

and benefits under section 6(a)(f) 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. The regulated area encompasses less than $\frac{3}{4}$ nautical mile on the Intracoastal Waterway between Flagler and Memorial bridges. Vessels entering the regulated area will only be required to proceed at no wake speed for 5 hours on May 1st and 2nd 1996, 11 hours on May 3rd 1996 and 14 hours on May 4th and 5th 1996.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action consistent with Section 2.B.2. of Commandant Instruction M16475.1B. In accordance with that section, this action has been environmentally assessed (EA completed), and the Coast Guard has determined that it will not significantly affect the quality of the human environment. An environmental assessment and finding of no significant impact have been prepared and are available for inspection and copying at the address listed under **ADDRESSES**. As a condition to the permit, the applicant is required to educate the operators of spectator craft and parade participants regarding the possible presence of manatees and the appropriate precautions to take if the animals are sighted.

List of Subjects in 33 CFR Part 100

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

Temporary Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

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 temporary § 100.T07–023 is added as follows:

§ 100.T07–023 Special Local Regulations; Intracoastal Waterway at Lake Worth, FL.

(a) *Definitions.* (1) *Regulated area.* A regulated area is established in the Lake Worth Intracoastal Waterway (ICW) between the Royal Palm Bridge and the Flagler Memorial Bridge, for the Width of the ICW.

(2) *Coastal Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Miami, Florida.

(b) *Special Local Regulations.* (1) The regulated area is a no wake zone. All transiting vessels shall operate a speed so as to not cause a wake or at five (5) knots, whichever is slower.

(2) All vessels shall immediately follow any specific instructions given by event patrol craft and exercise extreme caution while operating in or near the regulated area. A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any nonparticipating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) After the termination of the Sunfest 96 event for each respective day and the regulated area, all vessels may resume normal operations.

(c) *Effective Dates.* These regulations are effective on May 1st and 2nd 1996 at 5:30 p.m. EDT and terminate at 10:30 p.m.; on May 3rd 1996 at 11:30 a.m. and terminate at 10:30 p.m.; and on May 4th and 5th 1996 at 8:30 a.m. and terminate at 10:30 p.m.. These times are effective unless the regulated area is sooner terminated by the Patrol Commander.

Dated: March 21, 1996.

Roger T. Rufe, Jr.,

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

[FR Doc. 96–9654 Filed 4–18–96; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD11–95–02]

RIN–2115–AE47

Drawbridge Operation Regulations; Little Potato Slough

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the California Department of Transportation, the Coast Guard is amending the regulation for the Highway 12 Swing Bridge crossing over Little Potato Slough, mile 1.0, at Terminous, near Stockton, California. The amended regulation stipulates that the draw must open on 4 hours advance notice at all times. This amendment will allow the bridge owner to reduce operating expenses, and will provide for the reasonable needs of navigation.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Christian G. Cerles, Bridge Section, Eleventh Coast Guard District, Building 10, Room 214, Coast Guard Island, Alameda, CA. 94501–5100. The telephone number is (510) 437–3514.

SUPPLEMENTARY INFORMATION:

Discussion of the Amendment

Regulatory History

On February 10, 1995, the Coast Guard published a Notice of Proposed Rulemaking for these regulations in the Federal Register (60 FR 7928). Interested parties were given until April 11, 1995 to submit comments. The Coast Guard received 40 comments on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The Coast Guard is changing the operating regulation for the Little Potato Slough swing bridge to require 4 hours advance notice at all times. The Little Potato Slough swing bridge was rebuilt at a higher elevation in 1991. Prior to its reconstruction, the bridge provided only 9 feet vertical clearance at Mean High Water and opened more than 3,000 times each year for vessel passage. After reconstruction, it provides 35 feet vertical clearance and opens much less frequently. In 1993 it opened only 239 times, an average of less than one opening each day. The Little Potato Slough Bridge can now pass most vessels without an opening, and the remaining vessels can be accommodated with openings provided on advanced notice.

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.

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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