U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: CDR David Dickman, Maritime and International Law Division (G–LMI), (202) 267–0095.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to submit written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this request (CFD 94–100), and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Discussion of Issues

The following statutes authorize the Coast Guard to request that the Customs Service refuse or revoke the clearance required by 46 App. U.S.C. 91 of a vessel the owner or operator of which may be subject to a civil penalty for violation of these statutes:

(a) Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(b) (12)).

(b) Act to Prevent Pollution from Ships (APPS) (33 U.S.C. 1908(e)).

(c) Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1232(f).

(d) Tank vessel operating or inspection requirements (46 U.S.C. 3718(e)).

(e) Inland Navigation Rules (33 U.S.C. 2072(d)).

In addition to the provisions that apply to potential liability for civil penalties, the Coast Guard has authority to request that the Customs Service withhold clearance to a vessel when the owner, operator, or person in charge may be liable for criminal fines for violations of APPS, which implements the provisions of MARPOL.

Clearance from the Customs Service is required before a U.S. or foreign flag vessel may proceed from a port or place in the United States to a foreign port or place, to another port or place in the United States, or to a hovering vessel outside the territorial sea or to receive or deliver merchandise outside the territorial sea. Clearance is not required for a U.S. vessel proceeding from a port or place in the United States to another port or place in the United States if the vessel does not have on board bonded merchandise or foreign merchandise for which entry has not been made (46 App. U.S.C. 91(a)(2)).

All of these statutes provide that the necessary clearance can be granted upon the posting of a bond or other surety satisfactory to the Coast Guard. Historically, the Coast Guard has accepted, as satisfactory, surety bonds, letters of undertaking, and cash placed in escrow in an amount equal to the maximum penalty or fine that could be assessed if a violation of the statute is found. However, the form and terms of the bonds and letters of undertaking have varied among Coast Guard marine safety offices and districts. This has resulted occasionally in some confusion among the marine industry, shipping agents, Protection and Indemnity clubs, and other entities that normally post the required sureties.

Based on these problems, the Coast Guard seeks comments, particularly on the following issues:

(a) Is it desirable to provide for nationwide uniformity in the format and content of bonds or other forms of surety accepted by the Coast Guard?

(b) Is there a need for regulations on this subject and, if so, what should be covered? If regulations are not needed, what alternative methods might be employed to remove the confusion noted above?

(c) What procedures should be incorporated in regulations or other methods for providing bonds or other forms of surety?

(d) What types of bonds or other forms of surety should be accepted and why?

(e) Should the Coast Guard develop standard forms for the sureties to be accepted or should only the basic necessary terms be identified, as in the regulations for Customs bonds under 19 CFR part 113?

(f) Should an option be provided to allow consideration to be given, on an ad hoc basis, to satisfactory sureties on terms not specified in the regulations? Alternatively, should the specified sureties or terms be exclusive?

(g) Should a letter of undertaking, as issued traditionally by P&I Clubs, continue to be accepted as a form of surety? If so, is the form used in general admiralty practice sufficient or are additional terms necessary to protect the interests of the government and vessel owners or operators? If letters of undertaking are acceptable, which individuals or entities should be liable in the event of a default in payment of the assessed penalty or fine?

(h) Are different terms required for acceptable forms of surety depending upon whether or not the statute establishes ''in rem'' liability of the vessel for civil penalties?

(i) If the owner or operator of the vessel may be subject to a criminal fine, would a letter of undertaking be an appropriate form of surety in light of the fact that, in general admiralty practice, letters of undertaking are used solely for civil liability purposes?

(j) If a letter of undertaking or other surety is determined by the Coast Guard to be acceptable for the purposes described, should the Coast Guard provide a list of acceptable corporate providers, similar to the listing for surety bonds published by the Department of the Treasury in Treasury Department Circular 570? Alternatively, should minimal qualifications for corporate providers of letters of undertaking or other satisfactory sureties be published without specifically listing acceptable providers?

(k) Should individuals or partnerships be authorized to provide bonds or other forms of surety? If so, what minimum qualifications should these providers be required to meet?

The Coast Guard may initiate rulemaking based upon the comments received.

Dated: February 3, 1995.

J.E. Shkor,

Chief Counsel.

[FR Doc. 95–3428 Filed 2–9–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD11–95–002]

RIN 2115–AE47

Drawbridge Operation Regulations; Little Potato Slough, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the California Department of Transportation, the Coast Guard is considering amending the regulation for the Highway 12 Swing Bridge crossing over Little Potato Slough, mile 0.1 at Terminous, near Stockton, California. The existing regulation provides that the draw open upon demand from May 1 through October 31 from 6 a.m. to 10 p.m., and upon four hours advance notice at all other times. The proposed

regulation provides that the draw open on four hours advance notice at all times. This amendment will allow the bridge owner to reduce operating expenses, and should still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before April 11, 1995.

ADDRESSES: Comments may be mailed to Commander (oan-br), Eleventh Coast Guard District, Building 10, Room 214, Coast Guard Island, Alameda, CA 94501–5100, or may be delivered to Room 214 at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christian G. Cerles, Bridge Section, Eleventh Coast Guard District, Alameda; telephone (510) 437–3514.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD11–95–002) and the specific section of this proposal to which each comment applies, and give the reason 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 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 Commander (oan-br), Eleventh Coast Guard District, at the address 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 regulation are Christian G. Cerles, Project Manager, Bridge Section, Eleventh Coast Guard District, and Lieutenant Robin Barber, Project Attorney, Eleventh Coast Guard District Legal Office.

