

the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of

Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

#### Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233 through 1236, 49 CFR 1.46, 33 CFR 100.35.

2. Add temporary § 100.35T-07-049 to read as follows:

#### § 100.35T-07-049 Swimming Cross San Juan Harbor, San Juan, Puerto Rico.

(a) *Regulated area.* The regulated area encompasses the Puerto Rico Ports Authority Pier 1, at position 18°27'39" N 066°06'48" W; West to La Puntilla Point at position 18°27'32" N 066°07'00" W; South crossing the San Antonio Channel and Anegado Channel to the Catano Ferry Terminal at position 18°26'38" N 066°07'02" W, then North East to Punta Catano at position 18°26'42" N 066°06'45" W, then North back to origin, entry into which is prohibited for 2 hours on the day of the event. All coordinates referenced use Datum NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Greater Antilles Section, San Juan, Puerto Rico.

(c) *Special local regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft may remain in a spectator area to be established by the event sponsor, Commonwealth of Puerto Rico, Municipality of Catano, San Juan, Puerto Rico.

(d) *Dates.* This rule is effective from 10 a.m. to noon on July 22, 2001.

Dated: June 12, 2001.

**James S. Carmichael,**

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

[FR Doc. 01-15552 Filed 6-19-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD13-99-005]

#### Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the operating regulations for the City of Seattle drawbridges across the Lake Washington Ship Canal and the Washington state drawbridge across the Duwamish Waterway in Seattle, Washington. The normal drawspan closed periods for Monday through Friday will now also be applied to Columbus Day to accommodate commuter traffic that remains heavy on this Federal holiday. Other Federal holidays remain exempted from the weekday closed periods.

**DATES:** This rule is effective July 20, 2001.

**ADDRESSES:** The public docket and all documents referred to in this notice are available for inspection and copying at the Thirteenth Coast Guard District, Aids to Navigation and Waterways Management Office, 915 Second Avenue, room 3510, Seattle, Washington 98174-1067, between 7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Austin Pratt, Chief, Bridge Section,  
Telephone (206) 220-7282.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

On April 27, 1999, a notice of proposed rulemaking was published in the **Federal Register** entitled Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA (64 FR 22593). The Coast Guard received no comments in response to the notice. No public hearing was requested and none was held.

**Background and Purpose**

The purpose of the change to §§ 117.1041 and 117.1051 is to alleviate commuter traffic congestion by removing Columbus Day from the existing Federal holiday exemption for the dual First Avenue South Drawbridges across the Duwamish Waterway, mile 2.5, and the drawbridges across the Lake Washington Ship Canal east of the Chittenden Locks. These bridges from seaward are the Ballard Bridge at mile 1.1, the Fremont Bridge at mile 2.6, the University Bridge at mile 4.3, and the Montlake Bridge at mile 5.2. The regulations which are currently in effect authorize various weekday closed periods during the hours of heavy commuting so that openings for vessels will not worsen traffic congestion. These closed periods do not apply on weekends or Federal holidays because the affected streets are not as heavily traveled on those holidays. Columbus Day does not warrant this exemption. Many employers in the Seattle area do not honor this holiday and, as a result, the volume of commuter traffic does not appreciably diminish on that day. Openings for the passage of vessels on this day at times of peak traffic can cause significant delay to street traffic. The amendment would treat Columbus Day as any other weekday for opening the drawspans. The amendment also deletes reference to notification of the Seattle City Engineer for emergency openings of the Lake Washington Ship Canal bridges. Emergency openings will be provided in accordance with 33 CFR 117.31. This change reflects the Coast Guard's policy that notification made to the bridge tender is sufficient for declaration of emergency requiring immediate opening of the draw.

**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 not reviewed it 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).

We expect the economic impact of this rule to be so minimal that a full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is based on the fact that only a certain class of vessel would be affected one day annually by this change. The change will improve commuter traffic flow and enhance navigational safety on the Lake Washington Ship Canal by simplifying the procedure for requesting an emergency opening of drawspans.

**Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian tribal governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "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 less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities. The change adds only one day of the year to those which have closed periods to accommodate heavy road traffic.

**Collection of Information**

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

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandate Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the federal government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

**Taking of Private Property**

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

**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 not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this rule.

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations**

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 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, 106 Stat. 5039.

2. Revise § 117.1041(a)(1) to read as follows:

**§ 117.1041 Duwamish Waterway.**

(a) \* \* \*

(1) From Monday through Friday, except all Federal holidays but Columbus Day, the draws of the First

Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., except: The draws shall open at any time for a vessel of 5000 gross tons and over, a vessel towing a vessel of 5000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5000 gross tons and over.

\* \* \* \* \*

3. Revise § 117.1051(d)(2) to read as follows:

**§ 117.1051 Lake Washington Ship Canal.**

\* \* \* \* \*

(d) \* \* \*

(2) The draws need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday, except all Federal holidays but Columbus Day for any vessel of less than 1000 tons, unless the vessel has in tow a vessel of 1000 gross tons or over.

