

CFR part or section where identified and described	Current OMB control No.
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1.170A-13 .....	1545-0074 1545-0754 1545-0908 1545-1431
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Dated: September 22, 1995.  
Margaret Milner Richardson,  
*Commissioner of Internal Revenue.*

Approved:  
Leslie Samuels,  
*Assistant Secretary of the Treasury.*  
[FR Doc. 95-25058 Filed 10-11-95; 8:45 am]  
BILLING CODE 4830-01-U

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD05-94-092]

**Drawbridge Operation Regulations; Beach Thorofare, New Jersey**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulations governing operation of the National Railroad Corporation (AMTRAK)/New Jersey Transit Rail Operation (NJTRO) drawbridge across the Beach Thorofare, New Jersey Intracoastal Waterway, mile 68.9, at Atlantic City, New Jersey. This change to the regulations will allow the bridge to be operated remotely from AMTRAK's Philadelphia office. This change is being made in an effort to combine bridgetender and dispatcher positions, enhance rail safety operations and reduce operating costs. This action will relieve AMTRAK of the burden of having a person constantly at the bridge to open the draw, and will still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** November 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gary 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 March 6, 1995, the Coast Guard published a Notice of Proposed

Rulemaking entitled "Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, New Jersey" in the Federal Register (60 FR 12178). The Coast Guard received four comments on the Notice of Proposed Rulemaking. One offered no objection and three opposed the proposal. Objections cited the need for visual observation to safely operate the bridge from a remote location; concern over the ability of the bridge to open in an emergency; and concern for the safety of navigation and nearby children.

The Coast Guard believes the drawbridge is adequately equipped to meet these concerns. The bridge is equipped with eight cameras which provide visual coverage of the entire bridge and waterway. One of the eight cameras has zoom and pan action capability covering a 360 degree arc. Whenever the remote control system equipment is partially disabled, or fails for any reason, the bridge will be physically tended and operated from a local control site as soon as possible, but in no case later than an hour after the malfunction. The bridge is equipped with a radiotelephone capable of communicating in both local and remote control locations. The bridge is also equipped with directional microphones and horns with the ability to receive and deliver signals. A public hearing was not requested, and one was not held.

**Background and Purpose**

A permit was issued by the Coast Guard on December 20, 1988, to replace and slightly raise the superstructure of the Beach Thorofare Bridge. The new drawbridge provides a vertical clearance of 4 feet at mean high water and 9 feet at mean low water when in the closed position. Prior to its rehabilitation in 1988, the old bridge was left in the open position and unused for 5 to 10 years. However, the regulations governing operation of this bridge require that the bridge open on signal from 11 p.m. to 6 a.m. From 6 a.m. to 11 p.m., the draw is required to open on signal from 20 minutes to 30 minutes after each hour and remain open for all waiting vessels. As a result of the rehabilitation and replacement work, the bridge now operates according to the published regulations. AMTRAK seeks to operate the bridge remotely from its Philadelphia office.

The Beach Thorofare section of the New Jersey Intracoastal Waterway is used primarily by recreational power boats ranging in length from eighteen (18) to thirty-eight (38) feet. The bridge is required to open for vessel traffic infrequently during the winter months.

The number of openings increase during the normal boating season.

However, the number of openings is not excessive. During the period from February 1994 through June 1994, drawlogs for the Beach Thorofare Bridge showed the bridge averaged 1 opening per day in February, 1 to 2 openings per day in March, 2 openings per day in April, 6 openings per day in May, and 7 openings per day in June. During the same 5 month period, data provided by AMTRAK showed the number of trains per month crossing the bridge in both directions remained fairly constant, averaging between 900 and 1,000 trains per month. The vast majority of these trains are passenger/shuttle type trains transporting persons wishing to visit Atlantic City, New Jersey. Train traffic across the bridge is proportionately much heavier than waterway traffic requiring openings of the bridge. Because of the relatively few requests for bridge openings, AMTRAK would like to combine the bridgetender and train dispatcher positions in its Philadelphia office. By controlling openings of the bridge and movement of trains across the bridge remotely from one location, AMTRAK can reduce operating costs and still closely monitor operations at the bridge.

The Coast Guard has no record of any vessel allisions with this bridge. The vessels that do use this waterway are relatively small, and it is unlikely that they could create major damage to the bridge even if a vessel/bridge allision did occur. Therefore, safety does not appear to be a significant concern in the evaluation of this request.

This change establishes procedures and criteria for remote operation of the drawbridge, while still providing for the needs of navigation.

**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 this rule will not prevent mariners from passing through the Beach Thorofare Bridge nor will it change the present opening schedule.

Rather, it will permit the bridge owner to operate the bridge remotely.

