

§ 117.579 Wicomico River (North Prong).

The draws of the Main Street and US 50 bridges, mile 22.4, Salisbury, Maryland shall open on signal, except from 7 a.m. to 9 a.m., from 12 noon to 1 p.m., and from 4 p.m. to 6 p.m., the draw need not be opened for the passage of vessels, except for tugs with tows, if at least three hours of advance notice is given, and the reason for passage through the bridges during a closure period is due to delay caused by inclement weather or other emergency or unforeseen circumstances.

Dated: May 22, 1995.

W.J. Ecker,

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

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33 CFR Part 117

[CGD13-93-031]

RIN 2115-AE47

**Drawbridge Operation Regulation;
Columbia River, OR and WA**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Oregon State Department of Transportation (ODOT), the Coast Guard is amending the regulations governing the operation of the twin Interstate 5 drawbridges across the Columbia River, mile 106.5, between Portland, Oregon, and Vancouver, Washington. This rule extends the length of the morning and afternoon time periods during which the draws need not open for the passage of vessels and provides for reasonably unobstructed passage of commercial vessels during periods of high water. This rule will relieve vehicular traffic congestion caused by bridge openings immediately before and after the existing morning and evening closed periods while continuing to provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on July 21, 1995.

ADDRESSES: Unless otherwise noted, documents referred to in this preamble are available for inspection and copying at Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220-7272).

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principle persons involved in drafting this document are John E. Mikesell, Project Manager, and Lieutenant Commander John C. Odell, Project Counsel.

Regulatory History

On November 26, 1993, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Columbia River, OR and WA, in the **Federal Register** (58 FR 62302). Comments received from affected commercial navigation interests resulted in the proposed rule being redrafted to address their concerns.

On October 4, 1994, the Coast Guard published a supplemental notice of proposed rulemaking entitled Drawbridge Operation Regulation; Columbia River, OR and WA, in the **Federal Register** (59 FR 50531). The Coast Guard received no comments on the supplemental notice of proposed rulemaking. However, subsequent to its publication, the Coast Guard recognized the need for clarification concerning the rule's applicability to commercial and recreational vessels. This resulted in the rule being redrafted to provide necessary clarification.

On March 14, 1995, the Coast Guard published a second supplemental notice of proposed rulemaking entitled Drawbridge Operation Regulation; Columbia River, OR and WA, in the **Federal Register** (60 FR 13653). The Coast Guard received no objections to this second supplemental notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

This rule amends the drawbridge operation regulations for the twin Interstate 5 drawbridges across the Columbia River, mile 106.5, between Portland, Oregon, and Vancouver, Washington. The rule extends the morning and afternoon time periods during which the draws of bridges need not open for the passage of vessels while delimiting clear exceptions based on river flow conditions and the type of vessel traffic involved.

Under the existing regulations, the twin Interstate 5 vertical lift bridges across the Columbia River between Portland, Oregon and Vancouver, Washington, are currently required to open on signal, except that from 6:30 a.m. to 8 a.m. and from 3 p.m. to 6 p.m., Monday through Friday (except Federal holidays), the draws need not open. These closed periods are necessary to accommodate peak morning and

afternoon vehicular commute traffic across the bridges. Both bridges also have alternate mid-level fixed spans which provide greater vertical clearance than do the drawspans in the closed position. The alternate fixed spans are routinely used by tug and barge traffic except at higher water surface elevations. Because the number of vehicles crossing the bridge has increased dramatically, particularly during commute times, any opening in close proximity, before or after, results in unacceptable vehicular traffic delays.

Under the amended regulations, when the river gauge at the bridge indicates 6.0 feet, or more, as determined by the drawtender on duty, the draws need not open for the passage of commercial vessels from 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays, and for all other vessels the draws need not open from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays. When the river gauge at the bridge indicates 5.9 feet, or less, as determined by the drawtender on duty, the draws need not open for the passage of any vessels from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays. This change will better accommodate the increased level of vehicular traffic and still provide for the reasonable needs of commercial navigation during periods of high water.

Discussion of Comments and Changes

The Coast Guard received two letters in response to the second supplemental notice of proposed rulemaking published on March 14, 1995 (60 FR 13653). One letter, from a federal resource agency who routinely responds to Coast Guard public notices, offered no comments in objection to the proposal. The other letter, from a regional planning organization, offered comments in support of the proposal.

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).

Most waterway traffic under the bridge can be accommodated by the alternate fixed span channel. Also, with respect to commercial vessels the rule

would revert to its previous less restrictive form when the vertical clearance under the alternate fixed span is less than 52 feet. For these reasons, the Coast Guard expects the economic impact of this action will be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant 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

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

This rule has been reviewed by the Coast Guard and has been determined to be categorically excluded from further environmental documentation under the authority of 40 CFR 1507.3 and in accordance with paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures, COMDTINST M16475.1B. A copy of the Categorical Exclusion Certification is available for review in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

For the reasons set out in the preamble, the Coast Guard amends 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); § 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.869, paragraph (a) is revised to read as follows:

§ 117.869 Columbia River.

(a) The draws of the Interstate 5 highway bridge, mile 106.5 between Portland, OR, and Vancouver, WA, shall open on signal, except that:

(1) When the river gauge at the bridge indicates 6.0 feet, or more, as determined by the drawtender on duty, the draws need not open for the passage of commercial vessels from 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays, and for all other vessels the draws need not open from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays.

(2) When the river gauge at the bridge indicates 5.9 feet, or less, as determined by the drawtender on duty, the draws need not open for the passage of any vessels from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays.

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Dated: June 2, 1995.

John A. Pierson,

Captain, Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 95-15229 Filed 6-20-95; 8:45 am]

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33 CFR Part 165

[CGD02-95-014]

RIN 2115-AA97

Safety Zone; Lower Mississippi River, mile 532.0 to mile 529.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Lower Mississippi River between mile 532.0 and mile 529.0. The zone is needed to restrict vessel traffic in the regulated areas to provide a safe work area for emergency responders and salvage personnel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 9 a.m. on May 25, 1995 and terminates at 8 p.m. on December 31, 1995.

FOR FURTHER INFORMATION CONTACT:

LT Byron Black, Chief of Port Operations, Captain of the Port Memphis, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544-3941.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On May 25, 1995, the Coast Guard was notified of two sunken barges in the vicinity of Lower Mississippi River mile 531.5. After further investigation by Marine Safety Office personnel, it was recommended that a safety zone be issued in order to prevent additional damage that could be caused by a tow striking a submerged barge and to aid in the safe location and salvage of the barges. The barges are believed to be located in the channel and pose a substantial threat to navigation. The safety zone will be limited to Lower Mississippi River mile 532.0 to mile 529.0.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary. Specifically, emergency response crews and salvage personnel require the area to be secured in order to aid in the location and salvage of the sunken barges. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection 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 has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.