

### 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 has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard has considered the environmental impacts of this proposal and concluded that, under paragraph 2.B.2.e.34(h) of DOMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this proposal is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 100

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

### Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A permanent section, 100.118, is added to read as follows:

#### **§ 100.118 Searsport Lobster Boat Races, Searsport Harbor, ME.**

(a) *Regulated Area.* The regulated area includes all waters of Searsport Harbor, ME, within the following points (NAD 83):

Latitude	Longitude
44°26'51" N	068°54'20" W
44°27'03" N	068°54'20" W
44°27'03" N	068°55'17" W
44°26'51" N	068°55'17" W

(b) *Special Local Regulations.*

(1) The Coast Guard patrol commander may delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast

Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol commander. On-scene patrol personnel may include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other application laws.

(c) *Effective period.* This section is in effect from 8 a.m. to 2 p.m. on August 24, 1996, and each year thereafter on a date and times published in a Federal Register notice. If the event is canceled due to weather, this section is effective the following day.

Dated: May 1, 1996.

J.L. Linnon,

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

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### 33 CFR Part 117

[CGD01-95-002]

RIN 2115-AE47

#### **Drawbridge Operation Regulations New Rochelle Harbor, NY**

AGENCY: Coast Guard DOT.

ACTION: Supplemental notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing a change to the regulations governing the Glen Island Bridge, mile 0.8, across New Rochelle Harbor in New Rochelle, New York. The proposal would require two hours advance notice for openings between the hours of 12 midnight and 6 a.m. from May 1st through October 31st, and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November 1st through April 30th.

This change was requested by the Westchester County Department of Parks because of the few requests for bridge openings during these time periods. This action should relieve the bridge owner of the burden of having personnel constantly available to open the bridge and should provide for the reasonable needs of navigation.

**DATES:** Comments must be received on or before July 12, 1996.

**ADDRESSES:** Comments should be mailed to Commander (obr), First Coast Guard District, Building 135A, Governors Island, New York, 10004-5073, or may be hand-delivered to the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (212) 668-7170. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gary Kassof, Bridge Program Manager, First Coast Guard District, (212) 668-7069.

### SUPPLEMENTARY INFORMATION:

#### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1 95-002), the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½" by 11", suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received are to enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If the Coast Guard 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 Glen Island Bridge has vertical clearances when in the closed position of 13 feet above mean high water (MHW) and 20 feet above mean low water (MLW). The bridge is presently required to open on signal. The proposed regulations would provide openings on signal with two hours advance notice between the hours of 12 midnight and 6 a.m. from May through October, and with twenty-four hours

advance notice between the hours of 8 p.m. and 8 a.m. from November through April

On January 27, 1995, the Coast Guard published a notice of proposed rulemaking entitled "Drawbridge Operation Regulations; New Rochelle Harbor, NY" in the Federal Register (60 FR 5343), proposing a change in the operating regulations by permitting the bridge to remain closed from 1 May through 31 October between 12 midnight and 8 a.m. and from 1 November through 30 April between 8 p.m. and 8 a.m. The Commander, First Coast Guard District also circulated this proposal for comment via Public Notice 1-846 dated April 18, 1995. The Coast Guard received ninety-eight comments expressing opposition to the proposal. The major objection was the fact that vessels requiring passage during the nighttime closed periods would be forced to use the alternate, New Rochelle Harbor South (back) Channel, which is considered dangerous for nighttime passage due to the shallowness and narrowness of the channel and the lack of lighted aids to navigation. No public hearing was requested and none was held. Based on the concerns expressed by the marine public, the Westchester County Department of Parks revised its request to modify the drawbridge operating regulations.

These proposed regulations will provide the bridge owner relief from having an operator in constant attendance at the bridge during periods of limited opening demand, while accommodating the navigational needs of the marine community.

#### Discussion of Proposed Amendments

The Coast Guard proposes to amend 33 CFR 117 by adding section 117.802 to require two hours advance notice for bridge openings between the hours of 12 midnight and 6 a.m. from May through October and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November through April.

The Coast Guard also proposes that bridge owners install and maintain clearance gauges with figures not less than twelve inches high on the upstream and downstream sides of the bridge.

#### Regulatory Evaluation

This proposal 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. The proposed regulations will not prevent mariners from passing through the Glen Island Bridge but just require giving two hours advance notice of arrival between 12 midnight and 6 a.m. from May through October and twenty-four hours between 8 p.m. and 8 a.m. from November through April. This notice requirement will have minimal economic impact considering the low frequency of openings for navigation and the inactivity of the local marinas, yacht clubs and boat yards located up and downstream of the bridge during the regulated periods. There will be no impact on vehicular traffic that uses this bridge.

#### 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 economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard finds that the rule 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 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 rule will economically affect it.

#### Collection of Information

This proposed rule 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 has determined that this proposed regulation 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 paragraph 2.B.2.e(32)(e) of commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation since it is a proposed promulgation of a drawbridge operating regulation.

#### 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 33 CFR 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. 449; 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. Section 117.802 is added to read as follows:

#### **§ 117.802 New Rochelle Harbor.**

(a) The draw of the Glen Island Bridge, mile 0.8, at new Rochelle, New York, shall open on signal, except as follows:

(1) two hours advance notice shall be given for openings from 12 midnight to 6 a.m. from May 1st through October 31st.

(2) twenty-four hours advance notice shall be given for openings from 8 p.m. to 8 a.m. from November 1st through April 30th.

(b) The owner of the bridge shall provide and keep in good legible condition clearance gauges with figures not less than 12 inches high designed, installed, and maintained according to the provisions of section 118.180.

Dated: April 30, 1996.

J.L. Linnon,

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

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