

25% withholding tax. The income in each of these groups is reduced to zero, and the foreign taxes imposed on the rental and royalty income are considered related to general limitation income. The remaining loss of (\$200) constitutes a separate limitation loss with respect to passive income.

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Margaret Milner Richardson,
Commissioner of Internal Revenue.

[FR Doc. 96-17004 Filed 7-5-96; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 11-90-03]

RIN-2115-AE47

Drawbridge Operation Regulations; Cerritos Channel, CA

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: At the request of the Port of Los Angeles, the Coast Guard is proposing a temporary change to the regulations for the Henry Ford Avenue Railroad Bridge (Ford Bridge), across Cerritos Channel of Los Angeles/Long Beach Harbor, mile 4.8, at Long Beach, California, to authorize a five month (150 day) closure of the bridge to replace the movable span and erect the support towers. The proposed closure would start November 7, 1996 and conclude on April 7, 1997. If these dates change, the actual 5 month closure dates will be advertised in the Local Notice to Mariners. The bridge, also known as the Badger Avenue Bridge, currently remains open to navigation except for the passage of trains. This proposal is being made because the bridge needs to be replaced to preserve rail access to Terminal Island and to insure reliable service to vessel traffic.

DATES: Comments must be received on or before August 7, 1996.

ADDRESSES: Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, or may be delivered to the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (510) 437-3514. Commander (oan-br) maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at Bldg. 10,

Room 214, Coast Guard Island, Alameda.

FOR FURTHER INFORMATION CONTACT: Susan Worden, Bridge Section, Eleventh Coast Guard District, at (501) 437-3461.

SUPPLEMENTARY INFORMATION:

Request for Additional 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 (CGD 11-90-03) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope. Comments previously submitted have been entered into the record and need not be resubmitted.

The Commander, Eleventh Coast Guard district will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of the comments received.

The Coast Guard plans no public hearing, but one may be held if written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will add to the rulemaking process.

Discussion of the Proposal

Regulatory History

This supplements a Notice of Proposed Rulemaking dated August 28, 1990 (55 FR 35154), which discussed a six and one-half month closure of the bridge draw for bridge rehabilitation, from February 1, 1991 through August 15, 1991. The Ford Bridge provides the only rail access to port facilities on Terminal Island. The bridge is over 70 years old and no longer meets California seismic standards or Federal Railroad Administration clearance standards. The bridge owner determined that the bridge could not be rehabilitated economically, and in 1993 applied for a permit to replace the bridge. In 1995, the Coast Guard issued a permit for its replacement. The new bridge is currently under construction, and it is anticipated that the work can be accomplished with a slightly shorter closure period. Since more than five years has elapsed since the publication of the NPRM, an additional opportunity for public comment is being provided. The four comments received on the previous NPRM will be considered part of the record.

The Notice of Proposed Rulemaking (NPRM) in 1990 was for the earlier plan to rehabilitate the bridge, a plan that is no longer feasible. That NPRM, which involved a slightly longer closure, generated only four comments: Pacific Towing Company requested one leaf operation of the bridge; Jacobson Pilot Service requested the closure period to be kept to a minimum; Dow Chemical expressed concern about land access during construction; and the Port of Long Beach wrote supporting the proposal.

Because of the change from rehabilitation to reconstruction, it is not possible to have the bridge in partial service during the construction of the towers and lift span for which the closure is necessary. The Coast Guard has reviewed the construction plans and determined that the proposed closure is the shortest feasible time period consistent with safety and good engineering practice. The bridge construction will only cause brief interruptions to rail service or land access to nearby facilities.

The revised bridge plan has been advertised in the Federal Register on three occasions: a Notice of Intent to prepare an Environmental Impact Statement (EIS) (58 F.R. 28087); a Notice of Availability of the Draft EIS (59 F.R. 6639); and a Notice of Availability of the final EIS (59 F.R. 60631).

The circulation of the Coast Guard Environmental Impact Statement for the Ford Bridge Replacement Project provided additional opportunities for public comment on the bridge closure. No comments were received addressing the closure. Because the revised plan has been advertised extensively and no opposition has thus far been expressed, the Coast Guard for good cause believes that a 30 day comment period is adequate to solicit any remaining comments on this supplemental notice of proposed rulemaking.

Current Proposal

The Port of Los Angeles has requested the bridge span closure to allow them to safely construct the replacement bridge. The proposed closure of the span would start November 7, 1996, and conclude on April 7, 1997. If these dates change, the actual 5 month closure dates will be advertised in the Local Notice to Mariners.

