

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for approximately four hours each day for two days each year. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

### Collection of Information

These proposed regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

### Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with Section 2.B.2 of Commandant Instruction M16475.1B. In accordance with that section, this proposed action has been environmentally assessed (EA completed), and the Coast Guard has concluded that it will not significantly affect the quality of the human environment. An Environmental Assessment and a Finding of No Significant Impact have been prepared and are available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping 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 and 33 CFR 100.35.

2. A new section 100.728 is added to read as follows:

#### § 100.728 Annual Hurricane Offshore Classic, St. Petersburg, FL.

(a) *Regulated Area.* The regulated area is formed by a line drawn from position 27°46.9'N, 082°37.45'W (onshore at North Shore Park) east southeast to position 27°46.39'N, 082°32.65'W; thence due south to position 27°44.67'N, 082°32.65'W; thence due west to position 27°44.67'N, 082°37.45'W (onshore just south of Lassing Park). All coordinates referenced use datum: NAD 83.

(b) *Special Local Regulations.* (1) The regulated area is an idle speed, "no wake" zone. (2) Spectator craft will be permitted near the race area, but will be required to stay clear of the race lanes. Anchoring for spectator craft is permitted north of the northern straightaway and south of the southern straightaway, but only in the designated spectator area between 27°46.62'N, 082°37.00'W to 27°46.80'N, 082°34.72'W and 27°46.52'N, 082°37.00'W to 27°46.70'N, 082°34.72'W for the northern area and 27°46.25'N, 082°37.00'W to 27°45.90'N, 082°34.72'W and 27°46.15'N, 082°37.00'W to 27°45.80'N, 082°34.72'W for the southern area. All coordinates referenced use Datum: NAD 83. No anchoring will be permitted west of turns 1 and 4 nor west of turns 2 and 3, from 10 a.m. to 6 p.m. edt.

(3) All vessel traffic not involved in the Hurricane Offshore Classic entering or exiting the Vinoy Basin between 10 a.m. and 6 p.m. edt must transit around the race course, taking action to avoid a close-quarters situation until finally past and clear of the racecourse.

(4) All vessel traffic not involved with the Hurricane Offshore Classic transiting the area off Coffeepot Bayou, The Pier, and Bayboro Harbor should exercise extra caution and take action to avoid a close-quarters situation until finally past and clear of the racecourse which encompasses the area from position 27°46.9'N, 082°37.45'W (onshore at North Shore Park) east southeast to position 27°46.39'N, 082°32.65'W; thence due south to

position 27°44.67'N, 082°32.65'W; thence due west to position 27°44.67'N, 082°37.45'W (onshore just south of Lassing Park). All coordinates referenced use Datum: NAD 83.

(5) Entry into the regulated area shall be in accordance with this regulation. Spectator vessels will at all times stay in the spectator areas defined in paragraph (b)(2) of this section.

(c) *Effective Dates.* This section is effective at 10 a.m. and terminates at 6 p.m. edt annually for two days during the third Saturday and Sunday of August.

Dated: July 1, 1997.

**Norman T. Saunders,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-97-003]

RIN 2115-AE47

#### Drawbridge Operation Regulations; New Jersey Intracoastal Waterway

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** At the request of the New Jersey Department of Transportation (NJDOT), the Coast Guard is proposing to change the regulations governing several bridges that cross the New Jersey Intracoastal Waterway (NJICW). Those bridges include: The Route 35 Bridge across Manasquan River at NJICW mile 1.1, in Brielle, New Jersey; the S37 Bridge across Barnegat Bay at NJICW mile 14.1, in Seaside Heights, New Jersey; the US40-322 (Albany Avenue) Bridge across Inside Thorofare at NJICW mile 70.0, in Atlantic City, New Jersey; and the Route 52 (Ninth Street) Bridge across Beach Thorofare at NJICW mile 80.4, in Ocean City, New Jersey. Additionally, a new provision would be added that would restrict openings of the Route 30 Bridge across Beach Thorofare at NJICW mile 67.2, which currently opens on signal. The NJDOT has requested these changes in an effort to ease vehicular traffic congestion caused by bridge openings in and around seaside resort areas. The NJDOT also seeks to reduce bridge tender hours for certain bridges by eliminating the need for them to be continually staffed during off-peak periods when few openings occur.

