

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 (CGD13-95-050) 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 Waterways Management Branch, 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 (ODOT), the Coast Guard is considering an

amendment to the regulations governing the operation of the South Slough Bridge at Charleston, Oregon. The proposed change would require one hour notice at all times when requesting openings of the drawspan of the bridge for the passage of vessels. Current regulations require the drawspan to open on signal, except that the drawspan need only open on the hour and half hour from 7 a.m. to 7 p.m. from June 1 through September 30. The current regulations provide an exception to the summertime on-the-hour-and-half-hour provisions for vessels in distress, commercial tugs and/or tows, and public vessels of the United States.

In recent years the total number of annual openings has decreased continuously from 2014 in 1988 to 765 in 1995. This year the greatest number of openings occurred in April. During April, 1995, there were a total of 89 openings, averaging somewhat less than 3 per day.

Because of the decreased number of openings during the summer months, ODOT no longer feels that the on-the-hour-and-half-hour provision is necessary for the efficient operation of the bridge. In recent years, ODOT has voluntarily waived the on-the-hour-and-half-hour restriction and has opened the bridge on signal whenever requested. Under the proposed change, the provision that allows the bridge to open only on the hour or half hour during the summer months would be removed. The exception for vessels in distress, commercial tugs and/or tows, and public vessels of the United States would also be removed. Under the proposed change, vessels needing emergency openings would still be able to request such openings under the general provisions of § 117.31 of this part. No new exception to the one-hour notice requirement will be created for commercial tugs and tows or public vessels because transit of the bridge by these types of vessels have become rare.

The decreased number of requested openings throughout the year has also made it unnecessary and cost-inefficient to require that a draw operator be present at the bridge at all hours. Under the proposed change, the one-hour notice requirement would allow time for the draw operator to travel to the bridge for requested openings.

Discussion of Proposed Rule

The proposed rule would amend 33 CFR 117.892 to state that the draw shall open on signal if at least one hour notice is provided. This one-hour notice requirement would apply year-around. The provision that allows the bridge to

open only on the hour or half hour during the summer months would be removed along with the exception for vessels in distress, commercial tugs and/or tows, and public vessels of the United States.

Regulatory Evaluation

This 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 vessel operators would not be unreasonably impeded or incur additional expense by a requirement to provide one hour notice for draw openings.

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). 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,