

INFORMATION CONTACT. All meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

VI. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was

prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 915

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 2, 1998.

Brent Wahlquist,

Mid-Continent Regional Coordinating Center.

[FR Doc. 98-27503 Filed 10-13-98; 8:45 am]

BILLING CODE 4310-05-P; 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110 and 165

[CGD05-98-084]

RIN 2115-AA98

Delaware River Safety Zone and Anchorage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Army Corps of Engineers is dredging parts of the Delaware River, including the Marcus Hook Range Ship Channel. Because of the dredging operations, temporary additional requirements will be imposed in Marcus Hook Anchorage (Anchorage 7), the Deepwater Point Anchorage (Anchorage 6), and the Mantau Creek Anchorage (Anchorage 9). The Coast Guard is also establishing a temporary moving safety zone around the dredge vessel Essex that will be working in the Marcus Hook Range Ship Channel adjacent to Anchorage 7.

EFFECTIVE DATES: Paragraph (b)(11) in 33 CFR 110.157 is effective from October 6, 1998 until 6 a.m. on December 7, 1998. Section 165.T05-084 is effective from October 6, 1998 until 6 a.m. on December 7, 1998.

FOR FURTHER INFORMATION CONTACT: BMC R. L. Ward, Project Officer, U.S. Coast Guard Captain of the Port, 1 Washington Ave., Philadelphia, PA 19147-4395, Phone: (215) 271-4888.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. U.S. Army Corps of Engineers, Philadelphia District, informed the Coast Guard on September 22, 1998 that dredging operations would commence on October 6, 1998. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to protect mariners against potential hazards associated with the dredging operations in the Marcus Hook Range Ship Channel and to modify the anchorage regulations to facilitate vessel traffic.

Background and Purpose

The U.S. Army Corps of Engineers (ACOE) notified the Coast Guard that it needed to conduct dredging operations on the Delaware River, in the vicinity of the Marcus Hook Range Ship Channel. The dredging is needed to maintain the project depth of the channel. Similar dredging was conducted in 1995, 1996, and 1997. This period of dredging began October 6, 1998 and is anticipated to end on December 7, 1998.

The reduce the hazards associated with dredging the channel, vessel traffic that would normally transit through the Marcus Hook Range Ship Channel will be diverted through part of Anchorage 7, reducing available anchorage space by approximately one half. Vessels will continue to be allowed to anchor in available parts of Anchorage 7 during the dredging operations; however, permission to anchor must be obtained from the Captain of the Port, who will identify those parts of Anchorage 7 that are expected to be available.

For the protection of mariners transiting in the vicinity of dredging operations, the Coast Guard is also establishing a moving safety zone around the dredging vessel Essex. The safety zone will ensure mariners remain a safe distance from the dredging equipment that could potentially be dangerous.

Discussion of the Regulation

Section 110.157(b)(2) allows vessels to anchor for up to 48 hours in the anchorages listed in 110.157(a), which includes Anchorage 7. However, because of the limited anchorage space available in Anchorage 7, the Coast

Guard is adding a temporary paragraph 33 CFR 110.157(b)(11) to provide additional requirements and restrictions on vessels utilizing Anchorage 7. During the effective period, vessels desiring to use Marcus Hook Anchorage (7) must obtain permission from the Captain of the Port Philadelphia at least 24 hours in advance. The Captain of the Port will permit only one vessel at a time to anchor in Anchorage 7 and will grant permission on a "first come, first serve" basis. A vessel will be directed to a location within Anchorage 7 where it may anchor, and will not be permitted to remain in the Anchorage 7 for more than 12 hours.

The Coast Guard expects that vessels normally permitted to anchor in Anchorage 7 will use Anchorage 6 off Deepwater Point or Anchorage 9 near the entrance to Mantau Creek, because they are the closest anchorage to Anchorage 7. To control access to Anchorage 7, the Coast Guard is requiring that any vessel desiring to anchor in Anchorage 7 obtain advance permission from the Captain of the Port. To control access to Anchorages 6 and 9, the Coast Guard is requiring that any vessel 700 feet or greater in length obtain advance permission from the Captain of the Port before anchoring. The Coast Guard is also concerned that the holding ground in Anchorages 6 and 9 is not as good as in Anchorage 7. Therefore, a vessel 700 to 750 feet in length is required to have one tug standing alongside while at anchor, and a vessel of over 750 feet in length must have two tugs standing alongside. The tug(s) must have sufficient horsepower to prevent a vessel from swinging into the channel if necessary.

The Coast Guard is also establishing a moving safety zone within a 150-year radius of the dredging operations being conducted in the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7 by the dredge vessel Essex. The safety zone will protect mariners transiting the area from the potential hazards associated with dredging operations. Vessels transiting the Marcus Hook Range Ship Channel will have to divert from the main ship channel through Anchorage 7, and must operate at the minimum safe speed necessary to maintain steerage and reduce wake. No vessel may enter the safety zone unless it receives permission from the Captain of the Port.

