

coordinates, the area north of the north shore of Bull Island; beginning at 32°11'45.0" N, 080°48'03.0" W; thence to, 32°11'52.0" N, 080°48'02.0" W; thence to, 32°12'00.0" N, 080°48'17.0" W; thence to, 32°12'19.0" N, 080°49'35.0" W; thence to, 32°12'09.0" N, 080°49'43.0" W; back east along the north shore of Bull Island to the point of beginning.

(b) *Effective dates.* This section is effective on July 4, 1996, at 7 a.m. EDT, and terminates on August 5, 1996, at 11 p.m. EDT.

Dated: April 23, 1996.

Roger T. Rufe, Jr.,

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

[FR Doc. 96-10557 Filed 4-29-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD01-96-035]

RIN 2115-AE47

Drawbridge Operation Regulations; Manchester Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule with request for comments.

SUMMARY: The Coast Guard is temporarily changing the operating rules that govern the Massachusetts Bay Transportation Authority (MBTA) Bridge at mile 1.0, in Manchester, Massachusetts. This change will require the bridge to be crewed for eight additional hours each day during the 1996 boating season and will modify the advance notice requirement for the 11 p.m. to 7 a.m. time period. This temporary final rule is based upon comments received as a result of a temporary deviation implemented by the Coast Guard during the 1994 boating season and a final temporary rule implemented for the 1995 boating season. The comments received from the mariners indicated their navigational needs require the bridge to be crewed from 7 a.m. to 11 p.m. during the boating season.

EFFECTIVE DATE: This temporary final rule is effective from May 27, 1996, through September 30, 1996. Comments must be received on or before October 31, 1996.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic

Ave., Boston, Massachusetts 02110-3350. Comments also may be hand-delivered to room 628 at the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223-8364. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT:

John W. McDonald, Project Officer, Bridge Branch, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-95-052), the specific section of this rule to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½" x 11" unbound format 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 should 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 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.

In accordance with 5 U.S.C. 553(6) good cause exists for publishing a temporary final rule without a prior comment period. It is in the public interest to have a rule increasing the hours the bridge is operated in effect before the Memorial Day weekend, the beginning of the 1996 boating season. Delaying this rule to provide for a notice and comment period would be impracticable, unnecessary and contrary to the public interest. Due to the manner in which openings are conducted, a greater number of openings does not cause delays to the commuter trains using the bridge. The MBTA has been

advised of the extra hours that the bridge will be required to be crewed during the 1996 boating season and the need for comprehensive record keeping. This test period will allow the Coast Guard to fully evaluate marine traffic patterns and costs to the MBTA. After this test period, the Coast Guard will evaluate the comments received and prepare a notice of proposed rulemaking to permanently change the operating schedule if appropriate.

Regulatory History

On June 14, 1994, a temporary deviation effective during the 1994 boating season from the operating regulations for the MBTA Bridge was published in the Federal Register (59 FR 30524; June 14, 1994). The Coast Guard received three letters and seven petitions. A public hearing was not requested and one was not held.

On July 17, 1995, the Coast Guard implemented a temporary final rule (60 FR 36357; July 17, 1995) which was effective for the 1995 boating season. The Coast Guard received 22 letters and three petitions. A public hearing was not requested and one was not held.

Background and Purpose

The MBTA Bridge over Manchester Harbor has a vertical clearance of 6' above mean high water (MHW) and 15' above mean low water (MLW). The existing operating regulations at 33 CFR 117.603 require that the bridge open on signal from 1 April through 1 November from 9 a.m. to 6 p.m., with a one hour lunch closure between 1 p.m. and 2 p.m. daily.

