

## Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

## Federalism

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism Assessment.

## Environmental Assessment

The Coast Guard has considered the environmental impact of this action consistent with Section 2.B.2. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994). In accordance with that instruction specifically sections 2.B.4.g. and 2.B.5., this rule has been environmentally assessed (EA completed), and the Coast Guard has concluded that it will not significantly affect the quality of the human environment. The Coast Guard has consulted with the U.S. Fish and Wildlife Service and the Florida Department of Environmental Protection regarding the environmental impact of this event, and it was determined that the event does not jeopardize the continued existence of protected, threatened, or endangered species. The Coast Guard will consult U.S. Fish and Wildlife Service and the Florida Department of Environmental Protection on a yearly basis regarding the possible effects of this event on the environment. An environmental assessment and a finding of no significant impact have been prepared and are available in the docket for inspection and copying.

## List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

## Final Regulations

For reasons set out in the preamble, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

1. The authority citation for Part 100 continues to read as follows:

### PART 100—[AMENDED]

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A new section 100.723 is added to read as follows:

#### **§ 100.723 Annual Holiday Boat Parade of the Palm Beaches; Palm Beach, FL.**

(a) *Regulated Area.* A regulated area is established to include the Port of Palm

Beach Turning Basin and the Intracoastal Waterway extending south from Lake Worth South LT 1 (LLNR 42170) to Lake Worth South Daybeacon 23 (LLNR 42300).

#### (b) *Special Local Regulations.*

(1) While the parade is transiting, nonparticipating vessels will be prohibited from approaching within 1000 feet ahead of the lead vessel in the parade to 1000 feet astern of the last participating vessel in the parade or within 50 feet on either side of the parade unless authorized by the patrol commander. After the passage of the parade participants all vessels may resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(c) *Effective Date.* These regulations are effective annually on the second Saturday of December, from 6:30 p.m. until 9 p.m. est.

Dated: November 15, 1996.

J.D. Hull,

*Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.*  
[FR Doc. 96-31092 Filed 12-9-96; 8:45 am]

BILLING CODE 4910-14-M

## 33 CFR PART 117

[CGD08-96-054]

RIN 2115-AE47

### **Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** Notice is hereby given that the Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.5 governing the operation of the L&N Railroad/Old Gentilly Road bascule span drawbridge across the Inner Harbor Navigation Canal, mile 3.4 in New Orleans, Orleans Parish, Louisiana. This deviation requires that the draw open on signal, except that between the hours of 6 a.m. and 4 p.m. daily from December 8, 1996 through December 21, 1996, the draw need not open for the passage of vessels for a maximum period of up to six hours. The draw need not open for the passage of vessels for a continuous closure from 12:01 a.m. on December 22, 1996 through 12 noon on December 26, 1996, a total of 108

hours. Additionally, between the hours of 6 a.m. and 4 p.m. daily from December 26, 1996 through December 29, 1996, the draw need not open for the passage of vessels for a maximum period of up to six hours. Presently, the draw is required to open on signal. This temporary deviation is issued to allow for the replacement of the main trunions of the bascule span, an extensive but necessary maintenance operation.

**EFFECTIVE DATES:** The deviation is effective from 12:01 a.m. December 8, 1996 through 4 p.m. on December 29, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, telephone number (504) 589-2965.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background and Purpose**

The L&N Railroad/Old Gentilly Road bascule span drawbridge across the Inner Harbor Navigation Canal, mile 3.4 in New Orleans, has a vertical clearance of one foot above high tide in the closed to navigation position and unlimited clearance in the open to navigation position. Navigation on the waterway consists of tugs with tows, including crane barges, jack-up boats, oil industry crew vessels, fishing vessels, sailing vessels, and other recreational craft. The Port of New Orleans requested a temporary deviation from the normal operation of the bridge so that the main bascule span trunion pins could be removed and replaced. The procedure requires that the draw span remain in the closed position for up to six consecutive hours per day between the hours of 6 a.m. and 4 p.m. for 14 consecutive days while jacks are constructed which support the span when the trunion pins are removed. The span must remain continuously closed to navigation for 4.5 consecutive days while the trunion pins are removed and replaced.

