

Dated: December 12, 1996.  
 Patricia L. Toppings,  
*Alternate OSD Federal Register Liaison  
 Officer, Department of Defense.*  
 [FR Doc. 96-32130 Filed 12-26-96; 8:45 am]  
 BILLING CODE 5000-04-C

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD01-96-119]

#### Special Anchorage Area: Special Anchorage Sheepshead Bay, Brooklyn, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposed to amend the Sheepshead Bay special anchorage regulations by reducing the size of the northern area to accommodate the construction of a floating restaurant.

**DATES:** Comments must be received on or before February 25, 1997.

**ADDRESSES:** Comments should be mailed to Lieutenant John W. Green, Waterways Oversight Branch, Coast Guard Activities New York, Bldg. 108 Governors Island, New York 10004-5096.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant John W. Green, Waterways Oversight Branch, Coast guard Activities New York (212) 668-7906.

#### 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 notice (CGD01-96-119) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

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; however, persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. If it is determined 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.

#### Background and Purpose

The Hastings Design Group is developing plans to construct a floating restaurant in Sheepshead Bay. As planned, the floating restaurant extends into the northern area of the Sheepshead Bay special anchorage defined in 33 CFR 110.60(x)(2). Special anchorages are areas of water in which vessels of not more than 65 feet in length may anchor without exhibiting anchor lights. The proposed rule would change the boundaries of the special anchorage by moving the eastern boundary line so that no portion of the restaurant is within the special anchorage. The new eastern boundary line would be relocated to a line parallel to and 80 feet west of the prolonged west line of Coyle Street. This configuration would allow for the floating restaurant to project a maximum of 80 feet west of the prolonged west line of Coyle Street, and will allow for an area 45 feet wide for vessel traffic to transit to and from the anchorage west of the floating restaurant. Moving the eastern boundary line would eliminate four moorings from the special anchorage under the existing mooring field plan. However, the owner of the floating restaurant has agreed to make four berths available at the restaurant pier to the New York City, Department of Parks and Recreation to offset the loss of moorings from the special anchorage. These four berths will be administered by the Department of Parks and Recreation as part of the entire special anchorage.

#### 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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Although the proposed boundary change would decrease the size of the northern area of the Sheepshead Bay special anchorage, the effect of this regulation would not be significant for the following reasons: the owner of the floating restaurant will provide four permanent moorings to be administered by the New York City,

Department of Parks and Recreation as part of the special anchorage, and a 45 foot fairway will be established so vessel traffic can safely access the special anchorage west of the floating restaurant.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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.

For reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal 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 significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

#### 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 action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.e.(34)(f) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994) this rule reduces the size of a special anchorage and is categorically excluded from further environmental documentation.

#### List of Subjects in 33 CFR 110

Anchorage grounds.

## Proposed Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

### PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.60, is amended by revising paragraph (c)(2) to read as follows:

#### **§ 110.60 Port of New York and vicinity.**

\* \* \* \* \*

(x) \* \* \*

(2) *Northern Area.* South of the established U.S. pier head line on the north side of the bay; west of a line parallel to and 80 feet west of the prolonged west line of Coyle Street; north of a line ranging from a point 125 feet south of said pier head line in said line parallel to and 80 feet west of the prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point on the prolonged east line of East 27th Street and 245 feet south of the established U.S. pier head line on the north side of the bay; and east of the prolonged east side of East 27th Street.

\* \* \* \* \*

Dated: December 6, 1996.

J.L. Linnon,

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

[FR Doc. 96–32839 Filed 12–26–96; 8:45 am]

BILLING CODE 4910–14–M

### 33 CFR Part 117

[CGD08–95–026]

RIN 2115–AE47

#### **Drawbridge Operation Regulation; Bonfouca Bayou, LA**

AGENCY: Coast Guard, DOT.

**ACTION:** Notice of supplemental proposed rulemaking; Notice of temporary deviation.

**SUMMARY:** The Coast Guard is revising its proposal concerning the operation of the swing span drawbridge across Bonfouca Bayou, mile 7.0, at Slidell, St. Tammany Parish, Louisiana. This supplemental proposal is the result of comments on the notice of proposed rulemaking. The revised proposal would provide that the draw need not open for passage of vessels during peak vehicular traffic periods. This change will allow for the timely passage of school busses and relieve vehicular traffic congestion that has increased dramatically during recent years and still provide for the reasonable needs of navigation.

In order to test the revised schedule and closing times in this supplemental proposal, the District Commander authorized a temporary deviation in drawbridge operation regulations for the Bonfouca Bayou drawbridge effective through December 21, 1996. The Coast Guard requests comments on the test schedule.

**DATES:** Comment must be received on or before January 10, 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 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Johnson, Bridge Administration Branch, at the address and telephone number given above.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

Interested parties are invited to participate in the proposed rulemaking and to comment on the temporary deviation 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 supplemental proposal. Persons desiring acknowledgement 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 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 comments received and determine a course of final action on this proposal. The supplemental proposal may again be changed in the light of comments received.

The temporary deviation is effective for 90 days from September 23, 1996 through December 21, 1996.

#### **Discussion of Proposed Rules**

The Bonfouca Bayou, swingspan bridge at mile 7.0, at Slidell, St. Tammany Parish, Louisiana, has 3.5 feet vertical clearance above high tide in the closed to navigation position and 6.7 feet above low tide at the pivot pier, and 8.2 feet clearance above high tide and 11.4 feet above low tide at the rest pier. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. Annualized data provided by the Louisiana Department of Transportation and Development (LDOTD) show that from September 1994 through September 1995, a total of 207 vessels passed the bridge between 6 a.m. and 9 a.m. throughout the year and a total of 406 vessels passed the bridge between 3 p.m. and 6 p.m. throughout the year. The data also shows that on average 1532 vehicles cross the bridge between 6 a.m. and 9 a.m. each day and 2261 vehicles cross the bridge between 3 p.m. and 6 p.m. each day.

Reduced to a monthly rate, the above data reflects the fact that on average, 17 vessels pass and 45,960 vehicles cross the bridge each month during the morning period and 34 vessels pass and 67,830 vehicles cross the bridge during the afternoon period.

The Louisiana Department of Transportation and Development with the support to Congressman Robert L. Livingston and many other parish and city officials, previously requested that the bridge remain closed from 6 a.m. to