The Coast Guard received a request in May, 1994, from the Manchester Harbormaster/Chief of Police and several mariners located upstream of the bridge to extend the hours that the Manchester MBTA Bridge be required to open on signal during the peak boating season. On June 14, 1994, the Coast Guard published a temporary (90 day) deviation (59 FR 30524; June 14, 1994) from the operating regulations to evaluate changes to the operating rules during the 1994 boating season. The temporary deviation extend the hours that the bridge was crewed by an additional five hours a day, from June 3 through August 31, 1994. It required the bridge to be crewed from 8 a.m. to 9 p.m. daily and eliminated the one hour lunch hour closure from 1 p.m. to 2 p.m. each day.

The Coast Guard received only one letter during the comment period that closed October 31, 1994. The MBTA, the bridge owner, opposed the proposal to extend the operating hours of the bridge. Their objection was based upon the

additional cost of \$16,000 for crewing the bridge during the 1994 test period. The Coast Guard requested additional bridge log data from the MBTA to evaluate the impact of the deviation. The MBTA did not provide the requested data.

The Coast Guard did not proceed with a permanent change to the regulations immediately after the temporary deviation expired since only one comment letter was received within the comment period. The mariners who originally requested the changes to the operating rules did not provide comments until March 15, 1995, well after the comment period for the temporary deviation ended. These comments included seven petition letters, one letter representing forty-five boat owners located upstream of the bridge at the Manchester Harbor Marina and one letter from the Manchester Harbormaster/Chief of Police. All these letters were in favor of increasing the operating hours for the bridge.

During the summer of 1995, the Coast Guard implemented a temporary final rule (60 FR 36357; July 17, 1995) which tested an operating schedule from July 17, 1995, through September 30, 1995, which increased the period that the bridge opened on signal by three hours from 6 p.m. to 9 p.m. After the test period ended, the Coast Guard received 20 letters from mariners. Three petitions with a total of 40 signatures, a letter from Manchester Harbor Marina, and a letter from the Manchester Harbor Boat Club with 200 members were received requesting that the operating rules be changed to require the bridge to open on signal from 7 a.m. to 11 p.m. each day, Memorial Day through the end of September. The mariners requested the extended bridge operating hours so that they could get underway at a reasonable time in the morning and also be able to return to their moorings in the evening after their evening racing or sailing. One letter requesting that the hours remain unchanged was received from the bridge owner, the MBTA. The MBTA objected to the extra operating hours based upon a \$27,000 additional cost to crew the bridge during the 1995 test period. As in 1994, copies of the bridge logs were not submitted by the bridge owner as requested by the Coast Guard.

The Coast Guard believes that there is good cause to test the hours of 7 a.m. to 11 p.m. based on the mariners comments and the fact that these hours have not been tested previously. Also, records of openings provided by the bridge owner regarding previous test periods have been incomplete and are therefore inconclusive. Complete records of openings during the

scheduled test period will be considered by the Coast Guard for future rulemaking.

This temporary final rule extends the operating hours requiring the bridge to open on signal from May 27, 1996, to September 30, 1996, from 7 a.m. to 11 p.m. each day. Additionally, the advance notice requirement for openings from 11 p.m. to 7 a.m. is being changed from the existing two and five hour advance notice to a four hours advance notice from Memorial Day to the end of September. The existing requirement to provide two hours notice from 6:45 a.m. to 3:45 p.m. and at least five hours notice from 3:45 p.m. to 6:45 a.m. is confusing and difficult for mariners to recall while at sea or when they do not have access to a copy of the requirements. The Coast Guard will evaluate the effect of the four hour advance notice requirement during the 1996 boating season and may propose a modification of the requirement as a result of comments received.

Discussion of Proposed Amendments

This temporary final rule requires the bridge to open on signal from 7 a.m. to 11 p.m. from May 27, 1996, (Memorial Day) through September 30, 1996, an additional eight hours a day. In addition, a four hour advance notice for openings will be required from 11 p.m. to 7 a.m. during this same test period.

At present, mariners are forced either to return early after sailing or tie up at locations outside of the bridge (and the inner harbor where their moorings are located) if they return after 6 p.m. The harbormaster indicated that the increased operating hours would provide a safety advantage in the event of an emergency situation. Planned and emergency patrols would be able to transit through the bridge to the inner harbor on a more frequent basis in the event of a vessel in distress or a vessel on fire.

