

(1) The name of the sponsor of the event.

(2) Name, address, and telephone number of the person in charge of the event.

(3) The date and time the event is scheduled to begin and end.

(4) The nature of the event (for example, marine parade, powerboat race, or sailboat race).

(5) The location of the event as shown on a chart or drawing.

(6) The number of watercraft expected, including watercraft of spectators.

(7) An explanation of why the event is not likely to endanger human life and what steps will be taken to ensure that result.

(c) The notice must be submitted to the District Commander at least 120 days before the event is scheduled to begin.

(d) If, after reviewing the notice, the District Commander determines that the event is likely to result in the loss of human life unless special precautions are taken, that officer may prohibit the sponsor from conducting the event unless that officer first grants the sponsor a permit.

#### **§ 100.18 Additional information required.**

(a) When a permit is required under § 100.17(d), the sponsor of the event shall submit the following additional information to the District Commander at least 120 days before the event is scheduled to begin:

(1) A detailed plan of how the sponsor plans to conduct the event without loss of life.

(2) A statement of whether the event will be held in or near the critical habitat of any endangered or threatened species and, if so, what steps will be taken to avoid adverse impacts on any member of the species.

(3) A statement of whether the event will be held in or near an area designated as environmentally sensitive by a Federal, State, or local environmental agency and, if so, what adverse impacts it will have on the area and what steps will be taken to avoid or mitigate the impacts.

(4) Evidence of coordination and consultation about the event with all Federal, State, or local environmental agencies to identify critical habitats and environmentally sensitive areas, to identify whether any agency indicated the event will have an adverse impact on the environment, and to identify any steps an agency recommended to avoid or reduce the adverse impact.

(5) A statement that the event will be conducted in compliance with all requirements under the Clean Air Act

(42 U.S.C. 1857 *et seq.*), the Clean Water Act (33 U.S.C. 1321), and the Noise Control Act (42 U.S.C. 4901 *et seq.*).

(6) A statement of whether the event is to be located on or near any sites or properties of historic or archaeological importance or significance to Native Americans.

(7) If the State in which the event will be held has an approved coastal zone management plan, a determination from the event's sponsor that the event is consistent with the enforceable policies of that plan, as well as evidence showing that the State has either concurred, or been asked to concur, in that determination.

(8) A statement of the consideration of the potential adverse effects of the event on critical habitats, environmentally sensitive areas, historic and archaeological sites, sites of importance to Native Americans, and the manner in which the event has been planned to avoid or reduce those adverse effects.

(9) Any other information deemed necessary by the District Commander, such as information to assist the Coast Guard in preparing required environmental documents on the event, including, when appropriate, an agreement to implement any mitigation measures suggested by an agency of the Federal, State, or local government charged with protecting natural resources.

(b) After review of the information submitted, the District Commander issues a permit to the sponsor or notifies the sponsor of the reasons why the event, as planned, does not qualify for a permit. If, after consultation with the Coast Guard, the sponsor modifies the event to qualify for a permit, the District Commander issues a permit to the sponsor. Otherwise, the District Commander notifies the sponsor that the request for a permit is denied.

#### **§ 100.19 Appeals.**

Any person adversely affected by a determination of a District Commander under § 100.18(b) may submit a petition to Chief, Office of Navigation Safety and Waterway Services, Commandant (G-N), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 within 7 days of the date of the determination. After considering all relevant material presented, the Coast Guard notifies the petitioner of the decision. The decision by the Commandant (G-N) is final agency action.

#### **§§ 100.25 and 100.30 [Removed]**

8. Sections 100.25 and 100.30 are removed.

9. Section 100.35 is revised to read as follows:

#### **§ 100.35 Special local regulations.**

(a) The District Commander may issue regulations to promote safety of life on the navigable waters immediately before, during, and immediately after a marine event.

(b) The regulations may establish an area within which vessels are excluded, their entry is limited, or their movement is restricted.

(c) The District Commander may provide notice of the regulations by means of broadcast or local notices to mariners.

10. Section 100.50 is revised to read as follows:

#### **§ 100.50 Penalties.**

For violating a provision of this part or a regulation or order issued under this part, the person or organization is subject to penalties under 33 U.S.C. 1236.

11. Before § 100.101, add a new subpart B heading and § 100.100 to read as follows:

### **Subpart B—Special Local Regulations**

#### **§ 100.100 Purpose of subpart.**

(a) This subpart prescribes regulations for particular recurring marine events.

(b) Geographical coordinates used in this subpart are not intended for plotting on maps and charts referenced to the North American Datum of 1983 (NAD 83), unless the coordinates are labeled NAD 83. Coordinates without an NAD 83 reference may be plotted on maps or charts with an NAD 83 reference only after application of the appropriate corrections published on the map or chart.

Dated: April 11, 1996.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

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### **33 CFR Part 117**

[CGD13-96-004]

#### **Drawbridge Operation Regulations; Oregon Slough, OR**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** At the request of the Burlington Northern Santa Fe Railroad, the Coast Guard is proposing a change to the regulations governing the operation of the railroad swingspan bridge across Oregon Slough, Portland,

Oregon. The proposed change would increase the advance notice required for opening of the swingspan from one half hour to one hour so that sufficient time is available for the bridge operator to travel to the bridge during periods of heavy traffic congestion on area roads and highways.

**DATES:** Comments must be received on or before June 17, 1996.

**ADDRESSES:** Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. The comments and other materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3410, Seattle, Washington. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220-7270).

**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 (CGD13-95-011) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in 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 proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, Thirteenth Coast Guard District 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

The proposed change would allow the operator more time to arrive at the

drawbridge. The operating regulations currently in effect require only one half hour notice for requesting openings. However, even when land traffic conditions on roads in the vicinity of the bridge are at their best, one half hour barely provides the operator enough time to travel to the bridge and commence operations. Land traffic volumes near the bridge have increased in the Portland area since the current regulations went into effect. A one hour notice period would allow the operator sufficient travel time to arrive at the bridge and open it in a timely fashion. The bridge averages 1-2 openings per day in months of frequent use and in other months considerably fewer openings. Vessels which require openings of the swingspan include tugs, fishing vessels, and sailboats.

Discussion of Proposed Rule

The proposed rule would amend 33 CFR 117.887 to state that the draw shall open on signal if at least one hour notice is given.

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 cost and benefits under section 6(a)(3) of that order. It has been exempted from review 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 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 expectation is based on the fact that the current notice period would only be increased by one half hour under the proposed amendment.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant effect on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a significant number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed 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); § 117.225 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.887 is revised to read as follows:

**§ 117.887 Oregon Slough (North Portland Harbor).**

The draw of the Burlington Northern Santa Fe Railroad Bridge, mile 3.2 at Portland, Oregon, shall open on signal if at least one hour notice is given.

Dated: April 2, 1996.

J.W. Lockwood,  
Rear Admiral, U.S. Coast Guard, Commander,  
13th Coast Guard District.

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