

11.7, the Steel Bridge at mile 12.1, the Burnside Bridge at mile 12.4, the Morrison Bridge at mile 12.8, and the Hawthorne Bridge at mile 13.1.

Multnomah County owns all of these bridges, except Steel Bridge, which the Union Pacific Railroad owns. The upper deck of this double-decked vertical-lift bridge is a roadway operated by the Oregon Department of Transportation.

Discussion of Proposed Rule

By lengthening the periods by one half-hour when the draw spans need not open for the passage of vessels, Monday through Friday, we should reduce traffic congestion. The revised closed periods will coincide more accurately with periods of peak commuter travel on arterial streets of Portland.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed rule would improve commuter traffic flow without unreasonably hindering navigation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considers whether this proposed rule, if adopted, 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 less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this rule, if adopted, will not have a significant impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant impact on your business or organizations, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and

to what degree this rule will economically affect it.

Collection of Information

This proposed 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 proposed rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed 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 does not have a significant effect on the environment. No written "Categorical Exclusion Determination" is required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 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, 106 Stat. 5039.

2. Revise § 117.897(a)(1) introductory text to read as follows:

§ 117.897 Willamette River.

(a) * * *

(1) The draws shall open on signal except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday the draws of the Broadway, Steel (upper deck only), Burnside, Morrison, and Hawthorne Bridges need not open for the passage of vessels. These closed periods are not effective on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, or Christmas Day or other holidays observed locally under State law. At least one hour's notice shall be given for openings of the Burnside Bridge and the

Morrison Bridge, Monday through Friday, from 8 a.m. to 4:30 p.m. At all other times at least two hours' notice shall be given. Notice shall be given by marine radio, telephone, or other means to the drawtender at the Broadway Bridge for vessels bound upstream and to the drawtender at the Hawthorne Bridge for vessels bound downstream. During Rose Festival Week or when the water elevation reaches and remains above +12 feet, the draws will open on signal without advance notice, except during the normal closed periods identified in this paragraph (a)(1). Opening signals are as follows:

* * * * *

Dated: May 6, 1999.

Paul M. Blayney,

*Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.*

[FR Doc. 99-12957 Filed 5-24-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-99-010]

RIN 2115-AE47

Drawbridge Operation Regulations; Shrewsbury River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the Rt-36 Bridge, at mile 1.8, across the Shrewsbury River at Highlands, New Jersey. This change is necessary to help alleviate vehicular traffic congestion caused by frequent bridge openings. This proposed rule is expected to help relieve the traffic congestion and still provide for the reasonable needs of navigation.

DATES: Comments must reach the Coast Guard on or before July 26, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110-3350, or deliver them at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

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

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 (CGD01-99-010) and the specific section of this document to which each comment applies, and give 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 a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations 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**.

Background

The Rt-36 Bridge, at mile 1.8, across the Shrewsbury River, has a vertical clearance of 35 feet at mean high water (MHW) and 39 feet at mean low water (MLW). The existing operating regulations for the RT-36 Bridge, at § 117.755, require the bridge to open on signal, except that, from Memorial Day through Labor Day on Saturdays, Sundays, and holidays, from 10 a.m. to 7 p.m., the draw need be opened only on the hour and half hour. The RT-36 Bridge log data from 1995, 1996 and 1997, May through October, indicates the following number of openings: May, 1239, 962, and 1490; June, 1601, 3216, and 2508; July, 2789, 2314, and 3093; August, 2215, 4947, and 3110; September, 1912, 2747, and 2011; October, 1225, 3096, and 1569, respectively. The number of openings is quite high during the summer months, resulting in frequent traffic congestion. The bridge owner, NJDOT, originally requested that the RT-36 Bridge shall open on signal on the hour and half hour, from 7 a.m. to 10 p.m., May 15th through October 15th. The vehicular traffic courts did not support the need

to limit bridge openings until 10 p.m. daily. The traffic counts indicated the hours 7 a.m. to 8 p.m. were the hours each day that the most vehicles passed over the bridge. The Coast Guard, as a result of the data reviewed, is proposing that the bridge open on signal on the hour and half hour from 7 a.m. to 8 p.m., May 15th through October 15th. At all other times the draw shall open on signal.

