

two prolonged blasts followed by two short blasts.

(b) The draw of the Oregon State (Old Youngs Bay) highway bridge, mile 2.4, across Youngs Bay at the foot of Fifth Street, shall open on signal for the passage of vessels if at least 45 minutes notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 7 a.m. to 5:30 p.m. At all other times four hours notice is required. The opening signal is two prolonged blasts followed by one short blast.

(c) The draw of the Oregon State (Lewis and Clark River) highway bridge, mile 1.0, across the Lewis and Clark River, shall open on signal for the passage of vessels if at least 45 minutes notice is given by marine radio, telephone, or other suitable means from 7 a.m. to 5:30 p.m. At all other times four hours notice is required. The opening signal is one prolonged blast followed by four short blasts.

Dated: November 4, 1996.

J. David Spade,

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

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### 33 CFR Part 117

[CGD08-96-048]

RIN 2115-AE47

#### Drawbridge Operation Regulation; Tchefuncta River, LA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Louisiana Department of Transportation and Development (LDOTD) and the Town of Madisonville, Louisiana, the Coast Guard is proposing a change to the regulation governing the operation of the swing span drawbridge across the Tchefuncta River, mile 2.5, at Madisonville, St. Tammany Parish, Louisiana. The proposed regulation would require that the draw will open on demand; except that from 5 a.m. until 8 p.m. the draw would open only on the hour. Presently, the draw is required to open on signal; except that, from 5 a.m. to 8 p.m. the draw opens only on the hour and half-hour. This change of eliminating openings at the half-hour will allow for fewer disruptions of vehicular traffic movement and still provide for the reasonable needs of navigation.

**DATES:** Comments must be received on or before January 21, 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 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

Interested parties are invited to participate in the proposed rulemaking 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 proposal. Persons desiring acknowledgment 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 in 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 communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

**Discussion of Proposed Rules**

Extensive residential development in the Madisonville area has significantly increased the amount of both vehicular traffic and vessel traffic which use the bridge. Navigational openings, recorded by the LDOTD, showed that the bridge had 313 openings for the month of April, 1996; 338 openings for May, 1996; 412 openings for June, 1996 and 407 openings for July, 1996. The vehicular traffic count taken for a two week period in June 1996 by LDOTD showed that during the proposed regulated period for bridge openings (5 a.m. to 8 p.m.), the average daily traffic crossing the bridge was 9195 vehicles per day on weekdays, 7793 vehicles on Saturdays and 7018 vehicles on Sundays. The predominant waterway users of this drawbridge are recreational

boaters. While operators of these boats may be slightly inconvenienced by the regulated openings, they will still have the opportunity to pass through the bridge with knowledge of the schedule for openings and with minimal planning. Most recreational boat owners that use the bridge for vessel passage also use the bridge for vehicular passage. Therefore, they too will benefit from the regulated bridge openings. The draw will open on signal at any time for a vessel in distress, or for an emergency aboard the vessel. Vertical clearance of the bridge in the closed position is 6.2 feet above mean high water at the west rest pier fender and 1.5 feet above mean high water at the pivot pier fender.

**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 cost 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 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 proposal, if adopted, 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial 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 Implications**

This action has been analyzed in accordance with 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 paragraph 2.B.2.(g)(5) of "Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 117

##### Bridges.

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. Section 117.500 is revised to read as follows:

#### § 117.500 Tchefuncta River.

The draw of the SR 22 bridge, mile 2.5, at Madisonville, shall open on signal; except that, from 5 a.m. to 8 p.m., the draw need open only on the hour. The draw shall open on signal at any time for a vessel in distress or for an emergency aboard a vessel.

Dated: November 5, 1996.

