

harvest should have occurred. If you do not leave the required samples intact, or fail to provide sufficient care for the samples, our appraisal made prior to giving you consent to put the acreage to another use will be used to determine the amount of production to count.); or

(B) If you elect to continue to care for the crop, the amount of production to count for the acreage will be the harvested production, or our reappraisal if additional damage occurs and the crop is not harvested; and

(2) All harvested production from the insurable acreage.

(d) Mature safflower may be adjusted for excess moisture and quality deficiencies. If moisture adjustment is applicable, it will be made prior to any adjustment for quality.

(1) Production will be reduced by 0.12 percent for each 0.1 percentage point of moisture in excess of 8 percent. We may obtain samples of the production to determine the moisture content.

(2) Production will be eligible for quality adjustment if such production:

(i) Has a test weight below 35 pounds per bushel;

(ii) Has seed damage in excess of 25 percent; or

(iii) Contains substances or conditions that are identified by the Food and Drug Administration or other public health organizations of the United States as being injurious to human or animal health.

(3) Quality will be a factor in determining your loss only if:

(i) The deficiencies, substances, or conditions resulted from a cause of loss against which insurance is provided under these crop provisions and that occurred within the insurance period;

(ii) The deficiencies, substances, or conditions result in a net price for damaged production that is less than the local market price;

(iii) All determinations of these deficiencies, substances, or conditions are made using samples of the production obtained by us or by a disinterested third party approved by us; and

(iv) The samples are analyzed by a grader licensed to grade safflower under the authority of the Agricultural Marketing Act or the United States Warehouse Act with regard to deficiencies in quality, or by a laboratory approved by us with regard to substances or conditions injurious to human or animal health. Test weight for quality adjustment purposes may be determined by our loss adjuster.

(4) Safflower production that is eligible for quality adjustment, as specified in sections 12(d)(2) and (3), will be reduced as follows:

(i) In accordance with the qualifying adjustment factor provisions contained in the Special Provisions; or

(ii) If quality adjustment factor provisions are not contained in the Special Provisions:

(A) Determine the value per pound of damaged safflower and the local market price of undamaged safflower on the earlier of the date such quality adjusted production is sold or the date of final inspection for the unit. Discounts used to establish the net price of the damaged production will be limited to those which are usual, customary, and reasonable. The price will not be reduced for:

(1) Moisture content;

(2) Damage due to uninsured causes; or

(3) Drying, handling, processing, or any other costs associated with normal harvesting, handling, and marketing of safflower. (We may obtain prices from any buyer of our choice. If we obtain prices from one or more buyers located outside your local market area, we will reduce such prices by the additional costs required to deliver the production to those buyers.)

(B) Divide the price per pound of damaged safflower by the local market price per pound of undamaged safflower to determine the quality adjustment factor; and

(C) Multiply the adjustment factor by the number of pounds of the damaged production remaining after any reduction due to excessive moisture to determine the net production to count.

(e) Any production harvested from other plants growing in the insured crop may be counted as production of the insured crop on a weight basis.

13. Written Agreements

Designated terms of this policy may be altered by written agreement in accordance with the following:

(a) You must apply in writing for each written agreement no later than the sales closing date, except as provided in section 13(e);

(b) The application for a written agreement must contain all variable terms of the contract between you and us that will be in effect if the written agreement is not approved;

(c) If approved by us, the written agreement will include all variable terms of the contract, including, but not limited to, crop type or variety, the guarantee, premium rate, and price election;

(d) Each written agreement will only be valid for one year (If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy); and

(e) An application for a written agreement submitted after the sales closing date may be approved if, after a physical inspection of the acreage, it is determined that no loss has occurred and the crop is insurable in accordance with the policy and written agreement provisions.

Signed in Washington, D.C., on April 4, 1997.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 97-9421 Filed 4-10-97; 8:45 am]

BILLING CODE 3410-FA-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-97-022]

RIN 2115-AE47

Drawbridge Operation Regulations; Manchester Harbor, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules for the Massachusetts Bay Transportation Authority (MBTA) Bridge (formerly the Boston and Maine railroad bridge), over Manchester Harbor, in Manchester, Massachusetts. The mariners located upstream of the bridge and the Manchester Harbormaster have requested longer operating hours during the boating season. This proposed change would require the bridge to be crewed for eight additional hours each day from Memorial Day through the end of September.

DATES: Comments must be received on or before May 12, 1997.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, New York, N.Y. 10004-5073. The telephone number is (212) 668-7165. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Supervisory Bridge Management Specialist, (212) 668-7069.

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 notice (CGD01-97-022), the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the address under **ADDRESSES**. If it is determined 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**.