**DATES:** Comments must be received on or before September 15, 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 part of this docket and will be available for inspection and copying at the above address.

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

**SUPPLEMENTARY INFORMATION:**

**Request 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 (CGD05-97-003), and 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 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**.

**Drafting Information:** The principal persons involved in drafting this document are Mr. Waverly W. Gregory, Jr., Project Manager, Bridge Administration Section and Lieutenant Robert L. Wegman, Project Counsel, Maintenance and Logistics Command Atlantic Legal Division.

**Background and Purpose**

*General*

The New Jersey Intracoastal Waterway (NJICW) extends approximately 118 statute miles from Manasquan Inlet to Cape May Harbor. The NJICW is

primarily used by pleasure craft, commercial, and sport fishing vessels. General regulations governing the operation of bridges are set out in §§ 117.1 through 117.49 of Title 33, Code of Federal Regulations (33 CFR). Specific drawbridge regulations, which supplement the general regulations for certain NJICW bridges, are set out in 33 CFR 117.733.

The New Jersey Department of Transportation (NJDOT) has requested to change the existing regulations for many bridges crossing the NJICW in an effort to balance the needs of mariners and vehicle drivers transiting in and around seaside resort areas. Bridge openings at peak traffic hours during the tourist season often cause considerable congestion while accommodating relatively few vessels. The NJDOT contends that its statistics show an overall decrease in vessel traffic and an increase in vehicular traffic in recent years. The NJDOT is seeking to solve the vehicular traffic problem caused by the frequency of bridge openings by reducing the number of drawbridge openings, thus allowing more vehicles to pass unimpeded. The NJDOT also seeks to restrict openings and thereby reduce bridge tender hours for certain bridges during off-peak periods when requests for openings infrequently occur. A special 24-hour telephone number would be posted on all bridges in accordance with 33 CFR 117.55 to arrange for openings during off-peak periods and emergencies. The following bridges would be affected by this proposal:

*Route 35 Bridge*

The current regulations require the Route 35 bridge across Manasquan River, at NJICW mile 1.1, located in Brielle, New Jersey to open on signal; except that, from Memorial Day through Labor Day on Saturdays, Sundays, and Federal holidays from 10 a.m. to 8 p.m., the draw need only open on the hour and half hour. Additionally, the draw shall open at all times as soon as possible for passage of a public vessel of the United States or for a vessel in distress.

During the summer of 1991, the Coast Guard implemented a temporary deviation to the existing regulations governing the Route 35 Bridge for 60 days from August 1 through September 29, 1991. The deviation extended the hour and half hour opening schedule on weekends and holidays to between 9 a.m. and 10 p.m., and provided for only twice an hour openings during the evening rush hours from 4 p.m. to 7 p.m. Monday through Thursday and from 12 p.m. to 7 p.m., on Fridays. Over

the last five years, the Route 35 Bridge has unofficially operated under the 1991 temporary regulations. Although vehicle traffic has increased since 1991, NJDOT records indicate that maintaining the 1991 temporary regulations has helped to reduce traffic congestion.

Furthermore, although the bridge has operated unofficially under the 1991 summer regulations, the NJDOT has received no complaints regarding the opening schedule.

The NJDOT has requested changes in the regulation governing the Route 35 Bridge. The changes would require the bridge to open on signal, except that from May 15 through September 30, from 8 a.m. to 10 p.m., on Saturdays, Sundays, and Federal holidays, the draw would only open on the hour and half hour. On Mondays to Thursdays from 4 p.m. to 7 p.m. and on Fridays, except Federal holidays from 12 p.m. to 7 p.m., the draw would only open 15 minutes before the hour and 15 minutes after the hour. In addition, from 11 p.m. to 8 a.m. year-round, four hours notice would be required to open the draw.

A review of NJDOT drawbridge logs for the Route 35 Bridge reveals a decrease in requests for bridge openings from 11 p.m. to 8 a.m. The yearly bridge logs for 1993, 1994, and 1995 during these hours, show that the bridge opened for vessels 243, 177, and 111 times, respectively. In light of these statistics, the Coast Guard anticipates that a four hour advance notice from 11 p.m. to 8 a.m. would not adversely affect vessel traffic flow.

