

**DEPARTMENT OF DEFENSE****Department of the Army****32 CFR Part 339****Announcement of Intent To Issue a Proposed Rulemaking for the DOD Range Rule**

**AGENCY:** U.S. Army Environmental Center, Department of Defense.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Department of Defense (DOD) announces its intent to formulate a regulation concerning closed, transferred, and transferring military ranges. The regulation will address safety, human health, and the environment on these ranges, and the Proposed Rulemaking is anticipated to be published in the Federal Register in April 1996. The Proposed Rulemaking publication will be followed by a 60 day public comment period.

**FOR FURTHER INFORMATION CONTACT:** Interested persons who would like to be placed on a mailing list to receive updates and information on DOD's progress on this proposed rule can submit their name and address to: DOD Range Rule, P.O. Box 3430, Gaithersburg, MD 20885-3430.

**SUPPLEMENTARY INFORMATION:** DOD will be promulgating these regulations under the authorities of 10 U.S.C. 2701, the Defense Environmental Restoration Program, and 10 U.S.C. 172, the Department of Defense Explosive Safety Board.

Juanita H. Maberry,

*Alternate, Army Federal Register Liaison Officer.*

[FR Doc. 96-3803 Filed 2-20-96; 8:45 am]

BILLING CODE 3710-08-M

that the mechanical and electrical systems of the twin bridges can be overhauled. The proposed closed period is October 1, 1996, to January 31, 1997.

**DATES:** Comments must be received on or before April 29, 1996.

**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 (CGD13-96-001) 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, Thirteenth Coast Guard District Aids to Navigation and Waterfront Management Branch, and Lieutenant Commander John C. Odell,

Project Attorney, Thirteenth Coast Guard District Legal Office.

**Background and Purpose**

At the request of the Washington State Department of Transportation, the Coast Guard is considering a temporary amendment to the regulations governing the operation of the twin State Route 529 drawbridges across the Snohomish River at Everett, Washington. Currently, these bridges are required to open for the passage of vessels if one hour notice is provided. The proposed temporary regulations would permit the drawspans to remain closed for several months so that the mechanical and electrical systems of the twin bridges can be overhauled. The existing drawbridge operation regulations currently in effect would automatically be restored as soon as the proposed temporary regulations expire.

**Discussion of Proposed Rule**

The proposed rule would amend 33 CFR 117.1059 by temporarily suspending paragraph (c) and temporarily adding a new paragraph (i) to read that the twin State Route 529 drawbridges across the Snohomish River at Everett, Washington, need not open for the passage of vessels from October 1, 1996, until January 31, 1997. On February 1, 1997, the temporary regulation would terminate and paragraph (c) would again be in effect.

**Regulatory Evaluation**

This proposed temporary 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 commercial users of the waterway can pass under the bridge without an opening during low tide conditions.

**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

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD13-96-001]

**Drawbridge Operation Regulations; Snohomish River, Everett, WA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to temporarily amend the regulations governing the operation of the twin State Route 529 drawbridge across the Snohomish River, mile 3.6, at Everett, Washington. The proposed temporary regulations would permit the drawspans to remain closed for several months so

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). 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. Effective October 1, 1996 through January 31, 1997, Paragraph (c) of 117.1059 is suspended and a new paragraph (i) is added to read as follows:

#### **§ 117.1059 Snohomish River, Steamboat Slough, and Ebey Slough.**

\* \* \* \* \*

(i) The draws of the twin, SR 529, highway bridges across the Snohomish River, mile 3.6, at Everett need not open for the passage of vessels from October 1, 1996 through January 31, 1997.

Dated: February 5, 1996.

J.W. Lockwood,

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

[FR Doc. 96–3696 Filed 2–20–96; 8:45 am]

BILLING CODE 4910–14–M

### **33 CFR Part 117**

[CGD13–96–002]

#### **Drawbridge Operation Regulations; Ebey Slough, Marysville, WA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to temporarily amend the regulations governing the operation of the State Route 529 drawbridge across Ebey Slough, mile 1.6, at Marysville, Washington. The proposed temporary regulations would permit the drawspan to remain closed for several months so that the mechanical and electrical systems of the bridge can be overhauled. The proposed closed period is February 1, 1997, to June 1, 1997.

**DATES:** Comments must be received on or before April 22, 1996.

**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 (CGD13–96–002) 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, Thirteenth Coast Guard District Aids to Navigation and Waterfront Management Branch, and Lieutenant Commander John C. Odell, Project Attorney, Thirteenth Coast Guard District Legal Office.

#### **Background and Purpose**

At the request of the Washington State Department of Transportation, the Coast Guard is considering a temporary amendment to the regulations governing the operation of the State Route 529 drawbridge across Ebey Slough at Marysville, Washington. Currently, the bridge is required to open for the passage of vessels if one hour notice is provided. The proposed temporary regulations would permit the drawspan to remain closed for several months so that the mechanical and electrical systems of the bridge can be overhauled. The existing drawbridge operation regulations currently in effect would automatically be restored as soon as the proposed temporary regulations expire.

#### **Discussion of Proposed Rule**

The proposed rule would amend 33 CFR 117.1059 by temporarily suspending paragraph (h) and temporarily adding a new paragraph (i) to read that the State Route 529 drawbridge across Ebey Slough at Marysville, Washington, need not open for the passage of vessels from February 1, 1997, until June 1, 1997. On June 2, 1997, the temporary regulation would terminate and paragraph (h) would again be in effect.

#### **Regulatory Evaluation**

This proposed temporary 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