

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD 08-98-044]****Drawbridge Operating Regulation;
Atchafalaya River, LA****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulation.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.5 governing the operation of the Union Pacific Railroad swing span bridge across the Atchafalaya River, mile 95.7 at Krotz Springs, Louisiana. This deviation allows the Union Pacific Railroad to close the bridge to navigation from 7 a.m. on Monday, August 17, 1998 through 6 p.m. on Sunday, August 23, 1998. This temporary deviation is issued to allow for the replacement of the electric motors, gears and associated machinery of the swing span operating mechanism.

DATES: This deviation is effective from 7 a.m. on Monday, August 17, 1998 through 6 p.m. on Sunday, August 23, 1998.

FOR FURTHER INFORMATION CONTACT:

Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, telephone number 504-589-2965.

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad swing span bridge across the Atchafalaya River, mile 95.7 at Krotz Springs, Louisiana has a vertical clearance of 6 feet above mean high water, elevation 38.5 feet Mean Sea Level, in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists primarily of tugs with tows and occasional recreational craft. Presently, the draw opens on signal.

On June 1, 1998, the Coast Guard issued a temporary deviation from the regulation governing the operation of the draw to allow it to remain closed to navigation from 7 a.m. on Monday, July 27, 1998 through 6 p.m. on Monday, August 3, 1998. This temporary deviation was issued to allow for the replacement of the electric motors, gears and associated machinery of the swing span operating mechanism. However, the contractor was unable to mobilize for reasons including contract negotiations and delays in material deliveries. The previous temporary

deviation is hereby cancelled. The Union Pacific Railroad requested the Coast Guard issue an additional temporary deviation to allow the work to begin on August 17, 1998 and to continue through August 23, 1998. The deteriorated condition of the bridge warrants the closure so that remedial work can be accomplished. The work consists of replacing the electric motors, gears and other components of the operating machinery. This work is essential for the continued operation of the swing span. Alternate navigation routes are available. Mariners may transit the Atchafalaya River to the site of the bridge from both upstream via the Red River and Mississippi River and from downstream via Atchafalaya Bay.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the Union Pacific Railroad swing span bridge across the Atchafalaya River, mile 95.7 at Krotz Springs, Louisiana to remain in the closed-to-navigation position from 7 a.m. on August 17, 1998 through 6 p.m. on August 23, 1998.

Dated: July 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 165****[CGD01-98-080]****RIN 2115-AA97****Safety Zone; Gloucester Harbor
Fireworks Display, Gloucester Harbor,
Gloucester, MA****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Gloucester Harbor Fireworks Display around Stage Fort Park in Gloucester Harbor, Gloucester, MA. The safety zone is in effect from 9 p.m. until 11 p.m. on August 6, 1998. The safety zone temporarily closes all waters within four hundred (400) yards of the shoreline of the shore of Stage Fort Park in Gloucester Harbor, Gloucester, MA. The safety zone is needed to protect vessels from the hazards posed by a fireworks display.

DATES: This rule is effective from 9 p.m. until 11 p.m. on Thursday August 6, 1998.

FOR FURTHER INFORMATION CONTACT:

LT Mike Day, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223-3002.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

Background and Purpose

On June 4, 1998 the Gloucester Fireworks Fund filed a marine event permit with the Coast Guard to hold a fireworks program on the waters of Gloucester Harbor, Gloucester, MA. This regulation establishes a safety zone in all waters within four hundred (400) yards of the shoreline of Stage Fort Park, Gloucester Harbor, Gloucester, MA. This safety zone is in effect from 9 p.m. to 11 p.m. on August 6, 1998.

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. 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. Deep draft vessel traffic, fishing vessels and tour boats may experience minor delays in departures or arrivals due to the safety zone. Costs to the shipping industry from these regulations, if any will be minor and have no significant adverse financial effect on vessel operators. In addition, due to the limited number and duration of the arrivals, departures and harbor transits, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. *Small entities* may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) 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 rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under 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 has considered the environmental impact of this final rule and concluded that, 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 reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

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 § 165.T01-080 to read as follows:

§ 165.T01-080 Safety Zone: Gloucester Harbor Fireworks Display, Gloucester Harbor, Gloucester, MA.

(a) *Location.* The following area is a safety zone:

All waters of Gloucester Harbor within four hundred (400) yards of the shoreline of Stage Fort Park in Gloucester Harbor, Gloucester, MA.

(b) *Effective date.* This section is effective from 9 p.m. until 11 p.m. on Thursday August 6, 1998.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the Captain of the Port or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: July 2, 1998.

J.L. Grenier,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[OPPTS-00246; FRL-5799-8]

Technical Amendments to OMB Control Numbers

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is amending the table of OMB control numbers. The Office of Management Budget (OMB) issues control numbers under the Paperwork Reduction Act for regulations with information collection requirements. This technical amendment includes any new approvals and removes any termination of approvals published in the **Federal Register** since July 1, 1997, or any expired approvals.

DATES: This rule is effective July 30, 1998.

FOR FURTHER INFORMATION CONTACT: Susan H. Hazen, Director, Environmental Assistance Division (7408), Environmental Protection Agency, Rm. E-541, 401 M St., SW.,

Washington, DC 20460; telephone: 202-554-1404 TDD: 202-554-0551; and e-mail: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION: This document consolidates the OMB control numbers for various regulations issued under the Toxic Substances Control Act (15 U.S.C. 2601) and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*) published in the **Federal Register** since July 1, 1996. Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and the OMB approval process, information collection requests included in this technical amendment were previously subject to public notice and comment prior to approval and receipt of an OMB control number. Therefore, EPA finds that there is "good cause" under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) not to issue a proposed rule for this technical amendment.

I. Regulatory Assessment

This final rule does not impose any new requirements. It only implements a technical amendment to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). In addition, since this type of action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

II. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General