

any nature not participating in this event are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) Marine traffic will be able to transit through the regulated area for 30 minutes during the event. Public notifications for the transit time will be made prior to the event via the Local Notice to Mariners and marine information broadcasts.

(3) 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.

(c) *Effective period.* This section is in effect annually from 12 p.m. until 4 p.m. on the third Saturday and Sunday of July.

Dated: May 10, 1999.

**R.M. Larrabee,**

Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.

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BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD01-98-155]

RIN 2115-AE46

#### Special Local Regulations: Hudson Valley Triathlon, Hudson River, Kingston, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the annual Hudson Valley Triathlon. This action is necessary to provide for the safety of life on navigable waters during the event. This event is intended to restrict vessel traffic in the Hudson River, in the vicinity of Kingston Point Reach.

**DATES:** This final rule is effective June 24, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal

holidays. The telephone number is (718) 354-4193.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory History

On February 1, 1999, the Coast Guard published a notice of proposed rulemaking (NPRM), entitled Special Local Regulations: Hudson Valley Triathlon, Hudson River, Kingston, New York in the **Federal Register** (64 FR 4812). The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

#### Background and Purpose

The New York Triathlon Club sponsors this annual triathlon with approximately 500 swimmers competing in this event. The sponsor expects no spectator craft for this event. The race will take place on the Hudson River in the vicinity of Kingston Point Reach. The regulated area encompasses all waters of the Hudson River within a 1000 yard radius of approximate position 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 Lighted Buoy 74 (LLNR 38285) north to Lighted Buoy 77 (LLNR 38300). The regulation is effective annually from 7 a.m. until 9 a.m. on the first Sunday after July 4th. The regulation prohibits all vessels, swimmers, and personal watercraft not participating in the event from transiting this portion of the Hudson River during the race. It is needed to protect swimmers and boaters from the hazards associated with 500 swimmers competing in a confined area of the Hudson River. Recreational vessels are not precluded from transiting the Hudson River in the vicinity of the regulated area because an alternate route is available. They can transit on the east side of the Hudson River and return to the west side at Ulster Landing or Turkey Point to the north, or at the mouth of Rondout Creek to the south of the local regulated area. Recreational vessels can not simply transit around the area because there are many mid-river shoals, with depths less than 3 feet, north of the local regulated area. Commercial vessels will be precluded from transiting the area because the local regulated area encompasses 1,800 yards of Kingston Point Reach and there is no viable alternative route.

#### Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. No changes were made to the proposed rule.

#### 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. Although this regulation prevents traffic from transiting a portion of the Hudson River during the race, the effect of this regulation will not be significant for several reasons: the limited duration on a Sunday morning that the regulated area will be in effect, recreational vessels will be able to transit to the east of the regulated area, commercial vessels can plan their transits up the river around the time the regulated area is in effect as they will have advance notice of the event, it is an annual event with local support, and advance notifications will be made to the local maritime community by the Local Notice to Mariners and marine information broadcasts.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 6501 *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 stated in the Regulatory Evaluation section above, 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 final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

## Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

## Environment

In accordance with agency procedures for implementing the National Environmental Policy Act (NEPA), the Coast Guard has considered the environmental impact of the Special Local Regulations together with the impacts of the marine event with which it is associate. In accordance with these NEPA implementing procedures, listed in Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(h) and (35)(a) this final rule is categorically excluded from further environmental analysis and documentation.

## Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

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

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

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

E.O. 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 safety disproportionately affecting children.

## List of Subjects in 33 CFR Part 100

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

## Regulation

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

### PART 100—[AMENDED]

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 § 100.121 to read as follows:

#### § 100.121 Hudson Valley Triathlon, Hudson River, Kingston, New York.

(a) *Regulated Area.* All waters of the Hudson River within a 1000 yard radius of approximate position 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 Lighted Buoy 74 (LLNR 38285) north to Lighted Buoy 77 (LLNR 38300).

(b) *Regulations.* (1) Vessels, swimmers, and personal watercraft of any nature not participating in this event are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(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.

(c) *Effective period.* This section is in effect annually from 7 a.m. until 9 a.m. on the first Sunday after July 4th.

Dated: May 10, 1999.

#### R.M. Larrabee,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-98-032]

RIN 2115-AE47

### Drawbridge Operation Regulations; Lake Champlain, NY & VT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is changing the operating regulations for the US2 Bridge, mile 91.8, between South Hero Island and North Hero Island over Lake Champlain in Vermont. This change is being made to relieve vehicular traffic congestion due to frequent bridge openings during the boating season. It is expected that this final rule will better balance the needs of vehicular traffic and the needs of navigation during peak traffic hours by scheduling bridge openings on the hour and half hour.

**DATES:** This final rule is effective June 24, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, MA 02110-3350, between 7 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

**FOR FURTHER INFORMATION CONTACT:** John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Lake Champlain, NY and VT, in the **Federal Register** (64 FR 1155) on January 8, 1999. The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested and none was held.

#### Background

The US2 Bridge, mile 91.8, over Lake Champlain in Vermont, has a vertical clearance of 4.7 feet at mean high water and 9.7 feet at mean low water.

The current operating regulations published in both 33 CFR 117.993(b) and 117.797(b) require the bridge to open from May 15th through October 15th, on signal from 7 a.m. to 9 p.m., on four hours advance notice from 9 p.m. to 7 a.m., and on twenty-four hours advance notice from October 16th through May 14th.