

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. This conclusion is based on the fact that this rule will not prevent mariners from passing through the Granite Avenue Bridge, but will only require mariners to plan their transits.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this 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 of the reasons discussed in the Regulatory Evaluation above, 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

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 preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket 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 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; 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 117.611 is revised to read as follows:

##### **§ 117.611 Neponset River.**

The Granite Avenue Bridge, mile 2.5, between Boston and Milton, Massachusetts, shall operate as follows:

(a) The draw of the Granite Avenue Bridge shall open on signal from May 1 through October 31; 6 a.m. to 12 midnight. At all other times the draw shall open on signal if at least one hour advance notice is given by calling the number posted at the bridge.

(b) The owners of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

Dated: July 21, 1995.

J.L. Linnon,

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

[FR Doc. 95-26260 Filed 10-23-95; 8:45 am]

**BILLING CODE 4910-14-M**

#### **33 CFR Part 117**

**[CGD13-94-039]**

#### **Drawbridge Operation Regulations; Lake Washington, Seattle, WA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the regulations governing the operation of the Evergreen Point, State Route 520, floating drawbridge across Lake Washington at Seattle, Washington. This action modifies five different aspects of the existing regulations for the bridge including the notice period for requesting an opening; the length of weekday closed periods; the exemptions from weekday closed periods for federal holidays and vessels greater than 2000 gross tons; and the requirement that non-self-propelled vessels be towed through the draw. Through this action,

the Coast Guard seeks to alleviate commuter traffic congestion on the bridge while continuing to meet the reasonable needs of navigation on Lake Washington.

**EFFECTIVE DATE:** November 24, 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 98174-1067. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220-7270).

#### **SUPPLEMENTARY INFORMATION:**

**Drafting Information:** The principal persons involved in drafting this document are Austin Pratt, Project Officer, Aids to Navigation Branch, Thirteenth Coast Guard District, and Lieutenant Commander John C. Odell, Project Counsel, Thirteenth Coast Guard District Legal Office.

#### **Regulatory History**

On June 6, 1995, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Lake Washington, Seattle, WA, in the Federal Register (60 FR 29804). Only one comment was received and that comment favored the proposed rulemaking.

#### **Background and Purpose**

At the request of the Washington State Department of Transportation (WDOT), the Coast Guard is amending the drawbridge operation regulations for the Evergreen Point, State Route 520, floating drawbridge across Lake Washington at Seattle, Washington. The chief purpose of this action is to alleviate commuter traffic congestion on the bridge while continuing to meet the reasonable needs of navigation.

In recent years vehicular traffic volumes have increased dramatically while requests for openings of the drawspan have declined. State Route 520 is a major four-lane commuter arterial in the Seattle area and is heavily traveled during daily commuting hours. Any opening of the drawspan during commuting hours causes severe traffic congestion and back-ups.

Most of the vessels on Lake Washington are able to pass under the bridge at its two fixed transition spans at either end of the floating segment. With the exception of a few tall-masted sailing vessels, floating construction equipment is the chief user of the

drawspan. The predominant navigational use of Lake Washington is recreational.

In recent years, the drawspan has been under extensive repair and refurbishment. This work has required temporary changes to bridge operations. Since September 21, 1992, temporary regulations allowed WDOT to keep the drawspan closed except from 11 p.m. to 2 a.m. during the week and from 11 p.m. to 5 a.m. on weekends. From April 1 to October 1, 1994, the Coast Guard authorized WDOT to keep the drawspan closed at all times during the final phase of the repair project. Despite the highly restrictive nature of these temporary regulations, no objections were received from entities representing commercial or recreational navigation on Lake Washington.

In order to alleviate roadway traffic congestion while continuing to meet the reasonable needs of navigation, this action modifies five different aspects of the existing regulations:

First, the rule increases the notice period for requesting openings from one hour to two hours. The bridge does not currently have continuous attendance by drawtenders, and in recent years, drawtenders have had difficulty getting to the bridge in time to make requested openings. This difficulty is the result of increased roadway traffic in the Seattle metropolitan area. The increase in the notice period will give drawtenders sufficient time to arrive at the bridge for openings. This rule change will not seriously inconvenience navigation because vessel transits of the drawspan are infrequent and can be planned in advance by vessel operators.

Second, the rule increases the period during which the drawspan may remain closed on weekdays. The existing drawbridge operation regulations at 33 CFR 117.1049(c) allow the bridge to remain closed from 6 a.m. to 10 a.m. and from 2 p.m. to 7 p.m. Monday through Friday. The amendment establishes a single, yet substantially increased, closed period from 5 a.m. to 9 p.m. Monday through Friday. The increase in the length of the weekday closed period is necessary to prevent the interruption of commuter traffic on the bridge. A bridge opening during peak traffic hours can produce traffic gridlock on the bridge and its approaches, and openings during the workday must be avoided. The small number of openings requested in recent years and the nature of vessel traffic on Lake Washington indicates that the impact on commercial and recreational navigation from the increased closed period will be minimal.

