power and responsibilities between the Federal Government and Indian tribes.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 3361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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.

§ 117.305 [Suspended]

2. From October 15, 2002 until April 30, 2003, temporarily suspend § 117.305.

3. From October 15, 2002, until April 30, 2003, add a new § 117.T306 to read as follows:

§ 117.T306 Miami River, Florida.

(a) The draws of each bridge from the mouth of the Miami River to and including N.W. 27th Avenue bridge, mile 3.7 at Miami, but excluding the new Second Avenue bridge, mile 0.5, Miami, Florida, shall open on signal; except that, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday except Federal holidays, the draws need not open for the passage of vessels. Public vessels of the United States, tugs and tugs with tows, and vessels in an emergency involving danger to life or property shall be passed at any time.

(b) The new Second Avenue bridge, mile 0.5, Miami, Florida, need open only a single-leaf of the bridge from 4 a.m. until 10 p.m. daily; and the bridge will remain in the fully open to navigation position from 10:01 p.m. to 3:59 a.m. daily.

Dated: July 29, 2002.

John E. Crowley, Jr.,

Captain, U.S. Coast Guard, Acting, Commander, Seventh Coast Guard District.

[FR Doc. 02–19847 Filed 8–5–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–02–020]

RIN 2115–AE47

Drawbridge Operation Regulations; Nanticoke River, Seaford, DE

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations that govern the operation of the Norfolk Southern Railway Bridge across the Nanticoke River, mile 39.4, in Seaford, Delaware. The proposed rule would allow for increased bridge openings by extending the daytime hours of operation and reducing the required advance notice time for opening the draw. This proposed rule change would reduce delays for navigation by allowing more draw openings.

DATES: Comments and related material must reach the Coast Guard on or before September 5, 2002.

ADDRESSES: You may mail comments and related material to Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004. The Commander (Aowb), Fifth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–02–020), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Commander, Fifth Coast Guard District at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Nanticoke River Bridge is owned and operated by Norfolk Southern Railway. The regulation in 33 CFR 117.243 requires the railroad bridge over the Nanticoke River, mile 39.4, in Seaford, Delaware to open on signal from May 1 through September 30 from 8 a.m. to 8 p.m. but need not be opened from 8 p.m. to 8 a.m. At all times from October 1 through April 30, the draw shall open on signal if at least four hours notice is given.

The bridge connects The Towns of Blades and Seaford. This bridge is part of one of two railways supplying the southern Delmarva Peninsula. Mariners do not have an alternate route. The Town of Blades has requested permission to increase the number of hours the bridge will be open to marine traffic due to the increased navigation on the waterway. The Town of Blades asserts that the present regulation for this bridge is too restrictive for the increased number of mariners. Blades Economic Development Commission (BEDCO) is just completing an 87-slip marina in the Town of Blades, upstream from the bridge. Once the marina is complete, the drawbridge will need to

be opened more frequently to accommodate the increased flow of maritime traffic in this area. As the flow of vessel traffic increases, the current operating schedule of the bridge may cause vessel back-ups and potential hazardous impacts on navigation.

The Town of Blades requested permission to increase the number of hours the bridge will be open for boats to avoid excessive/hazardous vessel back-ups at the bridge. Norfolk Southern Railway and local mariners developed an inter-modal compromise. The plan allows for an extended amount of time that the draw could be open, while not excessively limiting the rail traffic. This compromise will help to decrease the back-up of mariners at the bridge and thus avoid potentially hazardous/dangerous situations. The Coast Guard believes that this proposed rule change is needed and would not overburden marine traffic.

Due to the fact that the proposed rule will increase the number of hours the bridge will open, and the bridge owner has agreed to these changes, we anticipate only positive impacts on the boating community. Therefore, the time for public comment is shortened.

Discussion of Proposed Rule

This proposed rule will govern the opening schedule of the Norfolk Southern drawbridge on the Nanticoke River, Seaford, Delaware. The proposed rule will allow the draw to open more frequently, extend the summer season and the hours of operation. In the proposed rule, the draw will open on signal from 5 a.m. through 11 p.m. from March 15 through November 15. During the night (11 p.m. to 5 a.m.) from March 15 to November 15, the draw will open after 2½ hours notice is given. At all times during the remainder of the year, the draw will open after 2½ hours notice is given.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it 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).