Discussion of Proposal

The Coast Guard proposes to revise the operating rules at § 117.755(a), governing the RT-36 Bridge, mile 1.8, across the Shrewsbury River at Highlands, New Jersey. This proposal will require the bridge to open on signal, except that, from May 15th through October 15th, 7 a.m. to 8 p.m., the draw need only open on the hour and half hour.

This proposal is expected to help relieve the traffic congestion caused by frequent bridge openings during the summer months and still provide for the reasonable needs of navigation. Mariners can still pass through the bridge, except that they simply need to schedule their transits to occur on the hour and half hour during the summer months.

The Coast Guard believes this proposed rule provides a reasonable balance for the needs of both vehicular and navigational modes of transportation.

Regulatory Evaluation

This proposed 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; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge will still open each half hour and that the mariners will still be able to transit the waterway. The mariners will be required by this proposed rule to simply schedule their transits to adjust to the bridge opening schedule. The Coast Guard believes this rule will relieve the vehicular traffic congestion and also meet the needs of navigation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, 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 discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed 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 proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written "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 proposes to amend 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. Section 117.793 is revised to read as follows:

2. Section 117.755(a) is revised as follows:

§ 117.755 Shrewesbury River

(a) The Rt-36 Bridge, mile 1.8, at Highlands, New Jersey, shall open on signal, except that, from May 15th through October 15th, 7 a.m. to 8 p.m., the draw need open only on the hour and half hour. The owners of the bridge shall provide and keep in good legible condition, two boards gages painted white with black figures not less than eight inches high to indicate the clearance under the closed draw at all stages of the tide. The gages shall be placed on the bridge so that they are plainly visible to operators of vessels approaching the bridge from either up or down stream.

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Dated: May 13, 1999.

R.M. Larrabee,

*Rear Admiral, Coast Guard, Commander,
First Coast Guard District.*

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-051]

RIN 2115-AA97

Safety Zone: Macy's Fourth of July Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone in the East River for the Macy's Fourth of July Fireworks. Display. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: Comments must be received on or before June 15, 1999.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01-99-051), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or

deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

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 (CGD01-99-051) and the specific section of this document to which each comment applies, and give 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 stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch 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 presentations 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**.

Background and Purpose

Macy's East, Inc. has submitted an Application for Approval of a Marine Event for a fireworks display in the East River. The proposed regulation establishes a temporary safety zone in all waters of the East River east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York in approximate position 40°42'16"N 074°01'07"W (NAD 1983) to Governors Island Light (LLNR 35010), in

approximate position 40°41'35"N 074°01'11"W (NAD 1983); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, in approximate position 40°41'35"N 074°01'11"W (NAD 1983) to the northwest corner of Pier 6, Brooklyn, New York; south of a line drawn from Lawrence Point (40°47'27"N 073°54'35"W (NAD 1983)) to Stony Point (40°47'48"N 073°54'42"W (NAD 1983)), and south of the Harlem River Foot Bridge, New York. This safety zone area also includes all waters of Newtown Creek west of the Pulaski Bascule Bridge. The proposed safety zone is effective from 7:30 p.m. until 11:30 p.m. on July 4th, 1999. There is no rain date for this event. The proposed safety zone prevents vessels from transiting this portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from 6 separate barges in the area. No vessel may enter the safety zone without permission of the Captain of the Port, New York.

In order to facilitate an orderly viewing of and departure after the event, vessels less than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in the following three areas: (1) All waters of the East River south of: (i) a line drawn from Lawrence Point (40°47'27"N 073°54'35"W (NAD 1983)) to Stony Point (40°47'48"N 073°54'42"W (NAD 1983)); (ii) the Harlem River Foot Bridge, and north of the southern end of Roosevelt Island; (2) in Newtown Creek, east of the Pulaski Bascule Bridge. (3) in Buttermilk Channel, south of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, in approximate position 40°41'35"N 074°01'11"W (NAD 1983) to the northwest corner of Pier 6, Brooklyn, New York;

Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and a line drawn from East 15th Street, Manhattan, to a point due east on the Brooklyn shore at the north corner of the Bushwick Inlet entrance.

Once in position within the zone, all vessels must remain in position until released by the Captain of the Port, New York. On-scene-patrol personnel will monitor the number of designated vessels taking position in the viewing areas of the zone. If it becomes apparent that any additional spectator vessels in