

drawbridges over the Red River in Arkansas.

**EFFECTIVE DATE:** This rule is effective on February 7, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, (314) 539-3724.

**SUPPLEMENTARY INFORMATION:** This rulemaking is procedural in that it changes the location in the CFR of existing regulations, but does not substantively change the requirements of these regulations. Therefore, under the provisions of 5 U.S.C. 553(b)(3), notice and an opportunity to comment is not required and this rule may be made effective upon publication.

**Drafting Information**

The principal persons involved in drafting this document are Roger K. Wiebusch, Project Officer, Bridge Branch, and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

**Discussion of Change**

The Red River flows through both the states of Louisiana and Arkansas. The drawbridges over the Red River in both states have been regulated in one CFR section, § 117.35, which was cross referenced in § 117.491. This rule, together with a separate rule revising § 117.491 (CGD08-94-026), concerning the drawbridges over the Red River in Louisiana separates the regulation of the drawbridges over the Red River by state.

As a result of the completion of locks and dams 4 and 5 in December 1994 by the U.S. Army Corps of Engineers, the Red River will open for commercial navigation in late January 1995. The completion of these projects is expected to cause an increase in the commercial vessel traffic on the Louisiana section of the Red River. No changes in traffic are anticipated on the Arkansas portion. However, the anticipated increase in vessel traffic on the Louisiana portion of the Red River has necessitated a change in drawbridge openings over the Red River in Louisiana. The changes for bridges over the Red River in Louisiana are published elsewhere in today's issue of the **Federal Register**, docket number CGD08-94-26. Section 117.491 now regulates only the drawbridges over the Red River in Louisiana. The rule revises § 117.135 to now regulate only those drawbridges over the Red River in Arkansas. This final rule makes no substantive changes to the operating requirements of the Arkansas drawbridges.

**Regulatory Evaluation**

This rule is not significant regulatory action under 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. 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**

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

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 preparation of a Federalism Assessment.

**Environment**

The Coast Guard has reviewed the environmental impact of this rule and concluded that under section 2.B.2 of the NEPA Implementing Procedures, COMDTINST M16475.1B, this proposal is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the human environment. A Categorical Exclusion Determination is available in the docket for inspection or copying in the docket.

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

Bridges.

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

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 117.135 is revised to read as follows:

**§ 117.125 Red River.**

The draws of the bridges above Mile 276.0 at the Arkansas Louisiana border, need not be open for the passage of vessels.

Dated: January 23, 1995.

**Paul M. Blainey,**

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

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**33 CFR Part 117**

[CGD08-94-026]

RIN 2115-AE47

**Drawbridge Operation Regulation; Red River, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** With the completion of locks and dams 4 and 5 in December 1994 by the U.S. Army Corps of Engineers, the Red River will be open for commercial navigation in late January 1995. At present, all bridges up to mile 177.9 must open on signal with at least 48-hours advance notice. The continuation of such a rule would severely restrict the movement of prospective commercial navigation on the waterway and would create a burden on the bridge owners. This final rule changes the regulation governing the operation of six drawbridges across the Red River located between mile 59.5 and mile 105.8. Bridges located between mile 105.8 and mile 234.4 will remain on 48-hours advance notice. Bridges located above mile 234.4 need not be opened for the passage of vessels. This rule will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** February 7, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Commander(ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Wachter, Bridge Administration

Branch, at the address given above, telephone (504) 589-2965.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and LT Elisa Holland, project attorney.

##### Regulatory History

On November 8, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Red River, LA in the **Federal Register** (59 FR 55599). The Coast Guard received two letters commenting favorably on the proposal. No public hearing was requested, and none was held. This final rule is being made effective on the date of publication. The Red River will be open to commercial navigation in late January 1995. Maintaining the present regulation for thirty days after publication of the final rule in the **Federal Register** will be a burden on commercial navigation and the bridge owners. There were no comments objecting to the change in the regulation from 48-hours to 8-hours notice. For these reasons, the Coast Guard for good cause finds, under 5 U.S.C. 553(b)(B) and (d)(3), that delaying the effective date of this rule is contrary to the public interest and that this rule should be made effective in less than 30 days after publication.

##### Background and Purpose

With the completion of locks and dams 4 and 5 in December 1994, by the U.S. Army Corps of Engineers, the Red River will be open for commercial navigation in late January 1995. As a result of that project, the mileage of the Red River has changed. All mileages referred to in this regulation are post-project mileages. The entire stretch of the Red River flowing through Louisiana is presently regulated by Section 117.135, which is cross referenced in § 117.491. The Red River in Louisiana will now be governed by § 117.491. Section 117.135 is being revised by a separate rule (CGD02-94-016, published elsewhere in today's **Federal Register**) to regulate only the drawbridges on the Red River in the state of Arkansas. The present regulation requiring all bridges up to mile 177.9 to open on signal with at least 48-hours advance notice would severely restrict the movement of prospective commercial navigation on the waterway. Thus, the reason for the final rule. The anticipated vessel count for calendar year 1995 is approximately 370, but is expected to increase significantly in year 1996. Existing

operating regulations for bridges from mile 105.8 to the Arkansas border at approximately mile 276 remain unchanged.

##### Discussion of Comments and Changes

Two comments were received. The National Marine Fisheries Service offered no objection to the proposed rule change. The other comment endorsed the proposed rule change.

##### Assessment

This 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. 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).

##### Small Entities

A full regulatory evaluation of this rule is unnecessary. This rule will be less restrictive on commercial navigation. This rule will require bridge owners to open the draws of the bridges listed on fewer hours notice, however, each bridge owner will still have 8-hours notice. 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 economic impact on a substantial number of small entities.

##### Collection of Information

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

##### Federalism

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

##### Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

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

Bridges.

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)(3); Section 117.255, also issued under the authority of Pub. L. 102-587, 102 Stat. 5039.

2. Section 117.491 is revised to read as follows:

##### § 117.491 Red River.

(a) The draws of the following bridges shall be opened on signal if at least eight hours notice is given:

- (1) S107 bridge, mile 59.5, at Moncla
- (2) S28 (Fulton Street) bridge, mile 88.1, at Alexandria
- (3) Union Pacific Railroad bridge, mile 90.1, at Alexandria
- (4) S8 bridge, mile 105.8, at Boyce

(b) The Kansas City Southern Railroad bridge, mile 88.0, at Alexandria shall open on signal if at least eight hours notice is given; except that, for openings on Saturday or Sunday and Monday if it is a federal holiday, notice must be given for an opening of the draw by 4 p.m. on Friday; and in the event a federal holiday falls during a weekday other than Monday, notice must be given by 4 p.m. the day prior to that holiday.

(c) The draw of the US 165 (Jackson St.) bridge, mile 88.6, at Alexandria, shall open on signal if at least eight hours notice is given; except that, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. the draw need not be opened Monday through Friday except holidays.

(d) The draws of the bridges above mile 105.8 through mile 234.4 shall open on signal if at least 48 hours notice is given.

(e) The draws of the bridges above mile 234.4 to mile 276 need not be opened for passage of vessels.

(f) When a vessel which has given notice fails to arrive at the time specified in the notice, the drawtender shall remain on duty for up to two additional hours to open the draw if that vessel appears. After that time, a new notice of the appropriate length of time is required.

Dated: January 10, 1995.

##### R.C. North,

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

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