

Dated: July 17, 1995.

J.L. Linnon,
*Rear Admiral, U.S. Coast Guard, Commander,
 First Coast Guard District.*
 [FR Doc. 95-24526 Filed 10-2-95; 8:45 am]
BILLING CODE 4910-14-M

33 CFR Part 117

[CGD05 94-093]

Drawbridge Operation Regulations; Mullica River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Burlington County, the Coast Guard is changing the regulations governing the Lower Bank bridge over the Mullica River at mile 15.0 between Atlantic and Burlington Counties, New Jersey. This change will extend the period during the winter months to include April when a four-hour advance notice for all bridge openings is required. This change is being made because there have been few requests for bridge openings during this time period.

EFFECTIVE DATE: November 2, 1995.

FOR FURTHER INFORMATION CONTACT:
 Mr. G. Kassof, Bridge Administrator—
 NY, Fifth Coast Guard District (212)
 668-7069.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. J. Arca, Fifth Coast Guard District, Bridge Branch-NY, Project Manager, and CAPT R. A. Knee, Fifth Coast Guard District Legal Office, Project Counsel.

Regulatory History

On February 13, 1995, the Coast Guard published a Notice of Proposed Rulemaking entitled "Drawbridge Operation Regulations, Mullica River, New Jersey" in the Federal Register (60 FR 8209). The comment period ended May 15, 1995. The Coast Guard received one comment on the notice of proposed rulemaking supporting the Coast Guard's proposed change to the regulations. A public hearing was not requested, and one was not held.

Background and Purpose

The Lower Bank highway bascule bridge over the Mullica River in Lower Bank, New Jersey, was replaced in 1993. The present bridge has a vertical clearance of 13 feet above mean high water (MHW) in the closed position which is 4 feet higher than the previous bridge. During the period from

December 1993 through April 1994, a period of 151 days, the bridge opened on request on only 34 days. The current operating regulations implemented in January 1988 require the Lower Bank bridge to open on signal, except from April 1 through November 30 from 11 p.m. to 7 a.m., and from December 1 through March 31 from 4:30 p.m. to 8 a.m., a 4-hour advance notice is required for a bridge opening. This change to the regulations will include April in the winter seasonal restrictions and increase the 4-hour advance notice requirement to apply to all requests for bridge openings from December through April. This change will provide the bridge owner with relief from constantly having a person available to open the bridge at times when openings are not needed.

Regulatory Evaluation

This 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the regulation will not prevent mariners from passing through the Lower Bank Bridge, but will require mariners to provide a 4-hour advance notice of their arrival from May 1 through November 30 between 11 p.m. and 7 a.m., and from December 1 to April 30 at all times. At all other times, the bridge will open on signal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final 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 fields 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 rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule 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 rule under the principles and criteria contained in Executive Order 12612 and it has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule 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 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.

In consideration of the foregoing, the Coast Guard is amending 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).

2. In section 117.731a paragraph (a) is revised to read as follows:

§ 117.731a Mullica River.

* * * * *

(a) The draw of the Lower Bank bridge, mile 15.0, need not open during the following periods unless at least four hours notice is given:

(1) From May 1 through November 30, from 11 p.m. to 7 a.m.

(2) From December 1 through April 30, at all times.

* * * * *

Dated: September 14, 1995.

W.J. Ecker,

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

[FR Doc. 95-24527 Filed 10-2-95; 8:45 am]

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33 CFR Part 164

[CGD 93-022]

RIN 2115-AE41

Automated Dependent Surveillance Shipborne Equipment: Incorporation by Reference**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: The Coast amends the incorporation by reference provisions for the Automated Dependent Surveillance (ADS) Shipborne Equipment. Due to the development of new Differential Global Positioning System (DGPS) standards, the existing standard incorporated by reference, Radio Technical Commission for Maritime Services' (RTCM) Recommended Standards for Differential NAVSTAR GPS Service, Version 2.0 contained in 33 CFR 164.03, has been superseded by new standards contained in Version 2.1. The Coast Guard is replacing Version 2.0 by incorporating the new standards contained in Version 2.1.

Additionally, Digital Selective Calling (DSC) standards for use with Vessel Traffic Services (VTS) and Maritime Mobile Services recently developed by the International Telecommunication Union Radiocommunication Bureau (ITU-R), are the new incorporation by reference.

The new DGPS standards will ensure that ADS is compatible with the Coast Guard national DGPS network. The standards will also provide additional user safety information such as differential station health indicators.

The new DSC standards will ensure that the Automated Dependent Surveillance Shipborne Equipment (ADSSE), built by various manufacturers, will provide the same message in an internationally accepted format.

DATES: Effective Date: November 2, 1995.

Incorporation by reference: The Director of the Federal Register approves as of November 2, 1995, the incorporation by reference of certain publications listed in the regulations.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT:

Irene Hoffman, Project Manager, Vessel Traffic Services Division. The telephone number is 202-267-6277.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On April 20, 1995, the Coast Guard published a notice of proposed rulemaking entitled Automated Dependent Surveillance Shipborne Equipment: Incorporation by Reference in the Federal Register (60 FR 19699). The Coast Guard received no letters on the proposal. No public meeting was requested, and none was held.

Background and Purpose

Section 5004 of the Oil Pollution Act of 1990, as codified in 33 U.S.C. 2734, directed the Coast Guard to acquire, install, and operate additional equipment, as necessary, to provide surveillance of tank vessels carrying oil from the Trans-Alaskan Pipeline through Prince William Sound.

