

vessels are impacted is preferred to bridge closures or advance notification requirements during the commercial navigation season.

### Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is because river traffic will be extremely limited by lock closures and ice during this period.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

### Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Coast Guard

must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this action to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this action will not have economic impact on a substantial number of small entities.

### Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism Assessment

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 does not have sufficient federalism implications to warrant the preparation of a Federalism Agreement.

### Environment Assessment

The Coast Guard considered the environmental impact of this temporary rule and concluded that this action is categorically excluded from further environmental documentation in accordance with Section 2.B.2, Figure 2–1 (32)(e) of the National Environmental Policy Act Implementing Procedures, COMDTINST M16475.1C. A Categorical Exclusion Determination is available for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

### Temporary Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05–(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Effective 8 a.m. on December 31, 1999, through 8 a.m. on March 1, 2000, a temporary § 117.T410 is added to read as follows:

#### § 117.T410 Upper Mississippi River.

Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River. From 8

a.m. on December 31, 1999 through 8 a.m. on March 1, 2000, the drawspan shall open on signal if at least six (6) hours advance notification is given. Advance notice may be given by calling (309) 345–6103 during work hours and (309) 752–5244 after hours.

Dated: December 27, 1999.

**K.J. Eldridge,**

*Captain, United States Coast Guard, Acting Commander, Eighth Coast Guard District.*

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**BILLING CODE 4910–15–P**

## DEPARTMENT OF TRANSPORTATION Coast Guard

### 33 CFR Part 117

[CGD08–99–071]

RIN 2115–AE47

### Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the Clinton Railroad Drawbridge, Mile 518.0, Upper Mississippi River. The drawbridge shall open on signal if at least 24 hours advance notice is given from 8 a.m. on December 29, 1999, until March 2, 2000. This arrangement is necessary to perform annual maintenance and repair on the bridge.

**DATES:** This temporary rule is effective from 8 a.m. on December 29, 1999, until 8 a.m. on March 2, 2000.

**ADDRESSES:** The public docket and all documents referred to in this notice will be available for inspection and copying at room 2.107f in the Robert A. Young Federal Building at Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63101–2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator; Commander (obr), Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63101–2832, telephone (314) 539–3900, extension 378.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory History

On November 23, 1999, the Union Pacific Railroad Company requested a temporary change to the operation of the Clinton Railroad swing bridge across the Upper Mississippi River, Mile 518.0 at

Clinton, Iowa. Union Pacific Railroad Company requested that navigation temporarily provide twenty-four hours advance notice for bridge operation to facilitate required bridge maintenance during the winter months. Advance notice may be given by calling the Clinton Yardmaster's office at (319) 244-3204 anytime; 319-244-3269 weekdays between 7 a.m. and 3:30 p.m.; or page Mr. Darrell Lott and 800-443-7243, PIN#020227.

In accordance with 5 U.S.C. 533, a notice of proposed rulemaking has not been published and good cause exists for making this rule effective in less than 30 days from publication. Following normal rulemaking procedures would be impractical. Delaying implementation of the regulation will not benefit navigation and would result in unnecessary delays in repairing the bridge.

#### Background and Purpose

The Clinton Railroad Drawbridge has a vertical clearance of 18.7 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. Presently, the draw opens on signal for passage of river traffic. This temporary drawbridge operation amendment has been coordinated with the commercial waterway operators. No one objected to the proposed amendment. Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 21 until March 1, 2000, will preclude any significant navigation demands for the drawspan openings. The Clinton Railroad Drawbridge, Mile 518.0 Upper Mississippi River, is located upstream from Lock 21. Performing maintenance on the bridge during the winter when no vessels are impacted is preferred to bridge closures or advance notification requirements during the commercial navigation season.

#### Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it 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 temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies

and procedures of DOT is unnecessary. This is because river traffic will be extremely limited by lock closures and ice during this period.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

#### Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this action to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this action will not have economic impact on a substantial number of small entities.

#### Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism Assessment

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 does not have sufficient federalism implications to warrant the preparation of a Federalism Agreement.

#### Environment Assessment

The Coast Guard considered the environmental impact of this temporary rule and concluded that this action is categorically excluded from further environmental documentation in accordance with Section 2.B.2, Figure 2-1 (32)(e) of the National Environmental Policy Act Implementing Procedures, COMDTINST M16475.1C. A Categorical Exclusion Determination is available for inspection or copying where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending 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 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Effective 8 a.m. on December 29, 1999, through 8 a.m. on March 2, 2000, a new temporary § 117.T409 is added to read as follows:

#### § 117.T409 Upper Mississippi River.

Clinton Railroad Drawbridge Mile 518.0 Upper Mississippi River. From 8 a.m. on December 29, 1999 through 8 a.m. on March 2, 2000, the drawspan requires twenty-four hours advance notice for bridge operation. Bridge opening requests must be made 24 hours in advance by calling the Clinton Yardmaster's office at (319) 244-3204 anytime; 319-244-3269 weekdays between 7 a.m. and 3:30 p.m.; or page Mr. Darrell Lott at 800-443-7243, PIN#020227.

Dated: December 27, 1999.

**K.J. Eldridge,**

*Captain, United States Coast Guard, Acting Commander, Eighth Coast Guard District.*

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