The NJDOT's request to extend the openings of the Route 35 Bridge on the hour and half hour from May 15 to September 30 on Saturdays, Sundays and Federal holidays from 9 a.m. to 10 p.m., and to schedule draw openings 15 minutes before and 15 minutes after the hour from 4 p.m. to 7 p.m., Mondays through Thursdays and on Fridays from 12 noon to 7 p.m., except for Federal holidays, is the result of a substantial increase of vehicle traffic and a decrease of vessel traffic. NJDOT records show that from 1993 to 1995, from Memorial Day through Labor Day on Saturdays, Sundays and Federal holidays from 9 a.m. to 10 p.m., the Route 35 Bridge opened 670, 566, and 738 times, respectively; an average of 90 openings per week or approximately 13 openings per day. Opening an average of only 13 times per day, the bridge schedule helped to abate the vehicular traffic problem, and bridge closures caused only minor inconveniences to marine traffic. From Memorial Day through Labor Day during the same period, on Mondays to Thursdays from 4 p.m. to 7 p.m. and on Fridays from 12 p.m. to 7

p.m., the bridge opened for vessels 212, 178, and 223 times, respectively. Although averaging only seven openings per week or approximately one opening per day, this schedule of bridge openings posed minimal inconvenience to marine traffic.

#### *S37 Bridge*

Current regulations require the S37 Bridge across Barnegat Bay, at NJICW mile 14.1, located at Seaside Heights, New Jersey to open on signal except that, from 1 December through 31 March from 11 p.m. to 7 a.m., the draw need not be opened; and from Memorial Day through Labor Day from 10 a.m. to 2 p.m., on Saturdays, Sundays, and Federal holidays, the draw need only be opened on the hour and half hour, except that it shall open at any time for the passage of vessels with tows.

The NJDOT requested changes in the regulation that would allow the S37 bridge to open on signal except from Memorial Day to Labor Day, 8 a.m. to 8 p.m., when the draw would only open on the hour and half hour. From 1 April to 30 November, from 11 p.m. to 8 a.m., year-round, four hours advance notice would be required.

NJDOT records indicate that during 1993, 1994 and 1995, from 11 p.m. to 8 a.m., the S37 Bridge opened for vessels 151, 67 and 82 times, respectively. Based on these statistics, which show a minimal demand for bridge openings year-round, the NJDOT is seeking relief from the burden of having bridge tenders continually present between the hours of 11 p.m. to 8 a.m. During 1993, 1994, and 1995 from Memorial Day to Labor Day, from 8 a.m. to 8 p.m., the S37 Bridge opened for vessels 1333, 1204 and 1207 times, respectively. With an average of only 24 openings per day or approximately two openings per hour, restricting openings to the hour and half hour from 8 a.m. to 8 p.m. is not expected to seriously disrupt marine traffic, and is expected to substantially decrease the disruption of vehicular traffic.

#### *Route 30 Bridge*

The current regulation for the Route 30 Bridge across Beach Thorofare at NJICW mile 67.2, requires it to open on signal at all times. The requirement for drawbridges to open on signal is included in the general operating regulations at 33 CFR 117.5. The NJDOT has requested changes in the regulation to require the bridge to open on signal except from 11 p.m. to 7 a.m. year-round, and November 1 through March 31 from 3 p.m. to 11 p.m. when four hours advance notice would be required. The NJDOT is also seeking

relief from the burden of ensuring that bridge tenders are continuously present during the above periods when openings are infrequent.

A review of NJDOT bridge logs from 1992 to 1995 for the Route 30 bridge revealed that from 11 p.m. to 7 a.m., year-round, between 5 and 15 openings occurred, and from 3 p.m. to 11 p.m. from November 1 through March 31, between 6 and 9 openings occurred each year. The Coast Guard believes that these statistics, which show extremely minimal use of the Route 30 bridge, support the NJDOT request to require a four hour advance notice for bridge openings. In addition, NJDOT proposes to eliminate 24 hour staffing of the bridge. Based on the minimal demand for bridge openings, the four hour notice requirement requested by the NJDOT appears reasonable.

#### *US40-322 Bridge*

The current regulation for the US40-322 (Albany Avenue) Bridge across Inside Thorofare, at NJICW mile 70.0 in Atlantic City, New Jersey requires it to open on signal except that it permits the bridge to open only on the hour and half hour from June 1 through September 30 between 9 a.m. and 4 p.m. and between 6 p.m. and 9 p.m. with no openings required from 4 p.m. to 6 p.m. The NJDOT has requested additional limitations on bridge openings that would require the bridge to open on signal except from 11 p.m. to 7 a.m. year-round, and November 1 through March 31 from 3 p.m. to 11 p.m. when four hours advance notice would be required.

