

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. This final rule adopts the operating hours which the Coast Guard believes to be appropriate since the recreational boaters that use this waterway seldom transit during night time and thus, a requirement for the bridge operator to be present during all time periods, is unwarranted. The Coast Guard believes this final rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdiction with populations of less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with 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.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2-1, paragraph 32(e), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because

promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A "Categorical Exclusion Determination" is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, 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); § 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Add § 117.082 to read as follows:

§ 117.802 New Rochelle Harbor.

(a) The draw of the Glen Island Bridge, mile 0.8, at New Rochelle, New York, shall open on signal, except as follows:

(1) two hours advance notice shall be given for openings from 12 midnight to 6 a.m. from May 1st through October 31st by calling the number posted at the bridge.

(2) twenty-four hours advance notice shall be given for openings from 8 p.m. to 8 a.m. from November 1st through April 30th by calling the number posted at the bridge.

(b) The owner of the bridge shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed, and maintained according to the provisions of § 118.160 of this chapter.

Dated: May 6, 1998.

R.M. Larrabee,

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP SAN JUAN 97-045]

RIN 2115-AA97

SZ; San Juan Harbor, San Juan, Puerto Rico

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent moving safety zone around Liquefied Petroleum Gas (LPG) ships transiting the waters of San Juan Harbor, San Juan, Puerto Rico. Due to their highly volatile cargoes, size, draft, and the local channel restrictions, LPG ships require use of the center of these channels for safe navigation. These regulations are necessary for the protection of life and property on the navigable waters of the United States.

DATES: This rule becomes effective June 19, 1998.

FOR FURTHER INFORMATION CONTACT: LT Christopher K. Palmer, project officer, USCG Marine Safety Office San Juan, (787) 729-6800 x320.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 6, 1998, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (63 FR 6142). One comment was received during the comment period.

Background and Purpose

LPG vessels make the three-hour transit through the waters of San Juan Harbor on the average of once a week. Historically, the Coast Guard has established a temporary moving safety zone each time an LPG ship transits the waters of San Juan Harbor. These vessels use the Bar, Anegado, and Army Terminal Channels enroute to either the Gulf Refinery Oil dock or the Catano Oil dock. Temporary moving safety zones are established for each transit because of the significant risks LPG ships present with their highly volatile cargoes, their size, draft, and the local channel restrictions which require that LPGs use the center of the channel for safe navigation. Given the recurring nature of these port calls, the dangers associated with LPG ships, and the need to provide for the safety of live on navigable waters during the arrival and departure of LPG ships, the Coast Guard is establishing a permanent moving safety zone around these vessels during their arrival and departure from San Juan Harbor, San Juan, Puerto Rico.

The safety zone will be established in an area one half mile around LPG ships entering or departing San Juan Harbor. Vessels will be prohibited from entering the safety zone while the vessel is transiting. The safety zone will be activated when the vessel is one mile north of San Juan Harbor #1 Sea Buoy, and will cease once the vessel is moored at either the Gulf Refinery Oil dock or the Catano Oil dock. The Coast Guard will assign a patrol, issue a Broadcast

and Local Notice to Mariners, and advise the San Juan Port Control of the established safety zone in advance of the LPG ships' arrival and departure.

Discussions of Comments

The Coast Guard received one comment suggesting that the regulations should require a tug escort for all LPG vessels entering and exiting San Juan Harbor. The Coast Guard considered this comment and determined that it is not always necessary to assign an escort tug. Therefore, the final rule does not contain this requirement. The Coast Guard will continue to evaluate each LPG vessel arrival and departure on a case by case basis for the necessity of requiring a tug escort.

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. The Office of Management and Budget has exempted it from review 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 conclusion is based on the limited duration of the moving safety zone, the extensive advisories that will be made to the affected maritime community and the minimal restrictions the regulations will place on vessel traffic. These regulations will be in effect for a total of approximately three hours per port call for these vessels.

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" 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.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities, as the regulations would only be in effect approximately three hours one day each week in a limited area of San Juan Harbor.

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 rule and has concluded under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security Measures, Waterways.

Final 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, 6.046 and 160.5.

2. A new § 165.754 is added to read as follows:

§ 165.754 Safety Zone: San Juan Harbor, San Juan, PR

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around Liquefied Petroleum Gas ships entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the San Juan Harbor #1 Sea Buoy, in approximate position 18-29.3N, 66-07.6W and continuing until the vessel is safely moored at either the Gulf Refinery Oil dock or the Catano Oil dock in approximate position 18-25.8N, 66-06.5W. All coordinates referenced use datum: NAD 83.

(2) The waters around Liquefied Petroleum Gas ships departing San Juan

Harbor in an area one half mile around each vessel beginning at either the Gulf Refinery Oil dock or Catano Oil dock in approximate position 18-25.8N, 66-06.5W when the vessel gets underway, and continuing until the stern passes the San Juan Harbor #1 Sea Buoy, in approximate position 18-28.3N, 66-07.6W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port, San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) The Captain of the Port and the Duty Officer at Marine Safety Office, San Juan, Puerto Rico, can be contacted at telephone number (787) 729-6800 ext. 140. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 22A.

(4) The Marine Safety Office San Juan will notify the marine community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of Liquefied Petroleum Gas vessels via a marine broadcast Notice to Mariners.

(5) Should the actual time of entry of the Liquefied Petroleum Gas vessel vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the Liquefied Petroleum Gas vessel shall obtain permission from Captain of the Port San Juan before commencing the transit.

(6) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

Dated: May 11, 1998.

B.M. Salerno,

Commander, U.S. Coast Guard, Captain of the Port, San Juan, PR.

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