

Discussion of comments

One marina owner and one recreational mariner wrote in support of the regulation. The Coast Guard received 29 postcards and 1 letter indicating general opposition to any change in the regulations for Sacramento and San Joaquin River Delta drawbridges. No specific information was provided in those postcards and letter. The owners of the Tower Park Marina, adjacent to the bridge, opposed the change on the basis that it would be an inconvenience to their customers and would result in a loss of business. They recommended that the existing regulation be revised slightly to begin the winter operation schedule one month earlier. Five recreational mariners who moor at, or frequent Tower Park Marina also opposed the change as an inconvenience to their use of the waterway. One of them recommended a shorter summer attended schedule and one recommended openings on the hour or at other predetermined times. The owner of the Steamboat Resort opposed any reduced drawbridge service, and recommended providing attended service during high use periods.

Although the advance notice will be less convenient for mariners than attended service, it will accommodate all requests for bridge openings. The number of openings averages less than one per day year-round (1.3 openings per day during the summer months), thus the regulation should meet the reasonable needs of navigation. The 4 hour notice requirement is consistent with the notice requirements for other bridges in this area, and has been used successfully in the past during the unattended periods.

Two recreational mariners pointed out that a shoal at the mouth of the Mokelumne River, the alternate waterway route, limits the access for deeper draft recreational vessels. The new regulation will provide for bridge openings at any time-with 4 hours advance notice, thus deeper draft recreational vessels and commercial vessels will continue to have access through Little Potato Slough.

The Dutra Dredging Company (Dutra) opposed the change as a restriction on their operations including emergency response. As noted above, although the advance notice will be less convenient for mariners than attended service, it will accommodate all requests for bridge openings. Second, emergency bridge openings must be provided at all drawbridges "as soon as possible" for vessels in distress or commercial vessels engaged in rescue or emergency salvage

operations, under 33 CFR 117.31. Dutra questioned whether openings would be provided on 4 hour notice and believed that openings would be very numerous on summer weekends. The applicant reaffirmed that openings would be provided on 4 hours advance notice and provided bridge logs which showed that there was no significant difference between openings on summer weekdays or summer weekend days. Dutra also questioned whether the operators called to open the bridge would be adequately trained. The applicant advised that all personnel involved in operating the bridge would be appropriately trained. Dutra noted that there have been incidents of high-masted vessels losing power near the bridge and if there was no one available to open the bridge promptly, there would be damage to both the bridge and vessel. That is a possibility, however, under those circumstances, the presence of a bridge operator would not guarantee the safety of either the vessel or bridge, nor would the absence of a bridge operator guarantee damage to either the vessel or bridge.

Small Entities

Currently, the number of bridge openings averages less than one per day year-round. Since the number of affected vessels is small, and the regulation will still provide access for them, the economic impact to the adjacent marina should also be small. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not raise 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.g.(5) 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.

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 costs 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary.

Collection of Information

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

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

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; CFR 1.46; and 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.167 is revised to read as follows:

§ 117.167 Little Potato Slough.

The draw of the California Department of Transportation highway bridge, mile 0.1, at Terminus, shall open on signal if at least 4 hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

Dated: March 6, 1996.

R.A. Appelbaum,

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

[FR Doc. 96-9656 Filed 4-18-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD11-96-005]

RIN 2115-AE47

Drawbridge Operation Regulations; San Leandro Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the regulation for the bridge over San Leandro Bay to reflect the construction of a new bicycle bridge. The city of Alameda has built a bascule bicycle

bridge adjacent to the bascule highway bridge over the entrance to San Leandro Bay between Bay Farm Island and Alameda, California. The new bridge is adjacent to the highway bridge, provides the same clearances, and is operated by the bridgetender at the highway bridge on the same schedule as the highway bridge. This amendment updates the existing regulation to include reference to the new bicycle bridge.

EFFECTIVE DATE: April 19, 1996.

FOR FURTHER INFORMATION CONTACT:

Jerry P. Olmes, Bridge Section, Eleventh Coast Guard District, at (510) 437-3514.

SUPPLEMENTARY INFORMATION: Under the authority of 5 U.S.C. 553(b)(3)(B), the Coast Guard has for good cause determined that it is unnecessary to publish a notice of proposed rulemaking for this revision. There is no substantive change to the existing rule. The new bridge will be operated by the drawtender at the Bay Farm Island highway bridge, and will have the same hours of operation. There is no change to the navigational clearances. When the Coast Guard advertised the proposed issuance of a permit for the bridge, they described the intended method of operation, and received no comment about the method of operation.

Since there is no substantive change, there is no reason to delay the effective date beyond the date of publication in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Jerry P. Olmes, Project Manager, and Lieutenant Anita Abbott, Project Attorney.

Background and Purpose

The City of Alameda has built a bascule bicycle bridge adjacent to the California Department of Transportation bascule highway bridge between Bay Farm Island and Alameda, California. Construction is nearing completion. The bicycle bridge provides the same clearances as the highway bridge, and will be operated by the bridgetender at the highway bridge on the same schedule as the highway bridge. The amendment makes editorial changes to the regulation to reflect construction of the new bicycle bridge.

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not raise 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.g.(5) 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.

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 costs 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary.

Collection of Information

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 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. 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 117.193 is revised to read as follows:

§ 117.193 San Leandro Bay.

The draws of the California Department of Transportation highway bridge, mile 0.0 (kilometer 0.0) and the City of Alameda bicycle bridge, mile 0.1 (kilometer 0.2) between Alameda and Bay Farm Island, shall open on signal; except that, from 5 a.m. to 8 a.m. and 5 p.m. to 9 p.m., the draws shall open on signal if at least 12 hours notice is given. Notice shall be given to the drawtender of the Bay Farm Island bridges from 8 a.m. to 5 p.m. and to the drawtender of the Park Street bridge at Alameda at all other times. The draws need not be opened for the passage of vessels from 9 p.m. to 5 a.m.

Dated: April 2, 1996.

R. A. Appelaum,

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

[FR Doc. 96-9655 Filed 4-18-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 05-96-008]

RIN 2115-AA97

Safety Zones: Elizabeth River and York River, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones on the Elizabeth and York Rivers during the dismantling and replacement of the Coleman Bridge. The safety zones will include moving zones around the tugs and tows carrying the bridge spans as they transit the thirty miles between Norfolk International Terminals (NIT) and the Coleman Bridge, a stationary zone in the Elizabeth River at NIT, and a stationary zone in the York River at the Coleman Bridge. The safety zones are needed to ensure the safety of mariners operating in the vicinity and to ensure the safety of all personnel involved with the movement of the bridge spans.

DATES: This rule is effective from 10 p.m. on April 24, 1996 to 10 p.m. May 30, 1996, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Katherine Weathers, Chief, Port Safety and Security Branch, Coast Guard Marine Safety Office Norfolk, VA, (804) 441-3290.

SUPPLEMENTARY INFORMATION:

Background and Purpose

A notice of proposed rulemaking (NPRM) for this temporary rule was published on Thursday, March 14, 1996 (61 FR 10493). The comment period for the NPRM ended April 3, 1996. No comments were received.

Changes from Proposed Rule

The Coast Guard adopts the proposed rule as a temporary rule except that it is changing the effective date of the temporary rule. This temporary rule will become effective on April 24, 1996 instead of April 26, 1996 as proposed in the NPRM. The first replacement bridge span was moved from Norfolk to the area of the Coleman Bridge on March 27, 1996. To ensure safety of that movement, the Coast Guard Captain of