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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic impact 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 of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this action, if adopted, 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 this rule in accordance with the principles and criteria contained in Executive Order 12612, and it has determined that this regulation does not have sufficient federalism implications to warrant 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)(e) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

For the reasons set out in the preamble, the Coast Guard amends 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 117.603 is suspended and a new 117.604 is added to read as follows:

§ 117.604 Manchester Harbor.

The Massachusetts Bay Transportation Authority Bridge at mile 1.0, in Manchester, shall operate as follows:

(a) The draw shall open on signal from 7 a.m. to 11 p.m. each day.

(b) At all other times, at least four hours advance notice for openings is required by calling the number posted at the bridge.

Dated: April 22, 1996.

J.L. Linnon,

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

[FR Doc. 96-10658 Filed 4-29-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD13-95-055]

RIN 2115-AA97

Safety Zone Regulations; Fort Vancouver Fourth of July Fireworks Display, Columbia River, Vancouver, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting permanent safety zone regulations for the annual Fort Vancouver Fourth of July Fireworks Display in Vancouver, Washington. This event is held each year on the Fourth of July on the waters of the Columbia River. In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during this event. However, because the event occurs annually, the Coast Guard is adopting a permanent description of the event and permanent regulations to better inform the boating public.

EFFECTIVE DATE: This rule is effective on May 30, 1996.

ADDRESSES: Unless otherwise indicated, the documents referred to in this preamble are available for inspection or copying in the St. Helens Building, Waterways Management Section at the U.S. Coast Guard Group Portland, 6767 N. Basin Ave., Portland, OR 97217-3992. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) C. A. Roskam, c/o Commander, U.S. Coast Guard Group Portland, 6767 N. Basin Ave., Portland, OR 97217-3992. (Telephone: (503) 240-9327).

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 9, 1996 the Coast Guard published a notice of proposed rulemaking entitled Safety Zone Regulations; Fort Vancouver Fourth of July Fireworks Display, Columbia River, Vancouver, WA, in the Federal Register (61 FR 4945). The Coast Guard received no letters commenting on the proposal. No public hearing was requested, and none was held. No changes were made to the regulation, and it is being adopted as initially proposed.

Background and Purpose

The Coast Guard is adopting permanent safety zone regulations for the annual Fort Vancouver Fourth of July Fireworks Display in Vancouver, Washington. This event is held on the waters of Columbia River each year on July fourth from 10 p.m. to 10:30 p.m. (PDT). In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during the event. However, because the event occurs annually, the Coast Guard is adopting a permanent description of the event and permanent regulations in the Code of Federal Regulations (CFR) to better inform the boating public. The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. The Fort Vancouver Fourth of July Fireworks Display is being held as part of the celebration for the Fourth of July Independence Day in Vancouver, Washington. This event is sponsored by the Fort Vancouver Fourth of July Committee. The fireworks display is conducted from a barge located just offshore on the Columbia River.

This one day event attracts a large number of spectators gathered on the waters near the fireworks display. Spectators who approach the fireworks barge at close range during the event may be struck by falling debris from the overhead fireworks display.

Discussion of Proposed Regulation

To promote the safety of both the spectators and the participants of this event, this regulation establishes a permanent safety zone which would become effective each year during the event. Entry into this safety zone and the area surrounding the event will be prohibited. This safety zone will be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal agencies.

Regulatory Evaluation

This regulation is not a significant 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 Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this regulation to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The safety zone established by this regulation encompasses only one mile of the Columbia River adjacent to Vancouver, Washington. Entry into the safety zone will be restricted each year for only three hours on the day of the event. These restrictions would have little effect on maritime commerce in the area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation 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 it expects the impact of this regulation to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation 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 action 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.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that, under paragraph 2.B.2 of Commandant Instruction