

The repairs will take approximately five days, however the exact dates are unknown at this time due to river conditions and material delivery matters.

**DATES:** The deviation is effective from September 1, 1998 through October 30, 1998.

**ADDRESSES:** Documents associated with this action are available for review at the office of Director Western Rivers Operations (ob) Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103, Room 2.107F between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, 314-539-3900, Ext. 378.

**SUPPLEMENTARY INFORMATION:** The Paducah & Louisville Railroad Bridge is a bascule bridge that provides a vertical clearance of 41.3 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists of commercial tows and recreational watercraft. This change in drawbridge operation has been coordinated with the commercial waterway industry and fleeting operations in the area. During normal river stages most vessels are able to pass beneath the closed span. In order to replace the lift motors, the moveable bascule leaf must be maintained in the closed to navigation position. Since the river level during September is at or near pool stage the closure is not expected to prevent vessels from passing beneath the closed span. If the river level is above normal pool, the bridge repair will be postponed until normal pool level is reached.

This deviation is for a planned repair period sometime in September or October 1998. The bridge will open on demand except during the approximately 5 day repair period when work will be in progress. The exact dates for this period could not be determined due to the uncertainty of when materials will be delivered. A minimum of two weeks advance notice will be provided to the Coast Guard prior to start of work so that appropriate notification to mariners can be made. The actual dates for the drawbridge closure will be published in the Local Notice to Mariners and included in the Broadcast Notice to Mariners. Interested parties may contact the Roger K. Wiebusch, DWRO Bridge Branch at 314-539-3900 ext. 3 between 8:00 a.m. and 4:00 p.m., Monday through Friday for dates of closure. The drawbridge operation regulations, when not amended by a deviation, require that the drawbridge open-on-demand.

A temporary deviation from the normal operation of the bridge was requested in order to perform necessary maintenance work on the bridge. The work consists of replacing the bridge's lift motors. The repairs are essential to the continued safe operation of the drawbridge.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the Paducah & Louisville Railroad Bridge across the Green River to remain in the closed to navigation position during planned repair periods occurring between September 1, 1998 and October 30, 1998.

Dated: August 21, 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

[CGD09-98-003]

RIN-2115-AE47

#### Drawbridge Operation Regulations; Sheboygan River, WI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulation governing the operation of the Eighth Street bridge at mile 0.69 over the Sheboygan River in Sheboygan, WI.

The revised regulation will restrict bridge openings for recreational vessel traffic during peak vehicular traffic hours. Also, a permanent winter operating schedule is established with this final rule.

**DATES:** This regulation is effective October 15, 1998.

**ADDRESSES:** Documents concerning this regulation are available for inspection and copying at 1240 East Ninth Street, Room 2019, Cleveland, OH 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902-6084.

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

**SUPPLEMENTARY INFORMATION:**

#### Regulatory History

The Coast Guard published a notice of proposed rulemaking (NPRM) which

appeared in the **Federal Register** on June 3, 1998 (63 FR 30160). The Coast Guard received no comments or letters to the proposed rulemaking. No public hearing was requested and none was held.

#### Background and Purpose

The proposed schedule was submitted to the Coast Guard by the City of Sheboygan, WI to address congestion problems at the bridge. The bridge is currently required to open on signal at 10 minutes after the hour, on the half-hour, and at 10 minutes before the hour, Monday through Saturday, between the hours of 6:10 a.m. and 7:10 p.m. There was no requested change to the current hours, but the City asked that the bridge not be required to open between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m. and 5:30 p.m., Monday through Friday, to relieve vehicular traffic congestion. The Eighth Street bridge is considered the primary roadway to the downtown central business district, which has grown considerably since 1995, attracting an increase in vehicle traffic across the bridge.

Vehicular traffic count data supplied by the City indicated that traffic volume was at its highest during the hours identified above. The traffic data was weighed against the number of requests for bridge openings and the type of vessel traffic during the rush-hour periods. The bridge logs showed random openings and did not establish a need for commercial entities to pass through the draw during the requested restricted times.

The City contends that the number of requested openings at Eighth Street bridge has decreased since a new marina, located in the outer harbor of Sheboygan, was constructed and opened in 1995. No data was received by the Coast Guard to support or refute this claim. The known existing marinas located beyond the bridge on Sheboygan River did not provide comments concerning the proposed rulemaking.

The request to establish a permanent winter operating schedule was reviewed and deemed adequate by the Coast Guard. Both recreational and commercial marine activities are virtually shut down during winter months on Sheboygan River due to ice. The advance notice time requested by the City is consistent with established winter bridge schedules in the Great Lakes.

Therefore, the Coast Guard is revising the regulations governing Eighth Street bridge by eliminating openings between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m.

and 5:30 p.m., Monday through Friday, from May 1 to October 31 each year. From November 1, to April 30 each year, mariners must provide a 12-hour advance notice for requests to open the bridge.

### Regulatory Evaluation

This final 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 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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard made this determination based on the documented use of the bridge and by the fact that this final rule does not prevent transiting of the bridge by vessels, but requires them to plan transits based on the revised schedule.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. “Small entities” include independently owned and operate small businesses that are not dominant in their field and otherwise qualify as “small business concerns” under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this final rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant impact on a substantial number of small entities.

### Collection of Information

This final rule contains no collection of information requirement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule 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 figure 2–1, paragraph (32)(e) of COMDTINST M16475.1C, this final rule is categorically excluded from further environmental documentation based on the fact that it is a promulgation of the operating regulations of a drawbridge. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For reasons discussed in the preamble, the Coast Guard revises 33 CFR Part 117 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. Section 117.1097 is revised to read as follows:

#### § 117.1097 Sheboygan River

The draw of the Eighth Street bridge, mile 0.69 at Sheboygan, shall open as follows:

(a) From May 1 through October 31—

(1) Between the hours of 6 a.m. and 10 p.m., the bridge shall open on signal, except that:

(i) From 6:10 a.m. to 7:10 p.m., Monday through Saturday, the draw need open only at 10 minutes after the hour, on the half-hour, and 10 minutes before the hour; and

(ii) From Monday through Friday, except Federal holidays, the draw need not open between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m. and 5:30 p.m.

(2) Between the hours of 10 p.m. and 6 a.m., the draw shall open on signal if at least 2 hours advance notice is provided.

(b) From November 1 through April 30, the draw shall open on signal if at least 12 hours advance notice is provided.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety, vessels in distress, vessels seeking shelter from rough weather, or any other emergency.

Dated: August 27, 1998.

**G. Cope,**

*Captain, U.S. Coast Guard Acting Commander, Ninth Coast Guard District.*

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### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 64

[Docket No. FEMA–7696]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**. **EFFECTIVE DATES:** The effective date of each community's suspension is the third date (“Susp.”) listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement