

Regulatory Evaluation

This proposal is not a major 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed regulations would last for only 5 hours on May 11, 1997.

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).

The Coast Guard expects the economic impact of this proposal to be minimal, and certifies under 5 U.S.C. 605(b) that this proposal, if adopted, would not have a significant impact on a substantial number of small entities. The regulated area would be in effect for only 5 hours in a limited area of Charleston harbor.

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 in accordance with the principals and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has reviewed this action and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2(34)(h) of Commandant Instruction M16475.1B. A written Categorical Exclusion

Determination will be prepared and included as part of the final rule.

List of Subjects in 33 CFR Part 1009

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

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

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. A new section 100.725 is added to read as follows:

§ 100.725 Charleston to Bermuda Sailboat Race; Charleston Harbor, Charleston, SC.

(a) Definitions:

(1) Regulated area. The regulated area includes all waters of Charleston Harbor, Charleston, SC and the Atlantic Ocean within the following points:

Point	Latitude	Longitude
A	32°47'06" N.	079°55'25" W, then to
B	32°47'06" N.	079°55'05" W, then to
C	32°46'00" N.	079°55'00" W, then to
D	32°45'41" N.	079°54'37" W, then to
E	32°45'41" N.	079°51'54" W, then to
F	32°44'30" N.	079°50'35" W, then to
G	32°43'24" N.	079°48'16" W, then to
H	32°43'02" N.	079°48'30" W, then to
I	32°44'14" N.	079°50'51" W, then to
J	32°45'25" N.	079°52'04" W, then to
K	32°45'25" N.	079°55'00" W, then to
L	32°45'41" N.	079°55'22" W, thence back to point A.

All coordinates referenced use datum: NAD 83.

(2) Coast Guard Patrol Commander. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, SC.

(b) *Special local regulations.* (1) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or authorized by the Coast Guard Patrol Commander.

(2) The Coast Guard Patrol Commander may delay, modify, or

cancel the race as conditions or circumstances require. The Coast Guard Patrol Commander shall monitor the start of the race with the race committee, to allow for a window of opportunity for the race participants to depart the harbor with minimal interference with inbound or outbound commercial traffic.

(3) Spectator and other non-participating vessels may follow the participants out to sea while maintaining a minimum distance of 500 yards behind the last participant, at the discretion of the Patrol Commander. Upon the transit of the last race participant past the outermost boundary of the Charleston jetties, all vessels may resume normal operations.

(c) *Effective Date.* This section is effective at 10 a.m. and terminates at 3 p.m. EDT on May 11, 1997.

Dated: February 20, 1997.

J.W. Lockwood,
Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.

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33 CFR Part 117

[CGD08-96-056]

RIN 2115-AE47

Drawbridge Operation Regulation; Industrial Seaway Canal, MS

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a change to the regulation governing the operation of the double leaf bascule span drawbridge on Lorraine-Cowan Road, across the Industrial Seaway Canal, mile 11.3, near Handsboro, Harrison County, Mississippi. Growing industry and commercial retail development in the area over the past few years has increased vehicular traffic on Lorraine-Cowan Road. As a result, traffic has become unreasonably delayed during bridge openings that occur when local residents are enroute to work and school. This change in drawbridge operating regulations would provide relief for congested vehicular traffic during these periods and still provide for the reasonable needs of navigation. Mariners would have the benefit of one less closure period of the bridge to marine traffic per day than occurs under present operating regulations.

DATES: Comments must be received on or before May 2, 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 a.m. and 3 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 the implementation of 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 comments received and determine a course of final action of this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this regulation are Mr. Phil Johnson, project officer, and LCDR Jim Wilson, project attorney.

Discussion of Proposed Rules

Vertical clearance of the Lorraine-Cowan Road bridge across the Industrial Seaway Canal in the closed to navigation position is 29 feet above mean high water and 31 feet above mean low water. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational craft.

Data submitted by the Harrison County Board of supervisors shows that, based on five weekdays in a one week period, from Monday, October 7, 1996 through Friday, October 11, 1996, the average number of vehicles which crossed the bridge from 6:30 a.m. to 8:30

a.m. was 2,527 per day. The average number of vehicles which crossed the bridge on weekdays from 4:30 p.m. to 6 p.m. was 2,300 per day. Data taken over a 12 month period from October 1, 1995 through September 30, 1996 shows that the total number of vessels which required an opening of the bridge on weekdays between 6:30 a.m. and 8:30 a.m. was 97 vessels. The total number of vessels requiring an opening of the bridge on weekdays between the hours of 4:30 p.m. and 6 p.m. was 33 vessels.

Reduced to a monthly rate, the above data reflects the fact that on average, 50,540 vehicles cross and 8 vessels pass each month during the morning period and 46,000 vehicles cross and 3 vessels pass each month during the afternoon period.

Considering the few vessels that pass the bridge during the proposed regulated periods, and the fact that the proposal includes discontinuance of the one-hour noon closure, vessel operators will be able to adjust their arrival times at the bridge to avoid the temporary closure periods with very little inconvenience or added expense.

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 the 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 117.680 is revised to read as follows:

§ 117.680 Industrial Seaway Canal

The draw of the Lorraine-Cowan Road Bridge across the Industrial Seaway Canal, mile 11.3, need not be opened from 6:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

Dated: February 3, 1997.

T.W. Josiah,
Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

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