Following the trunion pin replacements, the draw span must remain in the closed to navigation position for up to six consecutive hours per day between the hours of 6 a.m. and 4 p.m. for 3 consecutive days while jacks are removed. The old trunion pins are badly worn and must be replaced. Therefore, this maintenance operation is essential for continued operation of the draw span. This deviation to 33 CFR 117.5 is effective from 12:01 a.m. December 8, 1996 through 4 p.m. on December 29, 1996.

Dated: November 27, 1996.

T.W. Josiah,

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

[FR Doc. 96-31093 Filed 12-9-96; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF DEFENSE

### Department of the Army Corps of Engineers

#### 33 CFR Part 334

#### Cooper River and Tributaries, Charleston, SC, Danger Zones and Restricted Areas

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Corps is amending the regulations which establish several danger zones and restricted areas in the waters of the Cooper River and its tributaries in the vicinity of Charleston, South Carolina by establishing a new danger zone for a small arms range at the Naval Weapons Station. The small arms firing range is to be used for training by the U.S. Border Patrol Training Academy. The Corps is also correcting a coordinate that defines the boundaries of an existing danger zone and making minor editorial amendments to the regulations to clarify that persons, as well as vessels, are not allowed within the danger zones and restricted areas. This clarification does not affect the size, location or further restrict the public's use of the areas. The danger zones and restricted areas continue to be essential to the safety and security of Government facilities, vessels and personnel and protect the public from the hazards associated with the operations at the Government facilities.

**DATES:** Effective on January 9, 1997.

**ADDRESSES:** HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or Ms. Tina Hadden of the Charleston District at (803) 727-4607.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR Part 334.460.

The Commanding Officer, Naval Weapons Station Charleston, South Carolina, has requested an amendment

to the regulations in 33 CFR 334.460(a)(12), to correct a coordinate which establishes a boundary of a danger zone in Foster Creek. The coordinate which presently reads "Latitude 31°59'16" N" is corrected to read "32°59'16" N". The Navy also requested that a new danger zone be established in an unnamed tributary and associated marsh of Back River and Foster Creek to prohibit public entry into the new area ((a)(13)), and to also prohibit entry into the existing danger zone (a)(12). The purpose of the danger zone is to protect the public from the dangers associated with a small arms firing range nearby and the potential for an errant round to impact into the water. It is not the intent of the Navy to use the waters of the danger zone as an impact area for the range. The Navy will erect post-mounted signs at intervals across the marsh to identify the area as a danger zone. It is believed that closure of the water area for the new danger zone will have minimal impact or no impact on the public's use of the area which is described as a marsh area not navigable by conventional watercraft nor frequented by fishermen. We are also making an editorial change to clarify that these restricted area and danger zone regulations apply to personnel as well as vessels. Other minor changes to the regulations are editorial in nature and since the revisions do not change the boundaries or increase the restrictions on the public's use or entry into the designated areas, the changes will have practically no effect on the public. The Corps published the amendments contained herein in the Notice of Proposed Rulemaking section of the Federal Register on September 12, 1996 with the comment period ending on October 15, 1996 (61 FR 48112-48113). The Corps Charleston District Engineer concurrently solicited public comment on the proposed changes to the danger zone rules by distribution of a public notice to all known interested parties. We received no comments in response to the notice of proposed rulemaking or the District public notice.

#### Procedural Requirements

##### a. Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

##### b. Review Under the Regulatory Flexibility Act

These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation

of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of the changes to the danger zones would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal will have no significant economic impact on small entities.

##### c. Review Under the National Environmental Policy Act

An environmental assessment has been prepared for this action. We have concluded, based on the minor nature of the additional danger zone and other editorial changes that these amendments to danger zones and restricted areas will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District Office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

##### d. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

##### e. Submission to Congress and the GAO

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this rule to the U.S. Senate, House of Representatives and the Comptroller General of the General Accounting Office prior to the effective date of this rule in the Federal Register. This rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

#### List of Subjects in 33 CFR Part 334

Danger zones, Marine Safety, Waterways.

For the reasons set out in the preamble, we are amending 33 CFR Part 334, as follows: