

Dated: December 7, 1996.
 Brent Wahlquist,
 Regional Director, Mid-Continent Regional
 Coordinating Center.
 [FR Doc. 96-32707 Filed 12-24-96; 8:45 am]
 BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-96-101]

RIN 2115-AE47

Drawbridge Operation Regulations; Corson Inlet, Strathmere, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Cape May County Bridge Commission, the Coast Guard is proposing to change the regulations that govern the operation of the drawbridge across Corson Inlet, mile 0.9, at Strathmere, New Jersey, by requiring a two hour advance notice for drawbridge openings from October 1 to May 15 from 10 p.m. to 6 a.m., seven days a week. This proposed rule is intended to help relieve the bridge owner of the burden of having a bridge tender constantly available at times when there are few or no requests for openings, while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before February 24, 1997.

ADDRESSES: Comments may be mailed to Commander (Aowb), USCG Atlantic Area, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be hand-delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Comments will become a part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, USCG Atlantic Area, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Requests for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-96-101), the specific section of this rule to which each comment applies, and give reasons

for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. 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. Persons may request a public hearing by writing to the Commander, USCG Atlantic Area, at the address listed under **ADDRESSES**. The request should include 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.

Background and Purpose

The drawbridge across Corson Inlet, mile 0.9, at Strathmere, New Jersey, is currently required to open on request year round. The Cape May County Bridge Commission (Commission) has requested that the operating schedule for the drawbridge be amended to reduce the periods during which it must open the bridge on signal. In support of its request, the Commission contends that its records show that during the period from October 1 through May 15, no vessels required a drawbridge opening during the hours of 10 p.m. to 6 a.m.

The Coast Guard has reviewed the Commission's bridge logs for 1992 through 1995, copies of which are included in the docket for this rulemaking. According to the logs, no openings occurred between the hours of 10 p.m. and 6 a.m. from October 1 through May 15 in any of these years.

Therefore, the Coast Guard is proposing a new regulation governing the operation of the drawbridge across Corson Inlet, mile 0.9, at Strathmere, New Jersey. The proposed rule would require the bridge to open on signal from May 15 through September 30 and between 6 a.m. and 10 p.m. from October 1 through May 15. The bridge would also open between 10 p.m. and 6 a.m. from October 1 through May 15 if notice is given to the Cape May County Bridge Department two hours in advance of the time that the opening is requested. A sign will be posted at the bridge giving the Cape May County Bridge Department's 24-hour telephone number. The Coast Guard believes that

these proposed changes will relieve the burden of requiring a bridgetender to be on duty during periods of little or no vessel traffic while not unduly restricting navigation.

Regulatory Evaluation

This proposed rule 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 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule 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). Because it expects the impact of this proposed rule to be minimal, 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

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposed rule 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.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposed rule is categorically excluded from further environmental documentation.

A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations to read 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. A new section, 117.714, is added to read as follows:

§ 117.714 Corson Inlet.

The draw of the Corson Inlet bridge, mile 0.9, at Strathmere, shall open on signal; except that from October 1 through May 15, from 10 p.m. to 6 a.m., the draw need only open if at least two hours notice is given.

Dated: December 6, 1996.

Kent H. Williams,

Vice Admiral, U.S. Coast Guard, Commander, Atlantic Area.

[FR Doc. 96-32845 Filed 12-24-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD0-96-017]

Rin AE2115-AE46

Prevention of Collisions Between Commercial and Recreational Vessels in the South Passage of the Lake Erie Western Basin

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a number of options for improvement of navigational safety in an area known as the "South Passage" in the Western Basin of Lake Erie. This is a high traffic area used by both commercial and recreational vessels. Collisions between commercial and recreational vessels in this area, with loss of lives in one case, have given the Coast Guard cause for concern about the long-term safety of the South Passage. The Coast Guard therefore requests public comment on the appropriateness and practicality of various options,

some of which include possible regulatory action, to better protect both commercial and recreational vessels from risk of collision in this area. The Coast Guard is providing an advance notice of proposed rulemaking because comments on a range of various options are desired.

DATES: Comments must be received on or before February 24, 1997.

ADDRESSES: Comments and supporting materials should be mailed or delivered to Lieutenant Commander Rhae Giacoma, Assistant Chief, Marine Safety Analysis and Policy Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060. Please reference the name of the proposal and the docket number in the heading above. If you wish receipt of your mailed comments to be acknowledged, please include a stamped self-addressed envelope or postcard for that purpose. Comments and materials received will be available for public inspection at the above location from 9:00 a.m. to 3:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Rhae Giacoma, Assistant Chief, Marine Safety Analysis and Policy Branch, Ninth Coast Guard District, Room 2069, 1240 E. Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3994.

SUPPLEMENTARY INFORMATION:

Request for Comments.

The Coast Guard Strongly encourages all interested parties to participate in this consideration of possible rulemaking by submitting written comments which may consist of data, views, arguments, or other proposals for or against the various options being considered. The Coast Guard is presenting options for a regulated navigation area as one approach for resolving the apparent waterway user conflict in the South Passage area of Western Lake Erie. Proposals for non-regulatory alternatives which would serve the same purpose of enhancing vessel safety in the area are also desired. Although all comments will be considered, interested parties are requested to specifically identify which of the detailed options they are commenting on, the basis for their objection to proposals they dislike, and what alternative option (including the option of no action) they do support.

The Coast Guard does not currently plan to have a public hearing. The Coast Guard sponsored a number of informal workshops which were open to all interested parties and which provided

an informative airing of views. At this point, the Coast Guard is more in need of specific, written, and concrete comments. However, further consideration will be given to holding a formal public hearing if one is requested. Such a request should indicate how a public hearing would contribute substantial information or views which cannot be received in written form. If it appears that a public hearing would substantially contribute to this rulemaking, the Coast Guard will announce such a hearing by a later notice in the Federal Register. The Coast Guard will consider all comments received before the closing date indicated above, and may amend or revoke this proposal in response to such comments.

Background and Purpose

I. The South Passage

The South Passage is an area of water on the United States side of the Western Basin of Lake Erie, roughly 9 by 4 statute miles, bounded by Kelleys Island and South Bass Island on the north, and by Catawba Island and Point Marblehead on the south. The South Passage is one of two traditional, natural passages through the islands and shallows separating the Western and Central Basins of Lake Erie, the other being the Pelee Passage to the north on the Canadian side of the Western basin. At one time, between 1952 and 1974, it appears that the South Passage was a regular route for large commercial carriers. Since that time, Pelee Passage to the north in Canadian waters has become the preferred route for large commercial vessels transiting through the Western End of Lake Erie. There is still a wide array of both commercial and recreational traffic using some parts of the South Passage, including some large commercial carriers transiting in and out of the Marblehead area on the east side, barges and tow boats in transit both through and across the passage, regular ferry boats transiting across the passage, commercial excursion vessels, transiting recreational crafts, and recreational fishing vessels. In addition to being a natural passage in and out of the basin and a natural area of transit between the mainland and the islands, the South Passage is also a desirable fishing ground where a relatively heavy concentration of small recreational fishing vessels anchor or drift.

II. Accidents in the South Passage

Three collisions between commercial barges in tow and small recreational craft have occurred in the South Passage