

Coast Guard**33 CFR Part 117**

[CGD05-94-008]

RIN 2115-AE47

**Drawbridge Operation Regulations;
Spa Creek, MD**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting as final the interim rule published in the **Federal Register** on August 29, 1994, changing the regulations governing the SR 181 bridge over Spa Creek, mile 0.4, in Annapolis, Maryland, by restricting the number of bridge openings during the boating season between the hours of 7:30 p.m. to 7:30 a.m. This is intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge.

EFFECTIVE DATE: This rule is effective on April 13, 1995.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION: Drafting Information: The drafters of this notice are Linda L. Gilliam, Project Officer, and LCDR Christopher A. Abel, Project Attorney, Fifth Coast Guard District.

Regulatory History

On August 29, 1994, the Coast Guard published an interim final rule with request for comments entitled Spa Creek, Maryland, in the **Federal Register** (59 FR 44315). The comment period ended October 28, 1994. The Coast Guard received no comments on the interim final rule.

Background and Purpose

The Maryland Department of Transportation requested further regulation of the drawbridge across Spa Creek, mile 0.4, at Annapolis, Maryland, during the evening hours during the boating season. The Coast Guard is restricting the number of openings for the passage of vessels from May 1 to October 31 from 7:30 p.m. to 7:30 a.m., Monday through Friday, except Federal holidays.

The previous regulation published in the **Federal Register** (55 FR 4604) on February 9, 1990, stated that the draw shall open on signal for the passage of vessel traffic from May 1 to October 31 from 7:30 p.m. to 7:30 a.m., Monday through Friday, except Federal holidays. Public Notice 5-709 issued March 7,

1990, incorrectly stated that from May 1 to October 31 from 7:30 p.m. to 7:30 a.m. the draw would open for vessel traffic on the hour and half-hour. The State Highway Administration, Maryland Department of Transportation, has been operating the draw according to the schedule published in this public notice since early 1990.

They wish to continue operating the bridge on the hour and half-hourly schedule from 7:30 p.m. to 7:30 a.m. published in the public notice, as opposed to the "open on signal" schedule published in the Federal regulation. The Coast Guard has not received any complaints from the boating community, and the operating schedule has been posted on the bridge.

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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "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). This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the regulatory flexibility requirements. Although exempt, the Coast Guard has reviewed this rule for potential impact on small entities.

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 Assessment

This action has been analyzed in accordance with 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 section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

Accordingly, the interim rule amending 33 CFR part 117 which was published at 59 FR 44315 on August 29, 1994, is adopted as a final rule without change.

Dated: January 20, 1995.

M.K. Cain,

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

[FR Doc. 95-6153 Filed 3-13-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR**National Park Service****36 CFR Part 7**

RIN 1024-AC20

**Grand Teton National Park, WY;
Mountain Climbing and Winter
Backcountry Trip Regulations**

AGENCY: National Park Service, Interior.
ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is eliminating registration and check out requirements for climbing and off trail travel above 7,000 ft., and for winter travel in Grand Teton National Park. Existing regulations requiring climbers, off trail hikers, and winter travel users to register and check out upon completion of their activity were intended primarily to provide information necessary to initiate search and rescue responses. Actual experience over the years has shown that the

intended purpose of these regulations has not been achieved. Nearly all search and rescue responses are generated by reports from sources other than the check out system. Instead of aiding rescuers, these regulations burden park rangers with the task of checking on countless cases of climbers and backpackers who failed to check out. These regulations have been enforced selectively for several years, where local climbers and guides have not been forced to register because of an assumed expertise and knowledge of the local area. The deletion of these regulations will not eliminate visitor protection services provided by park personnel.

EFFECTIVE DATE: The final rule becomes effective April 13, 1995.

ADDRESSES: Comments should be addressed to: Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, WY 83012.

FOR FURTHER INFORMATION CONTACT: Colin W. Campbell, Law Enforcement Specialist, Grand Teton National Park, Telephone: 307-733-2880.

SUPPLEMENTARY INFORMATION:

Background

The existing National Park Service (NPS) special regulations that pertain to mountain climbing, off trail travel, and winter travel trips in Grand Teton National Park are codified at 36 CFR 7.22 (f) and (g). They require all technical climbers, off trail travel, and winter travel users to register or check in prior to undertaking these activities and to check out with a ranger upon completion of the activity. The original intent was primarily to provide park search and rescue personnel with the knowledge that a park user was in essence overdue from a potentially dangerous activity. In reality, almost all perceived overdue parties concerned climbers and backcountry users failing to properly check out. In addition, the vast majority of winter travelers either ignore or do not know of the requirement to register, and strict enforcement of this regulation has not been done for several years. The result has been a combination of non-compliance, failure to check out, failure to contact a ranger in a timely manner and wasted time and energy on the part of the park staff administering the system. After working with these restrictions since promulgation it has been determined that they are not achieving their original purpose of saving lives by alerting search and rescue personnel. In reality, almost all park search and rescue efforts are the result of initial reports by climbing

partners, other park backcountry users, friends or relatives.

The NPS believes the deletion of these rules will make the management of mountain climbing and winter backcountry trips more consistent with the practices of both State and Federal agencies whose lands are contiguous with Grand Teton National Park. Overnight backcountry trips will continue to be regulated by general camping regulations at 36 CFR 2.10.

A voluntary registration system will be available to climbers and backcountry travelers who choose to use it. The exchange of information between climbers, off-trail hikers, winter travelers and park rangers will still be available and encouraged without mandating it through regulation. Furthermore, the park staff will be educating park users to leave trip information with family or friends, shifting responsibility for trip planning onto the park user.

A proposed rule was published May 13, 1994 in the **Federal Register** (59 FR 25001). In addition to the **Federal Register**, a press release concerning the proposed change was released in the Jackson, Wyoming area, as well as local climbing shops and guides being notified of the proposed change. No responses were received during the following 30-day public review and comment period. Consequently, the rule promulgated here is the same as the one proposed.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this final rule to the address noted at the beginning of this rulemaking. Grand Teton National Park staff will also be making public notices in local papers and contacting representatives of the local climbing community.

Drafting Information: The primary authors of this proposed rule are Colin W. Campbell, Law Enforcement Specialist and Mark L. Magnuson, Jenny Lake Sub-District Ranger.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because it deletes an existing requirement and gives more discretion to the park visitor.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental Regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

This rule was not subject to Office of Management and Budget review under Executive Order 12866.

List of Subjects in 36 CFR Part 7

National parks.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

2. In § 7.22, paragraphs (f) and (g) are removed, and paragraphs (h) and (i) are redesignated paragraphs (f) and (g) respectively.

Dated: January 24, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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