

approved, the bridge owner must take bids for the alteration of the bridge consistent with the approved plans and specifications. Those bids must then be submitted to the Chief, Bridge Administration Division for approval.

(b) After the bridge owner submits the guaranty of cost required by 33 U.S.C. 515, the Chief, Bridge Administration Division authorizes the owner to award the contract.

(c) Partial payments of the government's costs are authorized as the work progresses to the extent that funds have been appropriated.

§ 116.50 Apportionment of costs under the Truman-Hobbs Act.

(a) In determining the apportionment of costs, the bridge owner must bear such part of the cost attributable to the direct and special benefits which will accrue to the bridge owner as a result of alteration to the bridge, including expected savings in repairs and maintenance, expected increased carrying capacity, costs attributable to the requirements of highway and railroad traffic, and actual capital costs of the used service life. The United States will bear the balance of the costs, including that part attributable to the necessities of navigation.

(b) "Direct and special benefits" ordinarily will include items desired by the owner but which have no counterpart or are of higher quality than similar items in the bridge prior to alteration. Examples include improved signal and fender systems, pro rata share of dismantling costs, and improvements included, but not required, in the interests of navigation.

(c) During the development of the Apportionment of Costs, the bridge owner will be provided with an opportunity to be heard. Proportionate shares of cost to be borne by the United States and the bridge owner are developed in substantially the following form:

Total cost of project _____ \$ _____
 Less salvage _____ \$ _____
 Less contribution by third party _____
 \$ _____
 Cost of alteration to be apportioned _____
 \$ _____
 Share to be borne by the bridge owner:
 Direct and Special Benefits:
 a. Removing old bridge _____ \$ _____
 b. Fixed charges _____ \$ _____
 c. Betterments _____ \$ _____
 Expected savings in repair or maintenance costs:
 a. Repair _____ \$ _____

b. Maintenance _____ \$ _____
 Costs attributable to requirements of railroad and/or highway traffic _____
 \$ _____
 Expenditure for increased carrying capacity _____
 \$ _____
 Expired service life of old bridge _____
 \$ _____
 Subtotal _____ \$ _____
 Share to be borne by the bridge owner _____
 \$ _____
 Contingencies _____ \$ _____
 Total _____ \$ _____
 Share to be borne by the United States _____
 \$ _____
 Contingencies _____ \$ _____
 Total _____ \$ _____

(d) The Order of Apportionment of Costs will include the guaranty of costs.

§ 116.55 Appeals.

(a) Except for the decision to issue an Order to Alter, if a complainant disagrees with a recommendation regarding obstruction or eligibility made by a District Commander, or the Chief, Bridge Administration Division, the complainant may appeal that decision to the Chief, Office of Navigation Safety and Waterway Services.

(b) The appeal must be submitted in writing to the Chief, Office of Navigation Safety and Waterway Services, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, within 60 days after the District Commander's or the Chief's, Bridge Administration Division decision. The Chief, Office of Navigation Safety and Waterway Services will make a decision on the appeal within 90 days after receipt of the appeal. The Chief's, Office of Navigation Safety and Waterway Services decision of this appeal shall constitute final agency action.

(c) Any Order of Apportionment made or issued under section 6 of the Truman-Hobbs Act, 33 U.S.C. 516, may be reviewed by the Court of Appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for review is filed within 90 days after the date of issuance of the order. The review is described in section 10 of the Truman-Hobbs Act, 33 U.S.C. 520. The review proceedings do not operate as a stay of any order issued under the Truman-Hobbs Act, other than an order of apportionment, nor relieve any bridge owner of any liability or penalty under other provisions of that act.

Dated: April 20, 1995.

R.C. Houle,

Acting Chief, Office of Navigation Safety and Waterway Services.

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33 CFR Part 165

[CGD01-95-014]

RIN 2115-AA97

Safety Zone: Parade of Ships, Fleet Week '95, Port of New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on May 24, 1995, for the Fleet Week '95 Parade of Ships. A moving safety zone is established 500 yards fore and aft, and 200 yards on each side of the designated column of vessels in this parade as it transits from the Verrazano Narrows Bridge to the George Washington Bridge on the Hudson River. As the vessels make their turns and proceed southbound in the Hudson River, the moving safety zone continues to encompass all waters within a 200 yard radius of each vessel until safely berthed.

EFFECTIVE DATE: This rule is effective from 9:30 a.m. until 4 p.m. on Wednesday, May 24, 1995, unless extended or terminated sooner by the Coast Guard Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group, New York, (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Drafting Information: The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On March 16, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 14246) concerning this regulatory action. Interested persons were requested to submit comments on or before April 17, 1995. No comments were received. A public hearing was not requested and one was not held. The proposed rule stated that the vessel column would transit from the Verrazano Narrows Bridge to the waters west of the 79th Street Boat Basin, Manhattan, New York. The Coast Guard has since determined that this would not be practical due to the assigned mooring and anchoring locations of the parade vessels. While the vessel column will transit approximately 8,300 yards north of the 79th Street Boat Basin, the parameters of the moving safety zone