the East Pierhead light at 43°28'22" N, 076°30'51" W, then along a line extending southeast to 43°28'08" N, 076°30'57" W, west along the shore to 43°27'57" N, 076°30'45" W, then along a line west to Oswego Harbor Buoy #2, and then following a line back to the West Pierhead Light; (11) all navigable waters of Presque Isle Bay within an 800-foot arc around the fireworks launch platform located at the end of Dobbins Landing in approximate position 42°08'19" N, 080°05'30" W; (12) all waters of Lake Ontario within Port Bay 500-feet around a barge located at approximate position 42°17'46" N, 076°50'02" W; (13) St. Lawrence River within Wheathouse Bay, St. Lawrence River; (14) a 300-yd radius around Heart Island. All coordinates are based upon the North American Datum of 1983 (NAD 83).

Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard associated with these events, the Captain of the Port has determined that fireworks launches in close proximity to watercraft pose a significant risk to public safety and property. The likely combination of large numbers of inexperienced recreational boaters, congested waterways, darkness