

**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 paragraph 2.B.2 of Commandant Instruction M16475.1B, as revised by 59 FR 38654, July 29, 1994, this rule is categorically excluded from further environmental documentation. This rule is an administrative change under paragraph 2.B.2.1, and will not impact the environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 3**

Organization and functions (Government Agencies).

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 3 as follows:

**PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES**

1. The authority citation for part 3 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

2. In § 3.01–1, paragraph (b) is revised to read as follows:

**§ 3.01–1 General description.**

\* \* \* \* \*

(b) The two Coast Guard Areas are the Atlantic Area (see § 3.04–1) and the Pacific Area (see § 3.04–3). The Coast Guard Area Commander is in command of a Coast Guard Area; the offices are referred to as a Coast Guard Area Office. The office of the Commander, Atlantic Area, is located in the Fifth Coast Guard District and the Commander, Atlantic Area, also serves as the Fifth District Commander. The office of the Commander, Pacific Area, is located in the Eleventh Coast Guard District and the Commander, Pacific Area, also serves as the Eleventh District Commander. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

\* \* \* \* \*

3. In § 3.04–1, paragraph (a) is revised, and in paragraph (b), the word "Second" is removed to read as follows:

**§ 3.04–1 Atlantic Area.**

(a) The Area Office is in Portsmouth, VA.

\* \* \* \* \*

4. In § 3.04–3, paragraph (a) is revised to read as follows:

**§ 3.04–3 Pacific Area.**

(a) The Area Office is in Alameda, CA.

\* \* \* \* \*

**Subpart 3.10—Second Coast Guard District [Heading Removed]**

**§ 3.10–1 [Removed]; § 3.10–10 [Redesignated as § 3.40–40]; § 3.10–5 [Redesignated as § 3.40–45]; § 3.10–30 [Redesignated as § 3.40–50]; § 3.10–35 [Redesignated as § 3.40–55]; § 3.10–40 [Redesignated as § 3.40–60]; and § 3.10–50 [Redesignated as § 3.40–65]**

5. In Subpart 3.10, the subpart heading and § 3.10–1 are removed; § 3.10–10 is redesignated as § 3.40–40; § 3.10–15 is redesignated as § 3.40–45; § 3.10–30 is redesignated as § 3.40–50; § 3.10–35 is redesignated as § 3.40–55; § 3.10–40 is redesignated as § 3.40–60; and § 3.10–50 is redesignated as § 3.40–65.

6. In § 3.40–1, paragraph (b) is revised to read as follows:

**§ 3.40–1 Eighth district.**

\* \* \* \* \*

(b) The Eighth Coast Guard District is comprised of North Dakota, South Dakota, Wyoming, Nebraska, Iowa, Colorado, Kansas, Missouri, Kentucky, West Virginia, Tennessee, Arkansas, Oklahoma, New Mexico, Texas, Louisiana, Mississippi, and Alabama; that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; that part of Wisconsin south of 46°20' N. latitude and west of 90° W. longitude; that part of Minnesota south of 46°20' N. latitude; those parts of Florida and Georgia west of a line starting at the Florida coast at 83°50' W. longitude; thence northerly to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45' W. longitude; thence northeasterly along the eastern bank of the Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to Montezuma, GA.; thence northwesterly to West Point, GA.; and the Gulf of Mexico area west of a line bearing 199 T. from the intersection of

the Florida coast at 83°50' W. longitude (the coastal end of the Seventh and Eighth Coast Guard District land boundary.) [DATUM NAD83]

13. In § 3.55–1, paragraph (a) is revised to read as follows:

**§ 3.55–1 Eleventh District.**

(a) The District Office is in Alameda, California.

\* \* \* \* \*

Dated: May 28, 1996.

Kent H. Williams,

*Vice Admiral, U.S. Coast Guard Chief of Staff.*  
[FR Doc. 96-15046 Filed 6-12-96; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 117**

[CGD05-94-065]

RIN 2115-AE47

**Drawbridge Operation Regulations; Nacote Creek, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** At the request of the New Jersey Department of Transportation (NJDOT), the Coast Guard is changing the regulations governing the operation of the Route 9 Bridge across Nacote Creek, mile 1.5, in Smithville, Atlantic County, New Jersey. The change will require the Route 9 Bridge to open on signal except from 11 p.m. to 7 a.m., when a two hour advance notice for openings will be required. This change should 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 needs of navigation.