NJDOT bridge logs from 1992 to 1995, reveal that from 11 p.m. to 7 a.m., year-round, between 20 and 52 openings occurred each year. From 3 p.m. to 11 p.m., November 1 through March 31, between 11 and 26 openings occurred each year. The NJDOT also seeks relief from the burden of ensuring that bridge tenders are continuously present during the above periods when the bridge tenders receive minimal requests for openings.

#### *Route 52 Bridge*

The current regulations governing the Route 52 (Ninth Street) Bridge across Beach Thorofare, at NJICW mile 80.4 in Ocean City, New Jersey require it to open on signal except that from Memorial Day through Labor Day from 10 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draw must open only on the hour and half hour. Additionally, the draw shall open at all times as soon as possible for passage of public vessels of the United

States, vessels towing other vessels and vessels in distress.

The NJDOT has requested a change to the regulations governing the Route 52 (Ninth Street) Bridge to require it to open on signal except that from Memorial Day to Labor Day from 8 a.m. to 8 p.m., the draw would open on the hour and half hour. The NJDOT contends that because vessel traffic through the bridge has decreased, limiting openings to the hour and half hour to include the weekdays would enhance vehicular traffic without significantly affecting vessel traffic. A review of NJDOT logs shows that from 1993 to 1995 in May through September from 8 a.m. to 8 p.m., the Route 52 Bridge opened for vessels 1894, 1738 and 1669 times, respectively. With an average of only 34 openings per day or approximately three openings per hour, the infrequency of the openings caused only minor inconveniences to marine traffic. To ease traffic congestion, the NJDOT requested that the movement of marine traffic be regulated by extending the provisions for openings on the hour and half hour to include the weekdays between 8 a.m. and 8 p.m., from Memorial Day to Labor Day.

### **Discussion of Proposed Amendments**

#### *Route 35 Bridge*

The Coast Guard proposes to amend both the form and substance of § 117.733 paragraph (b), which governs the Route 35 Bridge, NJICW mile 1.1. Current paragraph (b) would be subdivided into subparagraphs (1), (1)(i), (1)(ii), and (2). Subparagraph (1)(i) would state that from May 15 through September 30, on Saturdays, Sundays, and Federal holidays, from 9 a.m. to 10 p.m., the draw need only open on the hour and half hour. Subparagraph (1)(ii) would state that from 4 p.m. to 7 p.m. on Mondays to Thursdays and 12 p.m. to 7 p.m. on Fridays, except Federal holidays, the draw need only open 15 minutes before and 15 minutes after the hour. Subparagraph (2) would state that, year-round, from 11 p.m. to 8 a.m., the draw shall open upon four hours notice.

#### *S37 Bridge*

The Coast Guard proposes to amend § 117.733 paragraph (d), which governs the S37 Bridge, NJICW mile 14.1 by renumbering subparagraph (2) as (3) and inserting a new subparagraph (2) to require a four hour advance notice for openings, between the hours of 11 p.m. and 8 a.m. from April 1 through November 30. The newly renumbered subparagraph (3) would also be amended. The S37 Bridge openings from Memorial Day to Labor Day, which

are currently scheduled on the hour and half hour from 10 a.m. to 2 p.m. Saturdays, Sundays, and Federal holidays, would be extended to 8 a.m. to 8 p.m. each day of the week.

#### *Route 30 Bridge*

The Coast Guard proposes to amend the regulations governing the Route 30 Bridge, NJICW mile 67.2, which currently opens on signal. The Coast Guard proposes to insert this new specific regulation at 33 CFR 117.733(f). The regulation would permit the draw to open on four hour advance notice from 11 p.m. to 7 a.m., year-round, and from 3 p.m. to 11 p.m. from November 1 through March 31. At all other times, the Route 30 bridge would continue to open on signal.