We expect 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.

We reached this conclusion based on the fact that this proposed rule change will not overburden marine traffic but actually improve the quality of navigation on the Nanticoke River.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises 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.

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

This proposed rule would not have a significant economic impact on a substantial number of small entities because the regulation removes current restrictions on navigation by allowing for an increased number of draw openings. In addition, maritime advisories will be widely available to users of the river about all proposed regulations and any potential impacts to navigation.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, (757) 398–6222.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

To help the Coast Guard establish regular and meaningful consultation

and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. The proposed rule only involves the operation of an existing drawbridge and will not have any impact on the environment.

List of Subjects 33 CFR Part 117

Bridges.

For reasons discussed in the preamble, the Coast Guard proposes to amend 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 authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.243 is revised to read as follows:

§ 117.243 Nanticoke River.

(a) The draw of the Norfolk Southern Railway bridge across the Nanticoke River, at mile 39.4, at Seaford, Delaware will operate as follows:

(1) From March 15 through November 15 the draw shall open on signal for all vessels except that, from 11 p.m. to 5 a.m. at least 2½ hours notice shall be required.

(2) At all times from November 16 through March 14 the draw will open on signal if at least 2½ hours notice is given.

(b) When notice is required, the owner operator of the vessel must provide the bridge tender with an estimated time of passage by calling 717–541–2151/2140.

Dated: July 25, 2002.

Arthur E. Brooks,

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

[FR Doc. 02–19846 Filed 8–5–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–00–007]

RIN 2115–AA97

Regulated Navigation Area, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking, withdrawal.

SUMMARY: The Coast Guard is withdrawing the Notice of Proposed Rulemaking (NPRM) which proposed to decrease the safety zone ahead of loaded Liquefied Natural Gas Carrier (LNGC) vessels found at 33 CFR 165.110. In light of the terrorist attacks in New York City and Washington, DC on September 11, 2001, safety and security zones are being established to safeguard the LNGC vessels and LNG facilities in the Captain of the Port Boston, MA zone that conflict with this NPRM and thus necessitate its withdrawal.

DATES: The NPRM proposing to amend 33 CFR 165.110 that was published on May 2, 2000 (65 FR 25458) is withdrawn as of August 6, 2002.

ADDRESSES: Comments and related material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket CGD01–00–007 and are available for copying or inspection at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Dave Sherry, Marine Safety Office Boston, Maritime Security Operations Division, at (617) 223–3030.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 2, 2000 we published a notice of proposed rulemaking (NPRM) entitled ''Regulated Navigation Area, Boston, MA'' in the **Federal Register** (65 FR 25458). We received no comments on the proposed rule. No public hearing was requested and none was held. No final rule was published.

The NPRM proposed to change 33 CFR 165.110(a)(1) by removing the words ''two miles'' and replace them with the words ''one mile'', effectively reducing the size of the safety zone described therein. At this time this reduction was intended to reduce burdens imposed on commercial and recreational mariners by the safety zone.

Withdrawal

In light of the terrorist attacks in New York City and Washington, DC on September 11, 2001, the Captain of the Port Boston, MA has had to reconsider this NPRM. In a post-September 11, 2001 security assessment it was determined that LNGC vessels represent a potential terrorist target. As a result, safety and security zones are being established to increase protective measures around LNGC vessels while in transit, at anchor, and moored at a transfer facility in the COTP Boston, MA zone. These proposed increased measures are intended to protect LNGC vessels, the public, and the surrounding area from sabotage or other subversive acts, accidents, or other events of a similar nature. These safety and security zones have been proposed in an NPRM [Docket # CGD01–02–023] published July 26, 2002 (67 FR 48834). Since the proposal to reduce the size of the safety zone around LNGC vessels in transit published May 2, 2000, at 65 FR 25458, is in conflict with the July 26, 2002 NPRM, which increases protective measures in response to new potential threats, the May 2, 2000 NPRM must be withdrawn.

Dated: July 26, 2002.

B.M. Salerno,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 02–19850 Filed 8–5–02; 8:45 am]

BILLING CODE 4910–15–P