

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

\* \* \* \* \*

## 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]

BILLING CODE 4910–15–M

## 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a fixed bridge and the drawbridge was removed in 1983 and the regulation governing its operation of the drawbridge is no longer applicable.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.

**Environment**

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, CE# 32(e) of the NEPA Implementing Procedures, COMDINST 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 117**

Bridges.

**Regulations**

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, 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, 105 Stat. 5039.

2. In § 117.955 revise paragraph (a) to read as follows:

**§ 117.955 Buffalo Bayou.**

(a) The draw of the Houston Belt and Terminal railroad bridge, mile 1.2 at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours notice is given.

\* \* \* \* \*

Dated: September 28, 1998.

**Paul J. Pluta,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 98-27575 Filed 10-13-98; 8:45 am]

BILLING CODE 4910-15-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD08-98-064]

RIN 2115-AE47

**Drawbridge Operating Regulation; Lafourche Bayou, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** The Coast Guard is modifying the operating regulations for the SR1 vertical lift bridge (Galliano-Tarpon bridge), mile 30.6, and the SR1 pontoon bridge (Cote Blanche bridge), mile 33.9,

near Cutoff, Lafourche Parish, Louisiana. This action is being taken at the request of the Greater Lafourche Port Commission. The modification of the operation regulation of these bridges will permit more efficient operation of the highway bridges and still provide for the reasonable needs of navigation.

**DATES:** This interim rule becomes effective on October 14, 1998. Comments must be received on or before December 14, 1998.

**ADDRESSES:** Comments may be mailed to Commander (ob), Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or deliver them to room 1313 at the same address 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:****Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD08-98-064) and the specific section of the rule to which each comment applies, and the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose self-addressed stamped postcards or envelopes.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Maine Safety Council at the address under ADDRESSES. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentation will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

**Drafting Information**

The principal persons involved in drafting this document are David M. Frank, Project Manager, and LTJG Michele Woodruff, Project Attorney, Eighth Coast Guard District Legal Office.

**Regulatory Information**

This rule is being published as an interim rule and is being made effective on the date of publication. The Coast Guard had determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice of proposed rulemaking. The current regulation was established to assist in the safer and more timely transit of school buses and school children from school at the end of the school day. However, on August 14, 1998, the school system extended the school hours by 30 minutes, thus moving the end of day dismissal time outside of the present schedule for closure of the bridge to marine traffic. The change to the present operation regulations will coincide with the closure period with the new school hours and will not effect vessel traffic. The school year has already started and immediate relief is needed to offset traffic congestion.

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**.

**Background and Purpose**

On August 21, 1995, a final rule was published in the **Federal Register** (60 FR 43373) stating that the draws of the SR 1 vertical lift bridge (Galliano-Tarpon bridge), mile 30.6, and the SR 1 pontoon bridge (Cote Blanche bridge), mile 33.9, both near Cutoff, shall open on signal except that, from 2 p.m. to 3 p.m., and from 4:30 p.m. to 5:30 p.m. Monday through Friday except Federal holidays, the draws need not open for the passage of vessels.

The purpose of the regulations was to provide relief for school bus traffic and other vehicular traffic that cross the bridges during peak hours of land traffic congestion. Since the establishment of the regulation, operations at the two bridges have run smoothly with no complaints or concerns expressed by either land or marine traffic. However, the school system has extended the hours of school by 30 minutes and the closure from 2 p.m. to 3 p.m. no longer conforms to the school bus operation schedule. The Greater Lafourche Port Authority has requested the modification of the existing regulation to reflect the change in the school hours. The Port Authority has requested that the closure hours from 2 p.m. to 3 p.m. be adjusted to 2:30 p.m. to 3:30 p.m. This modification of 30 minutes in the operating schedule will facilitate the movement of the school bus traffic