While endeavoring to meet the requirements of the Act, the Coast Guard investigated various types of surveillance systems, including radar and dependent surveillance systems. The Coast Guard determined an ADS system that uses DGPS would meet the Coast Guard's requirements without being cost prohibitive to the Government and the user. The shipboard portion of the system, ADSSE, includes a 12 channel all-in-view DGPS receiver, a marine radiobeacon band receiver capable of receiving DGPS error correction messages, a VHF/FM transceiver using DSC, and a control unit.

On July 17, 1992, the Coast Guard published a final rule, Prince William Sound Automated Dependent Surveillance System, in the Federal Register (57 FR 31660). This final rule amended the Prince William Sound VTS regulations by incorporating the use of ADS using DGPS. The regulation requires tank vessels of 20,000 DWT or more, transiting Prince William Sound, to carry operating ADSSE.

Since the publication of this regulation, the Coast Guard has determined that the use of ADS may expand beyond Prince William Sound. In order to facilitate future expansion into other areas of the U.S., the final rule amending the National VTS Regulations (59 FR 36316), divided the Prince William Sound Automated Dependent Surveillance System rule into two sections: (a) a navigation equipment rule (§ 164.43); and (b) a vessel operating rule for Prince William Sound (§ 165.1704). VTS Reporting

Exemptions for vessels equipped with an operating ADSSE are set forth in § 161.23(c). The "Incorporation by Reference" section (§ 161.109) associated with this rule has been redesignated as § 164.03(b)(2).

Discussion of Changes

Due to the development of new DGPS standards, the existing standard incorporated by reference, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.0 RTCM Paper 134-89/SC 104-68 incorporated in 33 CFR 164.03, has been superseded. Differential NAVSTAR GPS Service, Version 2.0, will be replaced with the new standards, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1 RTCM Paper 194-93/SC 104-STD, which have been developed with industry input and approved by RTCM.

Additionally, DSC standards for use with VTS and Maritime Mobile Service, Optional Expansion of the DSC System for use in the Maritime Mobile Service, ITU-R Recommendation M.821 and Characteristics of a Transponder System using DSC Techniques for use with VTS and Ship-to-Ship Identification, ITU-R Recommendation M.825, have been developed by the ITU-R with industry input and will also be incorporated by reference.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 164.03 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

Regulatory Evaluation

This 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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The upgrade of DGPS receivers from Version 2.0 RTCM Paper 134-89/SC 104-68, to Version 2.1 RTCM Paper 194-93/SC 104-STD requires only a firmware upgrade. At least one manufacturer has indicated that this upgrade is available at no cost

to the user. Additionally, recent indications are that the cost to initially outfit tank vessel with DGPS equipment may be less than the original estimate of \$50,000 per vessel. A more reasonable estimate now would be approximately \$15,000 per vessel. The cost is expected to drop further as dependent surveillance is implemented in other U.S. ports and worldwide.

Small Entities

This regulation will only affect owners and operators of tank vessels of 20,000 or more DWT operating in Prince William Sound and carrying oil from the Trans-Alaska Pipeline. The construction and operating costs of vessels of this size is such that their owners tend to be major corporations or subsidiaries of major corporations. Business entities with the capital and operating costs of this magnitude do not meet the definition of "small entities".

Therefore the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

2. Section 164.03 paragraph (b) is revised to read as follows:

§ 164.03 Incorporated by reference.

(a) * * *

(b) The materials approved for incorporation by reference in this part and the sections affected are:

International Maritime Organization (IMO) 4 Albert Embankment, London, SE1 7SR, U.K.

Recommendation on Performance Standards for Automatic Pilots, Resolution A.342(IX), adopted November 12, 1975	164.13
Radio Technical Commission For Maritime Services (RTCM), 655 Fifteenth St., N.W., Suite 300, Washington, D.C. 20005	164.41
Minimum Performance Standards (MPS) Marine Loran C Receiving Equipment, RTCM Paper 12-78/DO-100, 1977	164.41
RTCM, Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, RTCM Paper 194-93/SC 104-STD, 1994	164.43
International Telecommunication Union Radiocommunication Bureau (ITU-R), Place de Nations CH-1211 Geneva 20 Switzerland	
Optional Expansion of the Digital Selective-Calling System for use in the Maritime Mobile Service ITU-R Recommendation M.821, 1992	164.43
Characteristics of a Transponder System using Digital Selective-Calling Techniques for use with Vessel Traffic Services and Ship-to-Ship Identification, ITU-R Recommendation M.825, 1992	164.43

Dated: September 25, 1995.

J.A. Creech,

*Captain, U.S. Coast Guard, Acting Chief,
Office of Navigation Safety and Waterway
Services.*

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Collection of Information

This rule 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 rule under the principles and criteria contained in Executive Order 12612 and has determined that this 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 rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

This rulemaking is intended to improve accuracy and reliability of vessel tracking equipment. It may benefit the environment by reducing the potential for catastrophic oil spills which may result from tank vessels involved in groundings, rammings, or collisions. While this rulemaking may

have a positive effect on the environment by minimizing the risk of environmental harm resulting from collisions and groundings, the impact is not expected to be significant enough to warrant further 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 164

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502 sec. 4114(a), Pub.L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7163

[CO-935-1430-01; COC-55323]

Withdrawal of Public Lands for Protection of Archaeological and Paleontological Values; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 4,526.24 acres of public lands for 50 years for protection of archaeological, paleontological, and cultural values.

The lands will be closed to location and entry under the mining laws. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: October 3, 1995.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from location and entry under the United States mining