

traffic to pass. The warning lights will continue to flash red until the draw has returned to the fully open-to-navigation position at which time they will deactivate.

(7) After the passage of each train, the draw must be returned to its fully open-to-navigation position.

(8) To request openings of the draw when the bascule span is in the closed-to-navigation position, mariners may contact Norfolk Southern Railway via VHF-FM channel 13 or by telephone at the number displayed on the signs posted at the bridge.

(9) The draw will be operated locally if:

(i) Communication is lost between the drawbridge and the drawtender in Decatur, Alabama;

(ii) More than two closed-circuit cameras are not working;

(iii) The marine radio is inoperable;

(iv) Weather conditions warrant; or

(v) Ordered by the Coast Guard.

\* \* \* \* \*

Dated: December 11, 2015.

**D.R. Callahan,**

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

[FR Doc. 2015-32736 Filed 12-28-15; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2015-0285]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Duwamish Waterway, Seattle, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is modifying the operating schedule that governs the South Park Highway Bridge, on the Duwamish Waterway, mile 3.8, at Seattle, WA. This modification revises closure hours for the South Park Highway Bridge. This action improves movement of rush hour highway traffic while having minimal impact to maritime waterway traffic.

**DATES:** This rule is effective January 28, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2015-0285 in the "SEARCH" box and click "SEARCH." Click on Open Docket

Folder on the line associated with this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206-220-7282; email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking  
SNPRM Supplementary notice of proposed rulemaking  
§ Section  
WSDOT Washington State Department of Transportation

##### II. Background Information and Regulatory History

On May 14, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operations: Duwamish Waterway, Seattle, WA" in the **Federal Register** (80 FR 27619). We received one comment on the rule. No public meeting was requested, and none was held.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C 499. The South Park Highway Bridge is a double bascule leaf drawbridge, and provides 34.8 feet of vertical clearance at center span while in the closed position, 30 feet of vertical clearance at the extreme east and west ends of the navigable channel, and unlimited vertical clearance in the fully open position. Vertical clearances are referenced to mean high-water elevation (MHW). Horizontal clearance is 128 feet. The South Park Highway Bridge is subject to tidal influence, and has at least 15 feet of water depth at the bridge site at mean lower low water.

The drawbridge operating regulations at 33 CFR 117.1041(a) (2) currently states that the South Park Highway Bridge need not be opened for the passage of vessels from 6:30 a.m. to 8:00 a.m. and 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays.

The current drawbridge operating regulation was written to accommodate commuter patterns associated with morning and afternoon highway traffic associated with Boeing Plant number 2 shift changes. As of 2011, this plant is no longer operational and therefore highway traffic densities have changed. King County owns and operates the South Park Highway Bridge, and requested a permanent change to the

existing operating regulation. The rule modification will update drawbridge closure times to better meet current highway traffic demands. Modifying the existing drawbridge regulation will better meet the needs of current highway users, and current commuter traffic patterns, while meeting reasonable needs to maritime navigation. This modification improves movement of rush hour highway traffic while having minimal impact to maritime waterway traffic.

Vessel traffic on the Duwamish waterway consists of vessels ranging from small pleasure craft, sailboats, small tribal fishing boats, and commercial tug and tow, and mega yachts.

##### IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard received one comment on the proposed operating schedule change from Delta Marine Industries. The rule change to the existing South Park Highway Bridge operating regulation would represent a restriction on navigation related to Delta Marine Industries' business. Currently, the closure hours of the 1st Avenue South Bridge (6:00-9:00 a.m. and 3:00-6:00 p.m., the same hours as now proposed for the South Park Highway Bridge) are the limiting factor for access of large vessels between Delta Marine Industries and Elliott Bay. With the change to the closure hours for the South Park Highway Bridge, vessels arriving and departing Delta Marine Industries would be delayed/impacted based on a half hour transit time between South Park Highway Bridge and 1st Avenue South Bridge.

Delta Marine Industries agrees with the concept of modifying the closure hours for the South Park Highway Bridge in a way that reflects current usage. However, Delta Marine Industries believes that matching the closure hours for the South Park Highway Bridge to those of the 1st Avenue South Bridge does not accommodate the needs of maritime users. Delta Marine Industries proposed revising the closure hours for the South Park Highway Bridge to 6:30-8:30 a.m. and 3:30-5:30 p.m., Monday through Friday except Federal holidays. King County agreed with Delta Marine Industries' proposal.

Therefore, the Coast Guard is modifying the drawbridge operating regulations at 33 CFR 117.1041(a) (2). The Coast Guard amends the opening schedule such that the bridge need not be opened for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., Monday through Friday, except Federal holidays other

than Columbus Day. This amendment will increase efficiency for current highway traffic demands in light of changed traffic patterns and ensure minimal impact to maritime waterway traffic. All other requirements regarding the South Park Bridge under 33 CFR 117.1041 will remain the same.

## V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on these statutes or E.O.s. and we discuss First Amendment rights of protesters.

### A. Regulatory Planning and Review

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a “significant regulatory action,” under E.O. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the fact that the change will add thirty minutes to each closure period for the drawbridge, minimally impacting vessels transiting the waterway. The change does not otherwise significantly alter the duration and time frame of the current closure schedule.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. 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.

This action will not have a significant economic impact on a substantial number of small entities because this rule will be in effect twice a day for a total of four hours when vehicle traffic is high. Vessels that can safely transit under the bridge may do so at any time.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule will affect your small business, organization, or governmental jurisdiction, and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In

particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32) (e), of the Instruction.