#### *US40-322 Bridge*

The Coast Guard proposes to amend the form and substance of § 117.733(f) governing the US40-322 Bridge (Albany Avenue), NJICW mile 70.0, by redesignating it as paragraph (g). Current paragraph (f) would also be subdivided into subparagraphs (1), (2)(i), and (2)(ii). Subparagraph (1) would require the draw to open year-round from 11 p.m. to 7 a.m. and November 1 through March 31 from 3 p.m. to 11 p.m., if a four hour advance notice is given. Subparagraph (2)(i) would state that from June 1 through September 30, from 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m., the draw need only open on the hour and half hour. Subparagraph (2)(ii) would state that from June 1 through September 30, from 4 p.m. to 6 p.m., the draw need not be opened.

#### *Route 52 Bridge*

The Coast Guard proposes to redesignate Part 117.733 paragraph (h) and paragraph (i), which was inadvertently omitted from the current regulation, and proposes to amend the same paragraph to require the Route 52 (Ninth Street) Bridge, NJICW mile 80.4, to open on signal except from Memorial Day to Labor Day from 8 a.m. to 8 p.m., when openings would occur on the hour and half hour.

#### **General Proposals**

The surplus language of 33 CFR 117.733(a)(1) would be removed to be consistent with the general operating regulations under 33 CFR 117.5. That provision already requires drawbridges to open promptly and fully for the passage of vessels when a request to open is given. This requirement is applied to all drawbridges across the New Jersey Intracoastal Waterway and does not need to be restated in each

specific regulation. Additional text modifications would be made as appropriate, to eliminate surplus regulatory text already stated in the general operating regulations.

The Coast Guard intends to amend current paragraphs (b), (c), (d), and (h) to delete the phrase stating that public vessels, vessels in distress, or vessels in tow may pass without delay. This requirement is currently published in 33 CFR 117.31 and is no longer required to be published in each specific bridge regulation.

The Coast Guard also plans to insert 33 CFR 117.733(i), a section that was inadvertently omitted from the regulation. The current regulations contain paragraphs (a)-(h) and (j). Paragraph (i) does not exist. Paragraph (i) should have included the specific regulation governing the Stone Harbor Boulevard Bridge across Great Channel, at mile 102.0. That section, governing the Stone Harbor Boulevard Bridge would be reinserted, but would be redesignated as paragraph (j). Paragraph (i) would be added, but it would govern the Route 52 Bridge.

The Coast Guard intends to remove the current regulation in 33 CFR 117.733 paragraph (j) by codifying this paragraph as 33 CFR 117.720. This bridge, referred to in paragraph (j) as the Cape May County Bridge Commission Bridge, at mile 104.0 between Stone Harbor and Nummy Island does not span the NJICW, but rather spans Great Channel, at mile 0.7, a tributary to the NJICW. It had been incorrectly placed in 33 CFR 117.733 as a NJICW bridge. The operating schedule of this bridge would not be affected by this change.

Finally, the Coast Guard proposes to revise 33 CFR 117.733 by redesignating current paragraph (g) which governs the Dorset Avenue Bridge across Inside Thoroughfare, mile 71.2. That paragraph would be redesignated (h). No modifications to that regulation are proposed.

#### **Regulatory Evaluation**

The 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 rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of

DOT is unnecessary. The Coast Guard reached this conclusion based on the fact that the changes and actions proposed by this rule would not prevent mariners from transiting the bridges. The rule would merely require mariners to plan to be in position to take advantage of scheduled bridge openings and to timely contact bridge tenders controlling bridges that require advance notification.

#### **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" 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 proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, 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 rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule will not have sufficient federalism implications to warrant 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 proposal 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 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 117.733 is revised to read as follows:

### § 117.733 New Jersey Intracoastal Waterway.

(a) The following requirement applies to all bridges listed in this section: The owners of these bridges shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(b) The draw of the Route 35 Bridge, mile 1.1 across Manasquan River at Brielle, shall open on signal except as follows:

(1) From May 15 through September 30:

(i) On Saturdays, Sundays and Federal holidays, from 8 a.m. to 10 p.m., the draw need only open on the hour and half hour.

(ii) On Mondays to Thursdays from 4 p.m. to 7 p.m., and on Fridays, except Federal holidays from 12 p.m. to 7 p.m., the draw need only open 15 minutes before the hour and 15 minutes after the hour.

(2) Year-round from 11 p.m. to 8 a.m., the draw shall open on signal upon four hours notice.