**EFFECTIVE DATE:** This rule is effective on July 15, 1996.

**FOR FURTHER INFORMATION CONTACT:**  
Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

**SUPPLEMENTARY INFORMATION: Regulatory History**

On December 20, 1995, the Coast Guard published a notice of proposed rulemaking entitled "Drawbridge Operation Regulations, Nacote Creek, New Jersey" in the Federal Register (60 FR 65613). The Coast Guard received one letter commenting on the notice of proposed rulemaking. No public hearing was requested, and none was held.

**Background and Purpose**

The Route 9 Bridge across Nacote Creek, mile 1.5, at Smithville, Atlantic

County, NJ, has a vertical clearance of 5' above mean high water (MHW) and 8' above mean low water (MLW) in the closed position. The current regulations require the bridge to open on signal at all times.

Review of the bridge logs provided by NJDOT revealed that between 11 p.m. and 7 a.m., there were limited requests for bridge openings for the years 1992, 1993 and 1994. NJDOT is seeking relief from the requirement that a bridge tender be present during the hours of 11 p.m. and 7 a.m. when there are minimal requests for openings. The NJDOT requested a permanent change to the regulations governing operation of the Route 9 Bridge to require the draw to open on signal, except from 11 p.m. to 7 a.m., which will require a two hour advance notice. At all other times the bridge will open on signal. The bridge tenders will be on call to open the draw when the advance notice is given. A 24 hour special telephone number will be posted on the bridge and maintained by the NJDOT.

Accordingly, a new provision allowing the draw of the Route 9 bridge, at mile 1.5, to remain closed from 11 p.m. to 7 a.m. unless two hours advance notice is given will be designated as paragraph (a). The current provision allowing the draw of the Atlantic County (Rte. 575) bridge, at mile 3.5, to remain closed unless eight hours advance notice is given will be designated as paragraph (b). A general provision requiring the passage of Federal, State, and local government vessels used for public safety through all drawbridges is published at 33 CFR 117.31, and is no longer required to be published for each waterway. Therefore, this change will remove the provision requiring passage of public vessels from section 117.732.

#### Discussion of Comments and Changes

The Coast Guard received one comment from the New Jersey State Historic Preservation office which offered no objection to the Coast Guard's proposed rulemaking. Therefore, no changes to the proposed rule were made.

#### 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 rule will not prevent mariners from passing through the Route 9 Bridge but will only require mariners to provide two hours advance notice from 11 p.m. to 7 a.m. Removal of the public vessel provision from this rule will have no impact since this provision is included at 33 CFR 117.31.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this 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). Therefore, for the reasons set out under Regulatory Evaluation, 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 Assessment

The Coast Guard has analyzed this rule under the principles and criteria in Executive Order 12612 and has determined that this rule does not raise 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 paragraph 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.

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

Brigades.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 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 117.732 is revised to read as follows:

### § 117.732 Nacote Creek.

(a) The Route 9 bridge, mile 1.5, shall open on signal, except that from 11 p.m. to 7 a.m., the draw shall open if at least two hours notice is given.

(b) The draw of the Atlantic County (Rte. 575) bridge, mile 3.5 at Port Republic, shall open on signal if at least eight hours notice is given.

Dated: May 10, 1996.

W.J. Ecker,

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

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## DEPARTMENT OF EDUCATION

### 34 CFR Part 668

RIN: 1840-AC14 and 1840-AB44

#### Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

**SUMMARY:** The Secretary amends the Student Assistance General Provisions regulations to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. These sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

**EFFECTIVE DATE:** These regulations are effective on July 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Paula Husselmann or David Lorenzo, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 3053, ROB-3) Washington, D.C. 20202. Telephone (202) 708-7888. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Final regulations for the Student Assistance General Provisions were published in