Background and Purpose

The Little Potato Slough Bridge was built in 1991 to replace the swing bridge built at that location in 1936.

The old swing bridge had a vertical clearance of nine feet above Mean High Water (MHW) in a closed position. The present bridge has a vertical clearance of 35 feet above MHW when in the closed position.

Because of this greater vertical clearance, the number of bridge openings has dropped significantly with the present bridge, allowing most vessels to pass under the new bridge while the bridge was in a closed position. In 1982, the bridge opened 2300 times, with an annual growth rate of four percent prior to the reconstruction (an estimated 3145 openings in 1990). In 1993, the first full year of operation after reconstruction, the bridge opened 239 times. All but three of the openings were for recreational vessels. By further comparison, the nearby Mokelumne River Bridge, which crosses another recreational waterway and has a vertical clearance of seven feet, opened 3518 times in 1993.

Discussion of Proposed Regulation

The current regulation requires that the draw open on signal from 6 a.m. to 10 p.m. May 1 through October 31. The remainder of the time, the draw shall open upon signal provided that at least four hours notice to the drawtender at the Rio Vista bridge has been given. The proposed regulation would require a four-hour advance notice at all times. Because the vessel traffic requirements of the waterway are limited, requiring advance notice to request draw openings appears reasonable. This proposed amendment would allow the bridge owner to reduce operating expenses while still ensuring that all draw opening requests are accommodated and still provide for the reasonable needs of navigation.

Notice to open the draw would continue be given to the drawtender at the Rio Vista bridge. The Rio Vista bridge has a drawtender on duty at all times.

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 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the Department of Transportation regulatory policies and procedures is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal would 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 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

The Coast Guard has analyzed this proposal in accordance with the principles 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 considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, the proposal is categorically excluded from further environmental documentation.

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 is also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.167 is revised to read as follows:

§ 117.167 Little Potato Slough.

The draw of the California Department of Transportation highway bridge, mile 0.1 at Terminous, shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

Dated: January 20, 1995.

D.D. Polk,

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

[FR Doc. 95–3430 Filed 2–9–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD05–94–116]

RIN 2115–AE47

Drawbridge Operation Regulations; Wicomico River, Salisbury, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the State Highway Administration, Maryland Department of Transportation, the Coast Guard is proposing to change the regulations that govern the operation of the Main Street and the US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, in Salisbury, Maryland. This proposal would extend the current rush hour restrictions by one hour in the morning and one hour in the afternoon, and require a three hour advance notice for commercial vessels needing a bridge opening during the hours of closure due to emergency situations. The existing 12 noon to 1 p.m. closure period would remain unaffected by this proposed change.

These changes to the drawbridge regulations are intended to reduce motor vehicle delays and congestion, while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before May 11, 1995.

ADDRESSES: Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or may be delivered to Room 109 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (804) 398–6222. Comments will become part of this docket and will be available for inspection at Room 109, Fifth Coast Guard District.

FOR FURTHER INFORMATION CONTACT:

Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05–94–116) and the specific section of this proposal to which each comment applies, and give the reason 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 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 Commander (ob) at the address 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 Linda L. Gilliam, Project Manager, Bridge Section, and LCDR C.A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

Background and Purpose

The State Highway Administration, Maryland Department of Transportation (MDOT), has requested that openings of the Main Street and US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, at Salisbury, Maryland, be further restricted during the morning and evening rush hours. This would help to reduce highway traffic congestion problems and relieve public safety and welfare concerns associated with frequent bridge openings caused by commercial boat traffic. Currently, these drawbridges open on signal except from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m. during which time both remain closed to navigation. MDOT's request is to change the hours of bridge closures to 7 a.m. to 9 a.m. in the morning and to 4 p.m. to 6 p.m. in the afternoon. The existing 12 noon to 1 p.m. closure would remain the same.

A review of the bridge logs provided by MDOT revealed that the bridge openings during 1992–1993 from 7 a.m. to 8 a.m. in the morning and from 4–4:30 p.m. to 5:30–6 p.m. in the evening were caused by tugs and tugs with tows. These openings are frequent enough to cause highway traffic to back up on each side of the bridge resulting in congestion and delays.

This request is based on an analysis MDOT conducted on highway traffic and marine traffic data, along with a waterway user and property owner survey that was conducted in 1993. Adjacent property owners had no objection to the extended morning and evening rush hours. According to DELMARVA Water Transport Committee, Inc., only two commercial businesses are located upstream of the bridge and one of these businesses has expressed concern over extending the periods of closure for these bridges. Based on this concern, DELMARVA has requested that the Coast Guard include in the proposed rule a three hour advance notice requirement for commercial vessels needing passage through the bridge during the hours of restriction. This advance notice requirement would only apply to tugs and barges unable to reach the bridges except during the hours of closure due to severe inclement weather or other emergency or unforeseen circumstances.

DELMARVA also contacted MDOT with this request and MDOT agreed that this provision should be added to the proposed rule, provided commercial vessels adhere to the ''emergency only'' requirement when taking advantage of the three hour advance notice exception. Based on DELMARVA's request and MDOT's approval of this request, the proposed rule will include a provision requiring commercial vessels to provide a three hour advance notice for a bridge opening during the hours of closure only if their transit is delayed by inclement weather or other emergency or unforeseen circumstances. Other than this, commercial vessels will be required to transit through these bridges during the open-on-demand hours.

The Administrative Director of Wicomico County, Maryland notified the Coast Guard that the county supports MDOT's request because of the increase in highway traffic crossing these bridges as a result of substantial residential growth. The Salisbury Area Chamber of Commerce also supports these changes to the operating schedule