Background and Purpose

Good cause exists for a comment period of less than 60 days. The public has had various opportunities to comment on the regulations for this bridge. All comments received in response to the 1996 temporary final rule with request for comments were considered in drafting this NPRM. A longer comment period is unnecessary and contrary to the public interest due to the need to have a final regulation in place prior to Memorial Day, 1997.

The Manchester MBTA Bridge was formerly owned and operated by the Boston and Maine Railroad (B&M). The current owner of the bridge is the Massachusetts Bay Transportation Authority (MBTA). The existing operating regulations at 33 CFR 117.603 require that the bridge be crewed from 1 April through 1 November from 9 a.m. to 6 p.m., with a one hour lunch closure between 1 p.m. and 2 p.m. daily.

The Coast Guard received a request in May, 1994, from the Manchester Harbormaster/Chief of Police and several mariners located upstream of the bridge to extend the hours that the Manchester MBTA Bridge is crewed during the peak boating season. On June 14, 1994, the Coast Guard published a temporary (90 day) deviation from the operating regulations to evaluate changes to the operating rules during the 1994 boating season (59 FR 30524; June 14, 1994). The temporary deviation extended the hours that the bridge was crewed by an additional five hours a day, from June 3 through August 31, 1994. It required the bridge to be crewed from 8 a.m. to 9 p.m. daily and eliminated the one hour lunch hour closure from 1 p.m. to 2 p.m. each day.

The Coast Guard received only one letter during the comment period that closed October 31, 1994. The MBTA, the bridge owner, opposed the proposal to extend the operating hours of the bridge. Their objection was based upon the additional cost of \$16,000 to crew the bridge during the deviation period. The Coast Guard requested additional data and actual copies of the bridge logs to analyze the impact of the deviation. The MBTA did not provide the requested data.

The Coast Guard did not proceed with a permanent change to the regulations immediately after the temporary deviation expired since only one comment letter was received within the comment period. The mariners who originally requested the changes to the

operating rules did not provide comments until March 15, 1995, well after the comment period for the temporary deviation ended. These comments included seven petition letters, one letter representing forty-five boat owners located upstream of the bridge at the Manchester Harbor Marina, and one letter from the Manchester Harbormaster/Chief of Police. All these letters were in favor of increasing the operating hours for the bridge.

During the summer of 1995, the Coast Guard implemented a temporary final rule (60 FR 36357; July 17, 1995) which tested an operating schedule from July 17, 1995, through September 30, 1995, which increased the period that the bridge opened on signal by three hours from 6 p.m. to 9 p.m. After the test period ended, the Coast Guard received 20 letters from mariners. Three petitions with a total of 40 signatures, a letter from Manchester Harbor Marina, and a letter from the Manchester Harbor Boat Club with 200 members were received requesting that the operating rules be changed to require the bridge to open on signal from 7 a.m. to 11 p.m. each day, Memorial Day through the end of September. The mariners requested the extended bridge operating hours so that they could get underway earlier in the morning and also be able to return to their moorings after their evening racing or sailing. One letter requesting that the hours remain unchanged was received from the bridge owner, the MBTA. The MBTA objected to the extra operating hours based upon a \$27,000 additional cost to crew the bridge during the 1995 test period. As in 1994, copies of the bridge logs were not submitted by the bridge owner as requested by the Coast Guard.

During the summer of 1996, the Coast Guard implemented a temporary final rule which tested an operating schedule requiring the bridge to open on signal from 7 a.m. to 11 p.m. each day, Memorial Day through the end of September 1996 (61 FR 18946; April 30, 1996). The temporary final rule requested public comment on the operating hours effective for the summer of 1996. On May 7, 1996, the Coast Guard sent a letter to the MBTA requiring them to post a sign summarizing the temporary regulations and maintain a bridge log for the 1996 test period. The MBTA was also requested to provide bridge logs and operating cost data to the Coast Guard no later than October 31, 1996, for consideration of impacts upon the MBTA. The Coast Guard received one letter from a mariner in favor of the temporary regulation. A review of the bridge logs provided by MBTA for the

test period revealed an average of 247 additional openings per month for the hours 7 a.m. to 9 a.m., 1 p.m. to 2 p.m., and 6 p.m. to 11 p.m. during June, July and August 1996. Thirty-five additional openings during these hours were logged for September, 1996. The MBTA submitted a letter indicating an additional operating cost of \$41,459 for the period May 30 to September 30, 1996.

Discussion of Proposed Amendments

Upon review of all the comments, the Coast Guard believes that the operating hours for the bridge should be changed. The mariners specifically requested that the bridge be crewed from 7 a.m. to 11 p.m. each day during the prime boating season, Memorial Day through the end of September. This proposal will amend § 117.603 to require the bridge to open on signal between 7 a.m. and 11 p.m. from Memorial Day through September 30 each year. The hours that the bridge is crewed from April 1 to Memorial Day and from October 1 through November 1 would remain 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.