**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 been determined that this rule will 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 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. 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 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. Section 117.733(e) is revised to read as follows:

**§ 117.733 New Jersey Intracoastal Waterway.**

\* \* \* \* \*

(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 Channels 13 (156.65 Mhz) and 16 (156.8 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 centers piers shall be displayed continuously until the bridge is returned to the fully open position.

\* \* \* \* \*

3. Appendix A to Part 117 is amended by adding the New Jersey Intracoastal Waterway entry under the State of New Jersey to read as follows:

**APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES**

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
* * * * *	*	*	*	*	*	*
<b>New Jersey</b>	*	*	*	*	*	*
New Jersey Intracoastal Waterway (Beach Thorofare) .....	68.9	Atlantic City .....	Beach Thoro AMTRAK	WXZ 528	13	13
* * * * *	*	*	*	*	*	*

Dated: September 28, 1995.

W.J. Ecker,

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

[FR Doc. 95-25290 Filed 10-11-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 7166

[AZ-933-1430-01; AZA 27587, AZA 27588,  
AZA 27589, AZA 27699]

#### Withdrawal of National Forest System Land for the Charcoal Kiln Historic Site, the Grapevine Springs Botanical Area, the Lynx Creek Indian Ruins, and the Groom Creek Recreation Complex, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order withdraws 1,561.43 acres of National Forest System lands from mining for a period of 20 years to protect the Lynx Creek Indian Ruins, the Charcoal Kiln Historic Site, the Grapevine Springs Botanical Area, and the Groom Creek Recreation Complex. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** October 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602-650-0509.

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 National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Charcoal Kiln Historic Site, the Grapevine Springs Botanical Area, the Lynx Creek Indian Ruins, and the Groom Creek Recreation Complex:

Gila and Salt River Meridian

Prescott National Forest

*Charcoal Kiln Historic Site*

T. 12½ N., R. 1 W.,

Sec. 21, lots 4 and 5.

T. 13 N., R. 1 W.,

Sec. 33, SE¼SW¼.

The area described contains 74.97 acres in Yavapai County.

*Grapevine Springs Botanical Area*

T. 12½ N., R. 1 W.,

Sec. 26, S½SW¼;

Sec. 35;

Sec. 36, S½NW¼, SW¼, and W½SE¼.

The area described contains 1,040 acres in Yavapai County.

*Lynx Creek Indian Ruins*

T. 13 N., R. 1 W.,

Sec. 5, E½SW½ and W½SE¼.

The area described contains 160 acres in Yavapai County.

*Groom Creek Recreation Complex*

T. 13 N., R. 2 W.,

Sec. 26, lots 32, 33, and 34;

Sec. 35, lots 5 to 8, inclusive.

The area described contains 286.46 acres in Yavapai County.

2. The withdrawal made by this order does not alter the applicability of those land laws governing the use of National Forest System lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: September 15, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

[FR Doc. 95-25205 Filed 10-11-95; 8:45 am]

BILLING CODE 4310-32-P

#### 43 CFR Public Land Order 7167

[ID-943-1430-01; IDI-15692-01]

#### Partial Revocation of Geological Survey Order Dated June 3, 1952; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order revokes a Geological Survey order insofar as it affects 120 acres of National Forest System land withdrawn by the Bureau of Land Management for Powersite Classification No. 424 in the Salmon National Forest. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through exchange. This action will open the land to surface entry. The land has been and will remain open to mining and mineral leasing.

**EFFECTIVE DATE:** November 13, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706-2500, 208-384-3166.

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. The Geological Survey Order dated June 3, 1952, which withdrew National Forest System land for the Bureau of Land Management's Powersite Classification No. 424, is hereby revoked insofar as it affects the following described land:

Boise Meridian

T. 14 N., R. 26 E.,

Sec. 10, W½NE¼ and NE¼NW¼.

The area described contains 120 acres in Lemhi County.

2. At 9 a.m. on November 13, 1995, the land described above shall be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: September 22, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

[FR Doc. 95-25284 Filed 10-11-95; 8:45 am]

BILLING CODE 4310-GG-P

#### 43-CFR Public Land Order 7168

[ID-943-1430-01; IDI-14542-01, IDI-14539-01]

#### Partial Revocation of Geological Survey Order Dated August 16, 1955 and Secretarial Order Dated July 2, 1910; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order revokes a Geological Survey order and a Secretarial order insofar as they affect 134.32 acres of public lands withdrawn for the Bureau of Land Management's Powersite Classification No. 435 and Powersite Reserve No. 117. The lands are no longer needed for the purpose for which they were withdrawn. The revocation is needed to permit disposal of the lands through private exchange. This action will open the lands to surface entry. The lands have been and will remain open to mining and mineral leasing.

**EFFECTIVE DATE:** November 13, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Larry R. Lievsay, BLM Idaho State