

**§ 931.16 [Amended]**

3. Section 931.16 is amended by removing and reserving paragraphs (o), (w), (x), (y), and (aa).

[FR Doc. 00-23234 Filed 9-8-00; 8:45 am]

BILLING CODE 4310-05-M

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

[CGD01-00-209]

**Drawbridge Operation Regulations: Hackensack River, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the NJTRO Lower Hack Bridge, at mile 3.4, across the Hackensack River in Jersey City, New Jersey. This deviation from the regulations allows the bridge owner to keep the bridge in the closed position from 10 p.m. Friday through 5 a.m. on Monday for four consecutive weeks. This action is necessary to facilitate mechanical repairs at the bridge.

**DATES:** This deviation is effective from September 8, 2000, through October 2, 2000.

**FOR FURTHER INFORMATION CONTACT:** Judy Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

**SUPPLEMENTARY INFORMATION:** The NJTRO Lower Hack Bridge, at mile 3.4, across the Hackensack River in Jersey City, New Jersey, has a vertical clearance of 45 feet at mean high water, and 40 feet at mean low water in the closed position.

The existing operating regulations in 33 CFR 117.723(b) require the bridge to open on signal if at least one-hour advance notice is given to the drawtender at the Upper Hack Bridge, mile 6.9, at Secaucus, New Jersey. In the event the HX drawtender is at the Newark/Harrison (Morristown Line) Bridge, mile 5.8, on the Passaic River, up to an additional half hour delay is permitted.

The bridge owner, New Jersey Transit, requested a temporary deviation from the drawbridge operating regulations to facilitate mechanical repairs at the bridge.

This deviation to the operating regulations allows the owner of the NJTRO Lower Hack Bridge to keep the bridge in the closed position from 10

p.m. on Friday through 5 a.m. on Monday for four consecutive weeks as follows:

- Friday, September 8 through Monday, September 11, 2000.
- Friday, September 15 through Monday, September 18, 2000.
- Friday, September 22 through Monday, September 25, 2000.
- Friday, September 29 through Monday, October 2, 2000.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: August 29, 2000.

**G.N. Naccara,**

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

[FR Doc. 00-23260 Filed 9-8-00; 8:45 am]

BILLING CODE 4910-15-U

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

[CGD08-00-024]

**Drawbridge Operating Regulation; Bayou Du Large, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117 governing the operation of the swing span bridge across Bayou Du Large, mile 22.6, at Theriot, Louisiana. This deviation allows the Terrebonne Parish Consolidated Government to close the bridge to navigation from 6 a.m. on September 22, 2000 through 7 p.m. on October 1, 2000. Presently, the draw is required to open on signal. This temporary deviation is issued to allow for repairs to be made to the pivot pier substructure and foundation.

**DATES:** This deviation is effective from 6 a.m. on September 22, 2000 through 7 p.m. on October 1, 2000.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), 501 Magazine Street, New Orleans, Louisiana, 70130-3396. The Bridge Administration Branch

maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Phil Johnson, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The Brady Road swing span bridge across Bayou Du Large, mile 22.6, near Theriot, Terrebonne Parish, Louisiana, has a vertical clearance of 5 feet above high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists primarily of fishing vessels, and recreational craft. The Terrebonne Parish Consolidated Government requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the maintenance work, involving jacking up the swing span and driving new foundation pilings to support and level the pivot pier. This maintenance is essential for the continued operation of the bridge.

This deviation allows the draw of the Brady Road swing span drawbridge across Bayou Du Large, mile 22.6, to remain closed to navigation from 6 a.m. on September 22, 2000 through 7 p.m. on October 1, 2000.

Dated: August 30, 2000.

**Paul J. Pluta,**

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

[FR Doc. 00-23262 Filed 9-8-00; 8:45 am]

BILLING CODE 4910-15-U

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[COTP San Juan 00-065]

RIN 2115-AA97

**Safety Zone Regulation for San Juan Harbor, Puerto Rico**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule; removal.

**SUMMARY:** The Coast Guard established a temporary safety zone within a 1500 feet radius surrounding the drill boat APACHE while it is engaged in drilling or blasting operations at the entrance of San Juan Harbor, Puerto Rico. The regulation was published in the **Federal Register** of July 21, 2000 (65 FR 45293). A second safety zone for the same area was published in error in the **Federal Register** of July 26, 2000 (65 FR 45908). To ensure the safety of personnel and to protect vessels in the vicinity of the drilling and blasting operations this

temporary rule removes the second safety zone.