The Coast Guard's policy is to assure that drawbridges are operated in such a manner that they are a minimum obstruction to waterway traffic while at the same time providing for the reasonable needs of land traffic. Drawbridges shall be operated under such rules and regulations as are in the overall public interest by pursuing balanced opening schedules. Under the existing operating rules for the Manchester MBTA Bridge, the needs of navigation are clearly not being satisfied as evidenced by the comments from the mariners and the results of the 1996 temporary deviation. The Coast Guard believes the proposed changes in operating hours will allow the mariners to enjoy the prime boating season, best serve the public interest and still provide for the reasonable needs of land traffic. The Coast Guard believes the benefits to the mariners justify the extra costs of crewing the bridge. The proposed hours will allow mariners to depart earlier and return later. The existing hours do not meet the needs of navigation as a result of the bridge closing at 6 p.m. during the boating season. Previously, mariners were forced either to return early after sailing or tie up at locations outside of the bridge (and the inner harbor where their moorings are located) if they returned after 6 p.m. That was an unreasonable schedule because most of the mariners work during the day and would like to use their vessels in the evenings. Additionally, the harbormaster indicated that the increased operating

hours would allow for a faster response by the Manchester-by-the Sea Police Department located downstream of the bridge to vessels in the inner harbor in the event of an emergency.

The Coast Guard proposes to simplify the advance notice requirements of the existing regulations by establishing a four hour advance notice requirement during all periods other than those when the bridge must open on signal.

The Coast Guard has determined that clearance gauges are necessary for the safety of navigation. The proposed rule requires the bridge owner to post and maintain clearance gauges to assist mariners in transiting the bridge during periods when the draw is not crewed and to reduce unnecessary openings.

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 not been reviewed 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 bridges must operate in accordance with the needs of navigation while providing for the reasonable needs of land transportation. This proposal adopts the operating hours which the Coast Guard believes to be appropriate based on the previous test periods. The Coast Guard believes the proposal achieves the government purpose of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

The Coast Guard has considered the economic impact of this rule on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the reasons discussed in the Background and Purpose and Regulatory Evaluation sections above the Coast Guard has determined that this rule will not affect 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 in accordance with 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 section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, (as revised by 60 FR 32197; June 20, 1995), this rule promulgates operating regulations for drawbridges and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—[AMENDED]

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 117.603 is revised to read as follows:

§ 117.603 Manchester Harbor.

The Massachusetts Bay Transportation Authority Bridge at mile 1.0, in Manchester, shall operate as follows:

- (a) The draw shall open on signal:
 - (1) From Memorial Day through September 30 from 7 a.m. to 11 p.m.;
 - (2) April 1 to Memorial Day and October 1 to November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.
- (b) At all other times, the draw shall open on signal with at least four hours notice.
- (c) The owner of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of section 118.160.

Dated: March 28, 1997.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 97–9247 Filed 4–10–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–97–016]

RIN 2115–AA97

Safety Zone: Fleet Week 1997 Parade of Ships, Port of New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary moving safety zone for the Fleet Week 1997 Parade of Ships, from 7:30 a.m. until 5:30 p.m. on May 21, 1997. This moving safety zone would include all waters 500 yards fore and aft, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey. The moving safety zone will expand to include all waters within a 200 yard radius of each vessel upon dispersal of the parade column until each is safely moored.

DATES: Comments must be received on or before May 2, 1997.

ADDRESSES: Comments should be mailed to Lieutenant John W. Green, Waterways Oversight Branch, Coast Guard Activities New York, Bldg. 108, Governors Island, New York 10004–5006.

FOR FURTHER INFORMATION CONTACT: Lieutenant John W. Green, Chief, Waterways Oversight Branch, Waterways Management Division, Coast Guard Activities New York, (212) 668–7906.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Intrepid Museum Foundation is sponsoring a parade of U.S. Coast Guard, U.S. Navy, and foreign naval ships through the Port of New York and New Jersey on May 21, 1997. This proposed regulation will establish a moving safety zone to include all waters 500 yards forward of the lead parade vessel, 500 yards aft of the last parade vessel, and 200 yards on each side of the designated column of parade vessels as it transits the Port of New York and New Jersey between the Verrazano Narrows Bridge and the waters of the Hudson River west of Riverbank State Park, between West 137th and West 144th Streets, Manhattan, New York. As the vessels turn in the waters west of Riverbank State Park and proceed southbound in the Hudson River, the moving safety zone will expand to include all waters within a 200 yard