

Paperwork Reduction Act

This rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*), that this rule will not impose a cost of \$100 million or more in any given year on local, State or tribal governments or private entities.

The Draft General Management Plan/Draft Environmental Impact Statement was available for public review for 180 days from August 8, 1989, to March 1, 1990. In January 1992, the record of decision was signed, and the Big Cypress National Preserve General Management Plan/Final Environmental Impact Statement (Vols. 1 & 2) proposed action was approved. The Big Cypress National Preserve GMP, Vol. 1, page 44, recommends that the NPS promulgate special regulations to allow noncommercial recreational frogging in the Preserve.

Informal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act has resulted in a determination of no effect for this rulemaking process.

The NPS has determined that this rule will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses which compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or lands uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based upon this determination, this rule is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6 (49 FR 21438). As such, neither an

Environmental Assessment (EA) nor an Environmental Impact Statement (EIS), specific to recreational frogging, has not been prepared.

List of Subjects in 36 CFR Part 7

District of Columbia, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS proposes to amend 36 CFR Ch. I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Section 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. Section 7.86 is amended by adding new paragraph (d) to read as follows:

§ 7.86 Big Cypress National Preserve.

* * * * *

(d) *Frogs.* (1) The taking of the pig frog (*Rana grylio*) is allowed within the Preserve subject to public-use limits, times, locations, methods and means of taking, bag limits and permit requirements as established by the Superintendent.

(2) The Superintendent may impose closures and establish conditions or restrictions in accordance with the criteria and procedures of sections 1.5 and 1.7 of this chapter.

(3) Violation of the conditions established by the Superintendent is prohibited.

* * * * *

Dated: November 1, 1996.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–29943 Filed 11–21–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13–96–011]

Drawbridge Operation Regulations; Youngs Bay and Lewis and Clark River, OR

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations governing the operation of the drawspans of the

U.S. 101 (New Youngs Bay) highway bridge, mile 0.7, at Smith Point, the Oregon State (Old Youngs Bay) highway bridge, mile 2.4, across Youngs Bay, and the Oregon State (Lewis and Clark River) highway bridge, mile 1.0, across the Lewis and Clark River, Oregon.

The proposed rule would change the existing regulations for these bridges in three ways: The period during which shorter notice is allowed for requesting an opening of the bridges would be reduced from the existing 5 a.m. to 9 p.m. period to a shorter 7 a.m. to 5:30 p.m. period; the notice required for requesting an opening during the proposed 7 a.m. to 5:30 p.m. period would be increased from 30 minutes to 45 minutes; and the opening signal for the New Youngs Bay Bridge would be changed.

DATES: Comments must be received on or before January 21, 1997.

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.

Drafting Information

The drafters of this notice are Austin Pratt, Project Officer, and Lieutenant Commander John C. Odell, Project Attorney, Thirteenth Coast Guard District Legal Office.

Background and Purpose

At the request of the Oregon Department of Transportation, the Coast Guard is proposing to change the regulations governing the operation of the drawspans of the U.S. 101 (New Youngs Bay) highway bridge, mile 0.7, at Smith Point; the Oregon State (Old Youngs Bay) highway bridge, mile 2.4, across Youngs Bay; and the Oregon State (Lewis and Clark River), highway bridge, mile 1.0, across the Lewis and Clark River, Oregon.

First, the proposed rule would decrease the period during which shorter notice is allowed when requesting an opening of the draw spans of these bridges. Under the current regulations, the bridges are operated on 30 minutes notice between 5 a.m. and 9 p.m. At all other times of the day, 4 hours notice is required for requesting an opening. Historical data indicates that most requests for openings are in fact being made between 7 a.m. and 5:30 p.m. Records of drawbridge operations show that during the year measured from December 1994 to December 1995, the New Youngs Bay Bridge opened 461 times, the Old Youngs Bay Bridge opened 176 times, and the Lewis and Clark River Bridge opened 525 times. The vast majority (1,068 of 1,162) of these openings were made between 7 a.m. to 5:30 p.m. The proposed rule would alter the period during which shorter notice is required to reflect the historical use of the bridge.

Second, the proposed change would increase the notice period for requesting openings of the drawspans during the proposed period of 7 a.m. and 5:30 p.m. when shorter notice is allowed. The notice required between 7 a.m. and 5:30 p.m. would be increased from 30 minutes to 45 minutes. These bridges are not continuously manned and this aspect of the proposed change is needed to provide bridge operators more time to travel to the bridges through increased traffic congestion on area roads and highways.

