

Location: Mystic River, CT
 Lat: 41°22'30" N Long: 072°00'00"W
 (NAD 1983)

Dated: November 27, 1996.

J.L. Linnon,

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

[FR Doc. 96-32840 Filed 12-24-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD07-96-064]

RIN 2115-AE 47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the J.D. Butler (Hillsboro Boulevard/SR 810) drawbridge, mile 1050.0 at Deerfield Beach, by limiting the number of openings during certain periods. This change is being made because of complaints of delays to vehicular traffic during the heavy tourist season period. This action is necessary to accommodate the needs of vehicular traffic flow and provide for the reasonable needs of navigation.

DATES: This rule is effective December 26, 1996. Comments must be received on or before February 24, 1997.

ADDRESSES: Comments may be mailed to the Commander(oan), Seventh Coast Guard District, Bridge Section, Brickell Plaza Federal Building, 909 S.e. First Avenue, Miami, Florida 33131-3050, or may be delivered to room 406 at the same address between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (305) 536-5117.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Rich, Project Manager, Seventh Coast Guard District, Bridge Section at (305) 536-5117.

SUPPLEMENTARY INFORMATION: This rule is being published as an interim rule and is being made effective on the date of publication. This rule is being promulgated without an NPRM because this proposed regulation change is needed immediately due to the large increase in seasonal highway traffic on Hillsboro Boulevard and the greater number of bridge openings being caused by increased vessel traffic along this reach of the Atlantic Intracoastal Waterway. This interim rule was tested with request for comments (61 FR 1524, January 22, 1996) from December 1,

1995 through February 28, 1996. The change in opening schedules helped to relieve seasonal traffic congestion without unreasonably impacting navigation. The Coast Guard did not receive any objections to the temporary deviation during the test period. The interim rule has not changed from the previously tested temporary deviation.

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 (CGD07-96-064) and the specific section of this rule 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 coping and electronic filing. Persons wanting acknowledgement 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 rule or the assessment in view of the comments received.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the District Commander 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 presentation 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 Coast Guard is changing the regulations governing the operation of the J.D. Butler (Hillsboro Boulevard/SR 810) drawbridge, mile 1050.0 at Deerfield Beach, by limiting the number of openings during certain periods. This change is being made because of complaints of delays to vehicular traffic during the heavy tourist season period. This change is being made because of complaints of delays to vehicular traffic during the heavy tourist season period. This four lane roadway which intersects with highway A-1-A, a two-lane roadway immediately east of the drawbridge, becomes extremely congested as vehicles enter and leave the popular beach area. The weekend bridge openings exacerbate this congestion especially during peak periods. This action is necessary to accommodate the needs of vehicular

traffic flow and provide for the reasonable needs of the vessel navigation.

On January 30, 1996, the Coast Guard issued Public Notice 8-96 soliciting comments on the test of this regulation from December 1, 1995 through February 28, 1996. No objections were received. This interim rule is unchanged from the temporary deviation with comments published on January 22, 1996.

The interim rule reduces the number of draw openings by changing the existing 20 minute schedule to hour and half-hour openings from 7 a.m. to 6 p.m. on Friday through Sunday and federal holidays. From Monday through Thursday, from 7 a.m. to 6 p.m., the draw will continue to open on the hour, 20 minutes after the hour, and 40 minutes after the hour.

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. 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 10e of the regulatory policies and procedures of DOT is unnecessary. We conclude this because of the infrequent operation of the draw, and public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property will continue to be passed through the draw at any time.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their field and governmental jurisdictions with populations of less than 50,000. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Act. Although this rule is exempt, the Coast Guard has reviewed it for potential impacts on small entities.

The economic impact will not affect a substantial number of small entities since tugs with tows are exempt and local excursion vessels will be able to plan their passage during the scheduled opening periods.

Therefore, the Coast Guard's position is that this 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 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 the rule that under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A "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.

Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—[AMENDED]

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. Section 117.261 is amended by revising paragraph (bb) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo, FL.

* * * * *

(bb) Hillsboro Boulevard (SR 810) bridge, mile 1050.0 at Deerfield Beach. The draw shall open on signal; except that, from October 1 through May 31, from 7 a.m. to 6 p.m., on Monday through Thursday, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour; and from 7 a.m. to 6 p.m., on Friday through Sunday and federal holidays, the draw need open only on the hour and half-hour.

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Dated: December 9, 1996.

J.W. Lockwood,

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

[FR Doc. 96-32847 Filed 12-24-96; 8:45 am]

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33 CFR Part 165

[COTP CHARLESTON 96-072]

RIN 2115-AA97

Safety Zone Regulations; Back River and Foster Creek, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the U.S. Border Patrol Training Academy Small Arms Range at the Charleston Naval Weapons Station. The safety zone will become effective at 12:01 a.m. Eastern Standard Time (EST) on December 1, 1996 and will terminate at 12 a.m. EST on February 1, 1997. This safety zone is needed to protect vessels and personnel from safety hazards associated with small arms fire and is an extension of a previously published rule [COTP Charleston 96-052].

EFFECTIVE DATE: The regulation becomes effective at 12:01 a.m. EST on December 1, 1996 and will terminate at 12 a.m. EST on February 1, 1997 unless terminated earlier by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jeffrey T. Carter, Coast Guard Marine Safety Office Charleston, at (803) 720-7701, between the hours of 7:30 a.m. and 4:00 p.m. EDT, Monday through Friday, except federal holidays.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 533, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal

rulemaking procedures would have been impractical. The information concerning the need for an extension to the previously published rule was not received with sufficient time to publish proposed rules prior to the event or to provide for a delayed effective date.

Discussion of Regulation

The temporary safety zone, previously published as [COTP] Charleston 96-052], being extended for an additional two months for the U.S. Border Patrol Training Academy Small Arms Range at Charleston Naval Weapons Station. The safety zone will become effective at 12:01 a.m. Eastern Standard Time (EST) on December 1, 1996 and will terminate at 12 a.m. EST on February 1, 1997. This safety zone is needed to protect vessels and personnel from safety hazards associated with small arms fire.

The safety zone will consist of those portions of unnamed tributaries of the Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline, which is the northern shore of an unnamed tributary of Back river at position 32-59.19N, 079-56.52W, southwesterly to a point on or near the northern shoreline of Big Island at position 32-59.11N, 079-56;59W; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at position 32-59.16N, 079-57.11W; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point beginning at position 32-59.19N, 079-56.52W. All coordinates referenced use datum; NAD 1983. The Captain of the Port has restricted vessel operations in this safety zone. No persons, vehicles or vessels will be allowed to enter or operate within this zone, except as may be authorized by the Captain of the Port, Charleston, South Carolina. This regulation is issued pursuant to 33 U.S.C. 1231, as set out in the authority citation of Part 165.

Regulatory Evaluation

This regulation 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 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