**DATES:** This rule is effective September 11, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Robert Lefevers, Chief of Port Operations, Coast Guard Marine Safety Office San Juan, telephone (787) 706-2440.

**ADDRESSES:** Documents indicated in this preamble are available in the docket, are part of docket COTP San Juan 00-065, and are available for inspection or copying at the USCG Marine Safety Office, Rodriguez and Del Valle Building, 4th Floor, Calle San Martin, Road #2, Guaynabo, Puerto Rico, between the hours of 7:30 a.m. to 3:30 p.m., Monday through Friday, excluding federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. It is contrary to the public interest to publish an NPRM for an existing regulation that was published in error.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The second regulation that established the safety zone surrounding the drill boat APACHE requires immediate removal in order to limit public confusion and to protect vessels and personnel in the vicinity of the drilling and blasting operations in San Juan Harbor, Puerto Rico.

**Background and Purpose**

The Coast Guard established a temporary safety zone within a 1500 foot radius surrounding the drill boat *Apache* while it is engaged in drilling or blasting operations at the entrance of San Juan Harbor, Puerto Rico. The regulation was published in the **Federal Register** of July 21, 2000 (65 FR 45293). A second safety zone for the same area was published in error in the **Federal Register** of July 26, 2000 (65 FR 45908). To ensure the safety of personnel and to protect vessels in the vicinity of the drilling and blasting operations this temporary rule removes the second safety zone.

**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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary as this rule removes an unnecessary regulation.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub.L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to 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 under the Paperwork Reduction Act (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.

**The 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.

**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 rule and concluded that under figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

**List of Subjects In 33 CFR Part 165**

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

For the reasons discussed in the Preamble, the Coast Guard amends 33 CFR part 165 as follows:

**PART 165—REGULATED AREAS AND LIMITED NAVIGATION AREAS**

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

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

**§ 165.T00-065 [Removed]**

2. Remove § 165.T00-065.

Dated: August 30, 2000.

**J. Servidio,**

*Commander, U.S. Coast Guard, Captain of the Port, San Juan, Puerto Rico.*

[FR Doc. 00-23259 Filed 9-8-00; 8:45 am]

**BILLING CODE 4910-15-U**

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[CGD07-00-086]

RIN 2115-AE84

**Regulated Navigational Area: Sanibel, FL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary regulated navigation area at the Sanibel Island Bridge "A" span. This regulated navigation area is needed to protect the public from the hazards resulting from damage caused to the west side fender system and the unprotected bridge support pilings. This rule implements vessel operating requirements until the damage is repaired.

**DATES:** This rule is effective from 11:15 a.m. August 25, 2000, to 8 a.m. on December 5, 2000.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD07-00-086) and are available for inspection or copying at, Marine Safety Office Tampa between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Commanding Officer, Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33606, Attn: Lieutenant Warren Weedon, or phone (813) 228-2189 ext 101.

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

We did not publish a notice of proposed rulemaking (NPRM) for this

regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM because immediate action is necessary to minimize potential danger to the public from large vessel traffic transiting through the recently damaged bridge.

Further, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Immediate action is necessary to minimize potential danger to the public from large vessel traffic transiting through the recently damaged bridge.

**Background and Purpose**

At approximately 8 p.m. on August 17, 2000, a barge collided with the west side of the fendering system of the Sanibel Island Bridge "A" span at Sanibel, Florida. The west side fender system and associated dolphins were destroyed leaving the bridge support pilings unprotected. This drawbridge connects Sanibel Island to the mainland, and spans San Carlos Bay, a waterway that provides access to the Intercoastal Waterway. Occasional barge traffic transits the waterway under this bridge. The potential risk of these transits is increased because of the recent damage and therefore all barge traffic transiting under the Sanibel Island "A" span will be limited to slack water transits only. Further, all barges shall have two tugs made fast fore and aft of the barge, respectively, each with adequate horsepower to fully maneuver the barge. Tides through the bridge occur twice daily, providing four (4) slack water periods of approximately one and one-half (1 1/2) hours per period. Repair crews have begun removal of the damaged fender and may be operating in or near the channel. The scheduled completion of repairs is approximately 90 days.

**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). Vessel traffic affected by this rule can either enter the San Carlos Bay via alternate passages to the north, or schedule their transit for slack water periods.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered

whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of barges intending to transit the waterway under the bridge. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons.

This rule will be in effect for a limited time until the bridge fendering system is repaired. Further, alternate routes to the north of the Sanibel Island Bridge are available for barge traffic or barges can schedule their transit during slack water.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to 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 under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).