\* \* \* \* \*

Dated: June 5, 2001.

**Erroll Brown,**

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

[FR Doc. 01-15553 Filed 6-19-01; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[CGD09-01-049]

**Safety Zone: Captain of the Port Detroit Zone**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation.

**SUMMARY:** The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during July 2001. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

**DATES:** 33 CFR 165.907 is implemented from 12:01 a.m. (EST) on July 1, 2001, to 11:59 p.m. (EST) on July 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ensign Brandon Sullivan, U.S. Coast Guard Marine Safety Office Detroit, (313) 568-9580.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing the permanent safety zones in 33 CFR 165.907 (published May 21, 2001, in the **Federal Register**, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during July 2001. The

following safety zones are in effect for fireworks displays occurring in the month of July 2001:

(1) *Lake Erie Metro Park Fireworks.* Location: The waters off the Brownstown Wave Pool area, Lake Erie bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°03' N, 083°11' W, on July 1, 2001, from 10 p.m. until 11 p.m.

(2) *Port Sanilac Fireworks.* Port Sanilac, MI. Location: The waters off the South Harbor Breakwall, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°25' N, 082°31' W on July 4, 2001, from 9:30 p.m. until 11 p.m.

(3) *Port Huron 4th of July Fireworks.* Port Huron, MI. Location: All waters of the Black River within a 300-yard radius of the fireworks barge in approximate position 42°58' N, 082°25' W about 300 yards east of 223 Huron Ave., in the Black River on July 1, 2001, from 10 p.m. until 11 p.m.

(4) *Caseville Fireworks.* Caseville, MI. Location: The waters off the Caseville breakwall, Saginaw River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°55' N, 083°17' W, on July 3, 2001, from 10 p.m. until 11 p.m.

(5) *Algonac Pickerel Tournament Fireworks.* Algonac, MI. Location: All waters of the St. Clair River within a 300-yard radius of the fireworks barge in approximate position 42°37' N, 082°32' W, between Algonac and Russell Island, St. Clair River—North Channel, on July 3, 2001, from 9:30 p.m. until 10:30 p.m.

(6) *Grosse Pointe Yacht Club 4th of July Fireworks.* Grosse Pointe Shores, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°25' N, 082°52' W, about 400 yards east of the Grosse Pointe Yacht Club seawall, Lake St. Clair on July 4, 2001, from 9:30 p.m. until 10:30 p.m.

(7) *City of St. Clair Fireworks.* Location: The waters off St. Clair City Park, St. Clair River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42°49' N, 082°29' W, on July 4, 2001, from 9:30 p.m. until 11:30 p.m.

(8) *Tawas City 4th of July Fireworks.* Tawas, MI. Location: The waters off the Tawas City Pier, Lake Huron bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°13' N, 083°30' W, on July 4, 2001 from 9 p.m. until 10 p.m.

(9) *Lexington Independence Festival Fireworks.* Lexington, MI. Location: All waters of Lake Huron within a 300-yard radius of the fireworks barge in

approximate position 43°13' N, 082°30' W, about 300 yards east of the Lexington breakwall, Lake Huron, on July 1, 2001, from 7 p.m. until 11:59 p.m.

(10) *Trenton Fireworks Display.* Trenton, MI. Location: All waters of the Trenton Channel within a 300-yard radius of the fireworks barge in approximate position 42°09' N, 083°10' W, about 200 yards east of Trenton, in the Trenton Channel on July 4, 2001, from 10 p.m. until 11 p.m.

(11) *City of Ecorse Water Festival Fireworks.* Ecorse, MI. Location: All waters of the Ecorse Channel within a 300-yard radius of the fireworks barge in approximate position 42°14' N, 083°09' W, at the northern end of Mud Island, Ecorse, on July 4, 2001, from 10 p.m. until 11 p.m.

(12) *Oscoda Township Fireworks.* Location: The waters off the DNR Boat Launch at the mouth of the Ausable River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 44°19' N, 083°25' W, on July 4, 2001, from 9 p.m. until 11 p.m.

(13) *Port Austin Fireworks.* Location: The waters off the Port Austin Breakwall on Lake Huron, bounded by the arc of a circle with a 300-yard radius with its center in approximate position 43°03' N, 082°40' W, on July 4, 2001, from 10 p.m. until 11 p.m.

(14) *Belle Maer Harbor 4th of July Fireworks.* Harrison Township, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42°36' N, 082°47' W, about 400 yards east of Belle Maer Harbor, Lake St. Clair—Anchor Bay on July 4, 2001, from 10 p.m. until 11 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be in effect for the duration of their corresponding event. Vessels may not enter a safety zone without permission from Captain of the Port Detroit Zone. If you would like permission, contact the person listed in **FOR FURTHER INFORMATION CONTACT.** Spectator vessels may anchor outside the safety zone but are cautioned not to block a navigable channel.

Dated: June 13, 2001.

**S.P. Garrity,**

*Commander, U.S. Coast Guard, Captain of the Port Detroit.*

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