Finally, the proposed change would change the published opening signal for the New Youngs Bay Bridge. The current regulations state that the opening signal for the New Youngs Bay Bridge is two prolonged blasts followed by one short blast. The proposed change would create a special opening signal consisting of two prolonged blasts followed by two short blasts. The special opening signal is necessary to prevent confusion with the signal of the nearby Old Youngs Bay Bridge which also has an opening signal consisting of two prolonged blasts followed by one short blast.

Discussion of Proposed Rule

The proposed rule would amend 33 CFR 117.899 to state that the drawspans of all three bridges shall open on signal if at least 45 minutes notice is given between 7 a.m. and 5:30 p.m., and if four hours notice is given at all other times of the day. The change would also change the opening signal for the New Youngs Bay Bridge to two prolonged blasts followed by two short blasts. All other aspects of the current operating regulations would remain the same.

Regulatory Evaluation

The 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 proposed change would not greatly increase the existing notice requirements for requesting drawbridge openings and the fact that the reduced period during which shorter notice is allowed merely conforms the regulations to the historical use of the bridges.

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). Because the proposed change would not greatly increase the existing notice period for requesting drawbridge openings, 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); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.899 is revised to read as follows:

§ 117.899 Youngs Bay and Lewis and Clark River.

(a) The draw of the US101 (New Youngs Bay) highway bridge, mile 0.7, across Youngs Bay at Smith Point, shall open on signal for the passage of vessels if at least 45 minutes notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 7 a.m. to 5:30 p.m. At all other times four hours notice is required. The opening signal is

two prolonged blasts followed by two short blasts.

(b) The draw of the Oregon State (Old Youngs Bay) highway bridge, mile 2.4, across Youngs Bay at the foot of Fifth Street, shall open on signal for the passage of vessels if at least 45 minutes notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 7 a.m. to 5:30 p.m. At all other times four hours notice is required. The opening signal is two prolonged blasts followed by one short blast.

(c) The draw of the Oregon State (Lewis and Clark River) highway bridge, mile 1.0, across the Lewis and Clark River, shall open on signal for the passage of vessels if at least 45 minutes notice is given by marine radio, telephone, or other suitable means from 7 a.m. to 5:30 p.m. At all other times four hours notice is required. The opening signal is one prolonged blast followed by four short blasts.

Dated: November 4, 1996.

J. David Spade,

*Rear Admiral, U.S. Coast Guard, Commander,
13th Coast Guard District.*

[FR Doc. 96-29951 Filed 11-21-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD08-96-048]

RIN 2115-AE47

Drawbridge Operation Regulation; Tchefuncta River, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD) and the Town of Madisonville, Louisiana, the Coast Guard is proposing a change to the regulation governing the operation of the swing span drawbridge across the Tchefuncta River, mile 2.5, at Madisonville, St. Tammany Parish, Louisiana. The proposed regulation would require that the draw will open on demand; except that from 5 a.m. until 8 p.m. the draw would open only on the hour. Presently, the draw is required to open on signal; except that, from 5 a.m. to 8 p.m. the draw opens only on the hour and half-hour. This change of eliminating openings at the half-hour will allow for fewer disruptions of vehicular traffic movement and still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before January 21, 1997.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or may be delivered to Room 1313 at the same address between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid in this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Discussion of Proposed Rules

Extensive residential development in the Madisonville area has significantly increased the amount of both vehicular traffic and vessel traffic which use the bridge. Navigational openings, recorded by the LDOTD, showed that the bridge had 313 openings for the month of April, 1996; 338 openings for May, 1996; 412 openings for June, 1996 and 407 openings for July, 1996. The vehicular traffic count taken for a two week period in June 1996 by LDOTD showed that during the proposed regulated period for bridge openings (5 a.m. to 8 p.m.), the average daily traffic crossing the bridge was 9195 vehicles per day on weekdays, 7793 vehicles on Saturdays and 7018 vehicles on Sundays. The predominant waterway users of this drawbridge are recreational

boaters. While operators of these boats may be slightly inconvenienced by the regulated openings, they will still have the opportunity to pass through the bridge with knowledge of the schedule for openings and with minimal planning. Most recreational boat owners that use the bridge for vessel passage also use the bridge for vehicular passage. Therefore, they too will benefit from the regulated bridge openings. The draw will open on signal at any time for a vessel in distress, or for an emergency aboard the vessel. Vertical clearance of the bridge in the closed position is 6.2 feet above mean high water at the west rest pier fender and 1.5 feet above mean high water at the pivot pier fender.

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 cost 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial 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 Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that