

clearance to less than 40 feet above mean high water. The reduction in the vertical clearance will be approximately 4 feet. Alternate routes are available. This work is essential for the continued safe operation of the vertical lift span.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the SR 1 vertical lift span bridge across Lafourche Bayou, Louisiana to remain in the closed-to-navigation position from 7 a.m. until 9 a.m.; 9:30 a.m. until noon; 12:30 p.m. until 3 p.m.; and 3:30 p.m. until 7 p.m., Monday through Friday, except Federal holidays, from August 3, 1998, until October 2, 1998.

Dated: June 11, 1998.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard Dist.

[FR Doc. 98-16367 Filed 6-18-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-98-040]

RIN 2115-AA97

Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Great Catskills Triathlon located on the Hudson River in the vicinity of Kingston Point Reach, Kingston, New York. The safety zone is in effect from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the Hudson River, in the vicinity of Kingston Point Reach.

DATES: This rule is effective from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998, unless terminated sooner by the Captain of the Port, New York.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01-98-040), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this

rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lietenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354-4195.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date this application was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway to protect swimmers and the maritime public from the hazards associated with 500 athletes competing in the swimming portion of the Great Catskills Triathlon.

Background and Purpose

On April 12, 1998, the New York Triathlon Club, submitted an Application for Approval of Marine Event to hold the swimming competition of the Great Catskills Triathlon on the waters of the Hudson River in the vicinity of Kingston Point Reach. this regulation establishes a safety zone in all waters of the Hudson River within a 1000 year radius of 41°56'06" N 073°57'57" W (NAD 1983). This area encompasses approximately 1,800 yards of Kingston Point Reach, from just south of red buoy #74 to green buoy #77. The safety zone is in effect from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998, unless terminated sooner by the Captain of the Port, New York. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect swimmers and boaters from the hazards associated with 500 swimmers competing in a confined area of the Hudson River.

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 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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the limited marine traffic in the area, the minimal time that vessels will be restricted from the zone, and advance notifications which will be made by the Local Notice to Mariners and marine information broadcasts. Recreational traffic will be able to transit the river to the east of the safety zone during this event. Commercial traffic is not heavy in this area of the Hudson River. It is expected that no more than 1 or 2 commercial vessels may be effected by this event. Due to the advance advisories being made, commercial traffic will be able to adjust their transit time to arrive before or after the event.

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 jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation 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 final rule under the principles and criteria contained in Executive Order 12612, and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

Under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded

from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 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; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Add temporary section 165.T01–040 to read as follows:

§ 165.T01–040 Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, New York.

(a) *Location.* The following area is a safety zone: all waters of the Hudson River within a 1000 yard radius of 41°56'06"N 073°57'57"W (NAD 1983). This area encompasses approximately 1,800 yards of Kingston Point Reach, from just south of red buoy #74 to green buoy #77.

(b) *Effective period.* This section is effective from 7 a.m. until 8:30 a.m. on Sunday, July 12, 1998.

(c) Regulations.

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 4, 1998.

Richard C. Vlaun,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 98–16239 Filed 6–18–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 0

RIN 2900–AJ27

Delegation of Authority for Certain Ethics Matters

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations captioned "Standards of Ethical Conduct and Related Responsibilities." It removes material regarding certain ethics determinations for agency employees. This material is not required to be published in the Code of Federal Regulations because it does not affect the public. It affects only internal VA practices.

DATES: *Effective Date:* June 19, 1998.

FOR FURTHER INFORMATION CONTACT:

Walter A. Hall, Assistant General Counsel (023) and Designated Agency Ethics Official, Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–6334.

SUPPLEMENTARY INFORMATION: This document does not constitute rulemaking under the provisions of 5 U.S.C. 552 and 553. Accordingly, there is no basis for prior notice and comment or a delayed effective date.

This document does not concern a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601. Nevertheless, the Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612, because the amendment only affects individuals.

There is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 0

Conflict of interests.

Approved: May 27, 1998.

Togo D. West, Jr.,
Secretary.

For the reasons set forth in the preamble, 38 CFR part 0, subpart A, is amended as follows:

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501; see sections 201, 301, and 502(a) of E.O. 12674,

54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart A—General Provisions

§ 0.735–2 [Removed]

2. Section 0.735–2 is removed.

§ 0.735–3 [Redesignated as § 0.735–2]

3. Section 0.735–3 is redesignated as § 0.735–2.

[FR Doc. 98–16275 Filed 6–18–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Board of Veterans' Appeals

38 CFR Part 20

RIN 2900–AI87

Board of Veterans' Appeals: Rules of Practice—Continuation of Representation Following Death of a Claimant or Appellant

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Rules of Practice of the Board of Veterans' Appeals (Board) to eliminate a rule which automatically assigns a deceased appellant's representative to the appellant's survivor. This change is necessary because of a court ruling which eliminates the need for such a provision.

DATES: *Effective Date:* July 20, 1998.

FOR FURTHER INFORMATION CONTACT:

Steven L. Keller, Chief Counsel, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202–565–5978).

SUPPLEMENTARY INFORMATION: On October 23, 1997, VA published in the **Federal Register** (62 FR 55200) a proposed rule which would eliminate a provision in the Board's Rules of Practice—Rule 611 (38 CFR 20.611)—permitting a deceased appellant's representative to continue to act with respect to any appeal pending upon the death of the appellant. We proposed this change because the U.S. Court of Veterans Appeals had ruled that, generally, a claim for benefits does not survive the death of the claimant. *Smith (Irma) v. Brown*, 10 Vet. App. 330 (1997).

The public was given 60 days to submit comments. VA received no comments.

Accordingly, based on the rationale set forth in the proposed rule document,