T.W. Josiah,

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

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 1

[MD Docket No. 96–186; FCC 96–422]

### Assessment of Annual Regulatory Fees for AM and FM Broadcast Radio Licensees

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: In its decision establishing regulatory fees for fiscal year 1996, the

Commission stated that it would initiate a Notice of Inquiry, in order to develop a more equitable methodology for assessing regulatory fees upon AM and FM licensees, and in particular, that it would consider a specific methodology proposed by the Montana Broadcaster Association. Currently, the Commission assesses regulatory fees on AM and FM broadcasters based upon a station's license classification. Montana's proposal bases the fee on both a station's class of license and market designation. This Notice of Inquiry requests comments on Montana's proposal and invites interested parties to suggest alternative methodologies for assessing these fees.

**DATES:** Interested parties may file comments on or before December 23, 1996 and reply comments on or before January 6, 1997.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Jerome D. Remson, Office of General Counsel at (202) 418–1755, or Terry D. Johnson, Office of Managing Director at (202) 418–0445.

#### SUPPLEMENTARY INFORMATION:

Adopted: October 25, 1996.

Released: November 6, 1996.

#### I. Introduction

1. By this *Notice of Inquiry*, the Commission is initiating a proceeding to determine if, in FY 1997, it is feasible to utilize a methodology based on market size for assessing annual regulatory fees upon licensees of AM and FM broadcast radio stations. We invite interested parties to comment upon a methodology proposed by the Montana Broadcasters Association (Montana), and to propose any other methodology for assessing AM and FM fees they believe would serve the public interest.

#### II. Background

2. In establishing our regulatory fee program, we recognized that Congress had required the Commission to adopt the Schedule of Regulatory Fees for FY 1994, contained in section 9(g) of the Communications Act, as amended. 47 U.S.C. 159(g). The Schedule assessed AM and FM radio fees based upon class of station. Thus, each licensee paid a fee identical to other licensees with the same class of station, without regard to the size of its service area. See Implementation of Section 9 of the Communications Act, 59 FR 30984 (June 16, 1994), 9 FCC Rcd 5333, 5339 (1994). Therefore, we declined to consider any

revision to the fee schedule for FY 1994, but we invited interested parties to propose alternative methodologies for various services subject to the regulatory fees, including AM and FM radio, for consideration in our proceeding to adopt the FY 1995 Schedule of Regulatory Fees. 60 FR 3807 (January 19, 1995), 9 FCC Rcd at 5360.

Subsequently, in our NOI proposing fees for FY 1995, we recognized that "population density of a (AM or FM) station's geographic location was also a public interest factor warranting recognition in the fee schedule." Therefore, we proposed for consideration by interested parties a methodology incorporating market size in the calculation of AM and FM fees, by assessing higher fees for radio stations located in Arbitron Rating Co. (Arbitron) designated markets. We proposed a two-tiered fee schedule with stations in Arbitron rated markets paying higher fees than the same classes of stations located in smaller, non-Arbitron rated markets. See Notice of Proposed Rulemaking in the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1995, MD Docket No. 95–3, FCC 95–14, released January 12, 1995 at ¶ 29. See 60 FR 3807 (January 19, 1995).

Nevertheless, in our *Report and Order* establishing the FY 1995 fees, we declined to adopt this proposed method because, after consideration of the comments, we found that it did not provide a "sufficiently accurate and equitable method for determining fees." See Assessment and Collection of Regulatory Fees for Fiscal Year 1995 60 FR 34004 (June 29, 1995), 10 FCC Rcd 13512, 13531–32 (1996).

3. In our Notice of Proposed Rulemaking to establish regulatory fees for FY 1996, we stated with regard to the fees for AM and FM radio stations, that we "were particularly interested in a proposal which would associate population density and service area contours with license data" and we again requested interested parties to propose viable alternative methodologies for assessment of AM and FM fees. Assessment and Collection of Regulatory Fees for Fiscal Year 1996, FCC 96–153, ¶¶ 20–21 (April 9, 1996). See 61 FR 16432 (April 15, 1996). In response, Montana filed comments proposing an AM and FM fee structure based on class of station and on market size. We received no comments addressing Montana's proposal. However, following our own review of the proposal, we decided not to take any action until we had an opportunity to more extensively evaluate the impact of