The Ford Avenue Railroad Bridge provides vertical clearance of 14 feet above Mean Lower Low Water (9 feet above Mean High Water) when closed. The waterway is a connecting channel in the Los Angeles/Long Beach Harbor complex and is used by oceangoing cargo ships, tugs and barges, tour boats,

commercial fishing vessels and recreational boats. The alternate route past the bridge site is through the outer harbor, with a maximum detour of 10 miles.

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 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 draft regulatory evaluation prepared for the NPRM has been superseded by the economic analysis in the Coast Guard Final Environmental Impact Statement (FEIS) for the Ford Bridge Replacement dated November 25, 1994. A copy of the FEIS has been placed in the rulemaking docket, and may be inspected and copied at the address listed under **ADDRESSES**.

Replacement of the existing bridge was determined to be the most feasible and prudent alternative. This replacement cannot be accomplished without closing the bridge span for a period of months. To minimize the impact on the maritime community, the applicant plans to work an accelerated schedule to complete the work requiring the bridge closure in five months. Increased costs to the marine industry are estimated to be \$1 million due to detours during a five month closure. The overtime work schedule increases overall project costs approximately \$2.2 million. The applicant estimates that if the contractor were required to work only a standard 40 hour work week, they would need a closure of eleven months to complete work. Thus, the impact to the maritime industry has been minimized. On balance, the short term costs due to the detour will be offset by the long-term benefits gained by the operation of a new, more reliable bridge. The new bridge will ensure uninterrupted rail service to Terminal Island, and timely, reliable openings of the bridge for waterborne traffic. Construction of a new bridge will minimize the possibility of congestion or delays in transit times, which would occur if the existing bridge malfunctioned, or was damaged by seismic activity.

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 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). During the environmental review process, the Coast Guard determined that the economic impact to navigation would be approximately \$1 million. Almost half of that impact was on the towing and tour boat operations of one company who does not qualify as a "small business concern". The remaining economic impact was on recreational mariners berthed at nearby marinas and two other towing companies. Recreational mariners would have small additional costs to travel as much as 5 miles further to fuel docks, pumpout stations, etc. The cost per recreational vessel is estimated to be less than \$100. The towing companies would have additional costs for personnel and fuel to travel as much as 5 miles further to towing assignments. The cost per towing company is estimated to be less than \$100 thousand. These companies will all benefit from the reliable operation of the new bridge span for many years to come. Since there are only a few small entities affected by the 5 month closure, and the effect is short-time, 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 proposal together with the overall impacts of the replacement project in their FEIS for the Henry Ford (Badger Avenue) Bridge Replacement Project dated November 25, 1994. The principal environmental impact of the project was the loss of the existing, historic bridge. The environmental impacts of this rule were marine transportation disruptions, economic impacts to waterway users, and minor increases in air pollution from detouring marine vessels. The Coast Guard determined that there was no feasible and prudent alternative to the loss of the historic bridge to meet the needs of future transportation and

safety. A new bridge will allow for increased carriage of goods to and from the port by rail, rather than by truck, resulting in a net decrease in air pollution. On balance, the short-term impacts to navigation will be offset by long-term benefits to navigation from construction of a new, more reliable bridge. The FEIS supercedes the draft Environmental Assessment prepared for the NPRM. The FEIS is available for review at the address under **ADDRESSES**.

Collection of Information

This proposal 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 proposes to amend 33 CFR Part 117 as follows:

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 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 117.147 is amended by suspending paragraph (b) and adding a new paragraph (c) to read as follows:

§ 117.147 Cerritos Channel.

* * * * *

(c) During the period November 7, 1996 through April 7, 1997 the Henry Ford Avenue railroad bridge, mile 4.4 at Long Beach, will be undergoing reconstruction and the draw need not open for the passage of vessels.

Dated: June 20, 1996.

D.D. Polk,

Captain, U.S. Coast Guard, Commander,
Eleventh Coast Guard District Acting.

[FR Doc. 96-17301 Filed 7-5-96; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

33 CFR Part 167

[CGD 96-030]

Port Access Routes; Approaches to the Cape Fear River and Beaufort Inlet, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Notice of study.

SUMMARY: The Coast Guard is conducting a port access route study to evaluate the need for vessel routing or other traffic management measures in the approaches to the Cape Fear River and Beaufort Inlet, NC. Concerns for the