Under figure 2–1, paragraph (32) (e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 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; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.1041(a)(2) to read as follows:

**§ 117.1041 Drawbridge Operation Regulation; Duwamish River; Seattle WA**  
(a) \* \* \*

(2) The draw of the South Park Bridge, mile 3.8, need not be opened for the

passage of vessels from 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m., Monday through Friday except, Federal holidays, other than Columbus Day.

\* \* \* \* \*

Dated: December 14, 2015.

**R.T. Gromlich,**

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

[FR Doc. 2015-32737 Filed 12-28-15; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2013-0849]

RIN 1625-AA11

#### Regulated Navigation Area; Reporting Requirements for Barges Loaded With Certain Dangerous Cargoes, Illinois Waterway System Located Within the Ninth Coast Guard District; Expiration of Stay (Suspension) and Administrative Changes

**AGENCY:** Coast Guard, DHS.

**ACTION:** Interim rule; request for comments.

**SUMMARY:** Through this interim rule, the Coast Guard is providing administrative changes to the existing reporting requirements under the Regulated Navigation Area (RNA) applicable to barges loaded with certain dangerous cargoes on the Illinois Waterway System in the Ninth District area of responsibility. The current stay of reporting requirements under the RNA is scheduled to expire on December 31, 2015. This interim rule limits the reporting requirements in that rule for an interim period while also requesting comments before proposing or finalizing any long term or permanent revisions to the existing reporting requirements.

**DATES:** This interim rule is effective beginning January 1, 2016. Comments and related material must be received by the Coast Guard on or before June 27, 2016. See **SUPPLEMENTARY INFORMATION** for details on enforcement and compliance.

**ADDRESSES:** The docket for this interim rule and request for comments, [USCG-2013-0849], is available at <http://www.regulations.gov>. You may submit comments identified by docket number USCG-2013-0849 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for

Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email CDR Dan Somma at [dan.t.somma@uscg.mil](mailto:dan.t.somma@uscg.mil) or CDR Anthony Maffia at [anthony.j.maffia@uscg.mil](mailto:anthony.j.maffia@uscg.mil), or call the Coast Guard at 216-902-6064.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CDC Certain Dangerous Cargo  
CFR Code of Federal Regulations  
DHS Department of Homeland Security  
E.O. Executive order  
FR Federal Register  
IRVMC Inland River Vessel Movement Center  
NPRM Notice of proposed rulemaking  
Pub. L. Public Law  
RNA Regulated navigation area  
U.S.C. United States Code

##### **II. Background Information and Regulatory History**

The reporting requirements under 33 CFR 165.921 "Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System located within the Ninth Coast Guard District" were initially suspended ("stayed") in January 2011 due to the expiration of the contract for the Inland River Vessel Movement Center (IRVMC). The IRVMC was the Coast Guard office responsible for collecting the information required by the regulated navigation area (RNA) at § 165.921. Upon expiration of the contract for the IRVMC, the Coast Guard was not able to receive and process reports. Therefore, the suspension of reporting requirements was published in the **Federal Register** on January 10, 2011 and was due to expire on January 15, 2013 (76 FR 2829). On January 3, 2013, the Coast Guard extended the suspension through September 30, 2013 (78 FR 4788) and on October 1, 2013, the Coast Guard extended the suspension once again through December 31, 2015 (78 FR 61183).

In January 2015 the Coast Guard published a final rule, titled Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System (80 FR 5282). This rule implemented new and updated Notices of Arrival reporting requirements under 33 CFR 160 Subpart C by providing an exemption, at 33 CFR 160.204(a)(3) for any vessel required to report movements, its cargo, or the cargo in barges it is towing under 33 CFR 165.921 after December 31, 2015. This rule, which was initially proposed in 2008 before the RNA reporting

requirements were suspended, relied on the existing reporting requirements at 33 CFR 165.921 to support the exemption. Starting on January 1, 2016, a vessel would only be eligible for the exemption if it is required to report its movements or cargo as specified in § 160.204(a)(3). This rule makes changes to limit the suspended reporting requirements, which would otherwise come into effect in full on January 1, 2016.

Also relevant to this interim rule and request for comments is the portion of 80 FR 5282 requiring that all vessels engaged in the movement of Certain Dangerous Cargoes (CDC) have Class A Automatic Information System beginning in March 2016, pending Office of Management and Budget (OMB) approval of a collection of information associated with that regulatory requirement. These AIS requirements provided under 33 CFR 164.46, if enforced, may provide an alternative method of reporting that could potentially satisfy the requirements under 33 CFR 165.921 and qualify these vessels for the 33 CFR 160.204(a)(3) exemption. As indicated in the **Federal Register** publications establishing and extending the RNA suspension, during the suspension periods, the Coast Guard assessed whether to modify the reporting required under the RNA and potential suitable alternative Coast Guard offices and programs to receive and disseminate the reported information. The new Automatic Information System requirement, once in full effect, will still be assessed as a potential alternative reporting method. At this time, the Coast Guard has determined that using already-established Coast Guard offices and units centralized at the Ninth District level to receive required reports is the appropriate interim solution to resume the reporting requirements necessary for both maritime domain awareness and to satisfy the exemption in 33 CFR 160.204(a)(3). This interim rule provides the necessary administrative changes to the existing reporting requirements, requiring reporting in a limited form while also requesting comments to better assess a potential permanent reporting system.

##### **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this interim rule to limit the RNA reporting requirements that will come into effect after December 31 when the stay of § 165.921 expires. This rule is necessary to stay compliance with certain provisions of the existing rule, and to make administrative changes replacing the references to IRVMC, which is no