(c) The draw of the County Route 528 Bridge, mile 6.3 across Barnegat Bay at Mantoloking, shall open on signal; except that from Memorial Day through Labor Day on Saturdays, Sundays and Federal holidays from 9 a.m. to 6 p.m., the draw need only open on the hour, twenty minutes after the hour, and forty minutes after the hour.

(d) The draw of the S37 Bridge across Barnegat Bay, mile 14.1 at Seaside Heights, shall open on signal except as follows:

(1) From December 1 through March 31 from 11 p.m. to 8 a.m., the draw need not be opened.

(2) From April 1 through November 30 from 11 p.m. to 8 a.m., the draw shall open on signal upon four hours notice.

(3) From Memorial Day through Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour.

(e) The draw of the AMTRAK New Jersey Transit Rail Operations (NJTRO) automated railroad swing bridge across Beach Thorofare, mile 68.9 at Atlantic City shall operate as follows:

(1) Open on signal from 11 p.m. to 6 a.m. From 6 a.m. to 11 p.m., the draw shall open on signal from 20 minutes to 30 minutes after each hour and remain open for all awaiting vessels.

(2) Opening of the draw span may be delayed for ten minutes except as provided in § 117.31(b). However, if a train is moving toward the bridge and has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(3) When the bridge is not tended locally and/or is operated from a remote location, sufficient closed circuit TV cameras shall be operated and maintained at the bridge site to enable the remotely located bridge/train controller to have full view of both river traffic and the bridge.

(4) Radiotelephone Channel 13 (156.65 MHz) VHF-FM, shall be maintained and utilized to facilitate communication in both remote and local control locations. The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels within a mile that are not equipped with radiotelephones.

(5) Whenever the remote control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control. Personnel shall be dispatched to arrive at the bridge as soon as possible, but not more than one hour after malfunction or disability of the remote system. Mechanical bypass and override capability for remote operation shall be provided and maintained.

(6) When the draw is opening and closing, or is closed, yellow flashing lights located on the ends of the center piers shall be displayed continuously until the bridge is returned to the fully open position.

(f) The draw of the Route 30 Bridge across Beach Thorofare, mile 67.2 at Atlantic City, shall open on signal except that, year-round from 11 p.m. to 7 a.m. and, from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if at least four hours notice is given.

(g) The draw of the US40-322 (Albany Avenue) Bridge, mile 70.0 across Inside Thorofare, at Atlantic City, shall open on signal except that:

(1) Year-round, from 11 p.m. to 7 a.m.; and from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if at least four hours notice is given:

(2) From June 1 through September 30:

(i) From 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m. the draw need only open on the hour and half hour; and

(ii) From 4 p.m. to 6 p.m. the draw need not open.

(h) The draw of the Dorest Avenue Bridge across Inside Thorofare, mile 71.2 at Ventnor City, shall open on signal except that from June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need only open at 15 and 45 minutes after the hour.

(i) The draw of the Route 52 (Ninth Street) Bridge, mile 80.4 across Beach Thorofare, at Ocean City, shall open on signal except that from Memorial Day through Labor Day from 8 a.m. to 8 p.m., the draw need only open on the hour and half hour.

(j) The draw of the Stone Harbor Boulevard Bridge, mile 102.0 across Great Channel, at Stone Harbor, shall open on signal except that:

(1) From October 1 through March 31 from 10 p.m. to 6 a.m. the draw need only open if at least eight hours notice is given.

(2) From Memorial Day through Labor Day from 6 a.m. to 6 p.m. on Saturdays, Sundays and Federal holidays, the draw need open only for waiting vessels on the hour, 20 minutes after the hour, and 20 minutes before the hour.

3. Section 117.720 is added to read as follows:

### § 117.720 Great Channel

The draw of the Cape May County Bridge Commission bridge, mile 0.7, between Stone Harbor and Nummy Island, shall open on signal except that:

(a) From May 15 through October 15 from 10 p.m. to 6 a.m. if at least four hours advance notice is given.

(b) From October 16 through May 14 if at least 24 hours advance notice is given.

Dated: June 27, 1997.

**J. Carmichael,**

*Captain, U.S. Coast Guard, Acting  
Commander, Fifth Coast Guard District.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[FRL-5859-1]

### Outer Continental Shelf Air Regulations Consistency Update for California

**AGENCY:** Environmental Protection Agency ("EPA").