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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation requires certain vessels to have at least one tug alongside while at anchor, the requirement only applies to vessels 700 feet or greater in length that are anchored in Anchorages 6 and 9. Vessels anchoring in Anchorage 7 are not required to have assist tugs alongside. Alternate anchorages, such as Anchorage A (Breakwater) and Anchorage 1 (Big Stone) in Delaware Bay, are also reasonably close and generally available. Vessels anchoring in Anchorages A and 1 are typically not required to have tug alongside. Furthermore, few vessels 700 feet or greater are expected to enter the port during the effective period. The majority of vessels expected are less than 700 feet and thus will not be required to have tugs alongside. The Captain of the Port, Philadelphia will direct anchoring of vessels so as not to significantly impede traffic flow in the vicinity of the dredging operations.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that under figure 2-1, paragraphs (34)(f)-(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. Regulations that affect anchorage grounds and establish safety zones are excluded under that authority.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, waterways.

Regulation

In consideration of the foregoing, the Coast Guard amends 33 CFR part 110 and CFR part 165 as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.157, a new temporary paragraph (b)(11) is added to read as follows:

§ 110.157 Delaware Bay and River.

* * * * *

(b) * * *

(11) In addition to the requirements and restrictions of paragraph (b)(2), the provisions of this paragraph apply to the anchorages in paragraphs (a)(7), (a)(8), and (a)(10).

(i) Prior to anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a "first-come, first-serve" basis. The Captain of the Port will allow only one vessel at a time to anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours.

(ii) For Anchorage 6 as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, PA at least 24 hours in advance.

(B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(D) The master, owner, or operator of a vessel at anchor shall ensure that any tug(s) required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) *Captain of the Port of COTP* means the Captain of the Port, Philadelphia, Pennsylvania or any Coast Guard commissioned, warrant, or petty officer authorized to act on his behalf.

(iv) This paragraph is effective from October 6, 1998 until 6 a.m. on December 7, 1998.

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PART 165—[AMENDED]

3. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 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.

4. A new § 165.T05–084 is added to read as follows:

§ 165.T05–085 Safety Zone: Delaware River, Marcus Hook Range Ship Channel.

(a) *Location:* The following area is a safety zone: All waters within 150 yards of the dredging vessel Essex operating in or near the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7.

(b) *Effective Dates:* This section is effective from October 6, 1998 until 6 a.m. on December 7, 1998.

(c) *Regulations:* The following regulations shall apply within the safety zone.

(1) In accordance with the general regulations in § 165.23, entry into this safety zone is prohibited unless authorized by the Captain of the Port. The general requirements of § 165.23 also apply to this regulation.

(2) The operator of any vessel in the safety zone shall proceed as directed by the Captain of the Port.

(3) The Coast Guard vessel enforcing the safety zone may be contacted on channels 13 and 16 VHF–FM. The Captain of the Port, Philadelphia may be contacted at telephone number (215) 271–4940.

(d) *Captain of the Port or COTP* means The Captain of the Port, Philadelphia, Pennsylvania or any Coast Guard commissioned, warrant, or petty officer authorized to act on his behalf.

Dated October 1, 1998.

Roger T. Rufe,
Vice Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.

[FR Doc. 98–27574 Filed 10–13–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–98–066]

RIN 2115–AE47

Drawbridge Operating Regulation; Buffalo Bayou, TX

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the operating regulation for the Lockwood Avenue Bridge across Buffalo Bayou, mile 2.3, in Houston, Harris County, Texas. The bridge was replaced with a fixed bridge and the drawbridge was removed in 1983 and the regulation governing its operation of the drawbridge is no longer applicable. The removal of this bridge also requires the change to the reference point for operating regulations on Buffalo Bayou. The Houston Belt and Terminal railroad bridge, mile 1.2, will become the reference point.

DATES: This regulation becomes effective on October 14, 1998.

ADDRESSES: Documents referred to in this rule are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130–3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. Commander (ob) maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, telephone number 504–589–2965.

SUPPLEMENTARY INFORMATION:

Background

The Lockwood Avenue Bridge across Buffalo Bayou was replaced with a fixed bridge and the drawbridge was removed in 1983. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation that pertained to this draw. This draw was used as a reference point to state that this bridge and all drawbridges downstream of this bridge shall open for the passage of vessels if at least 24 hours notice is given. As the Lockwood Avenue Bridge will be removed from this regulation, the Houston Belt and Terminal railroad bridge, mile 1.2, will become the reference point. The Houston Belt and Terminal railroad bridge, mile 1.2, and all drawbridges downstream of it shall continue to open on signal if at least 24 hours notice is given.

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because the drawbridge has been replaced with a fixed bridge and the regulation governing this bridge is no longer needed. The change in reference point is an administrative

revision that is not a substantive change to the regulatory requirements for the other bridges governed by this section.

The Coast Guard, for the reason just stated, has also determined that good cause exists for this rule to become effective upon publication in the **Federal Register**.

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. The Office of Management and Budget under that Order has not reviewed it. 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this final rule will have a significant economic impact on a substantial number of small entities. “Small entities” include (1) small businesses, 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.

Since the Lockwood Avenue Bridge across the Buffalo Bayou, mile 2.3 at Houston, Texas, has been replaced with a fixed bridge and the drawbridge has been removed, the rule governing this bridge is no longer needed. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) 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 rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.