Third, the rule removes Columbus Day from the Federal holiday exemption to normal weekday closed periods. Under the existing federal holiday exemption contained in 33 CFR 117.1049(c), the normal weekday closed periods do not apply on designated federal holidays. Unlike other federal holidays, Columbus Day enjoys no significant reduction in roadway traffic in the Seattle metropolitan area. This difference is due to the fact that most employers in the area do not observe Columbus Day. For this reason, commuter traffic volumes remain substantial on Columbus Day. Removal of Columbus Day from the federal holiday exemption will prevent the serious traffic congestion that is caused by opening the drawspan during heavy commuter hours.

Fourth, the rule removes the provision of 33 CFR 117.1049(c) that requires the drawspan to open during weekday closed periods in order to accommodate piledrivers and vessels greater than 2000 gross tons. In recent years the use of Lake Washington by vessels of this type and size has declined dramatically. Moreover, waters of Lake Washington in the area of the bridge do not form a restricted waterway, and the need for immediate openings for these larger and less maneuverable vessels is therefore less critical. Finally, the passage of such vessels can be planned in such a way as to avoid their arrival at the bridge during the weekday closed periods.

Fifth, the rule removes the provision of 33 CFR 117.1049(d) requiring non-self-propelled vessels to be towed through the drawspan. The original purpose of this requirement was to avoid delays to roadway traffic caused by openings requested by vessels powered only by sail. The increase in the length of the weekday closed periods will reduce the significance of such an event, and the possibility of such an event no longer needs to be specifically accounted for in the bridge operation regulations.

#### Discussion of Comments and Changes

The Coast Guard received only one comment in response to the notice of proposed rulemaking. This response from a major marine towing company in Seattle approved of these proposed changes to the operation regulation.

#### Regulatory Evaluation

This rule is not a 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 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 action to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that most commercial navigation on Lake Washington can transit the bridge at its two fixed transition spans at either end of the floating segment. Moreover, commercial vessels can plan their transits so that they do not arrive at the bridge during weekday closed periods. Finally, transits of the drawspan by commercial vessels have become increasingly infrequent in recent years.

#### 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 action will not have a significant impact on a substantial number of small entities.

#### Collection of Information

This action 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 action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this action and concluded that under section 2.B.2. of COMDTINST M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection and copying where indicated under **ADDRESSES**.

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

##### Bridges. 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); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.1049 is amended by revising paragraphs (a) and (c) and deleting paragraph (d) to read as follows:

**§ 117.1049 Lake Washington.**

\* \* \* \* \*

(a) The draw shall open on signal if at least two hours notice is given.

\* \* \* \* \*

(c) The draw need not be opened from 5 a.m. to 9 p.m. Monday through Friday, except for all Federal holidays other than Columbus Day.

Dated: October 12, 1995.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander,  
13th Coast Guard District.

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**33 CFR Part 165**

[COTP St. Louis 95-012]

RIN 2115-AA97

**Safety Zone; Mississippi River, Mile  
840.0 to Mile 615.0**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 840.0 and 615.0. This regulation is required for the prevention of groundings and preservation of the navigable channel. This regulation will restrict general navigation in the required area for the protection of life, property and environment along the river.

**EFFECTIVE DATES:** This regulation is effective on October 2, 1995 and will terminate on December 1, 1995, unless terminated sooner by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** LT Siddall, Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823.

**SUPPLEMENTARY INFORMATION:**

Drafting Information: The drafters of this regulation are LT R. E. McFarland, Supervisor, Marine Safety Detachment, St. Paul, Minnesota and LT S. M. Moody, Project Attorney, Second Coast Guard District Legal Office, St. Louis, Missouri.

**Regulatory History**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this rule and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, receding river levels and unstable channel conditions exist all along this reach of the Upper Mississippi River, leaving insufficient time to publish a notice of proposed rulemaking. As a result, the Coast Guard deems it to be in the public's best interest to issue a rule without waiting for comment period or delayed effective date because of immediate need to limit barge drafts.

**Background and Purpose**

The Upper Mississippi River historically experiences reduced water levels and unstable channel conditions during the Autumn and early Winter months. Unfortunately, this also coincides with the harvest season and a period of peak commercial shipping activity upon the river. Channel conditions from Saint Paul, MN., mile 840.0, to mile 615.0 are unstable. This rule is required to impose vessel draft limits to prevent groundings, maintain optimal channel conditions and preserve the environment within the regulated area.

**Regulatory Evaluation**

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979), it will not have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements.

The Coast Guard expects the impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Changes will be announced by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz). Mariners may also call Marine Safety Detachment, St. Paul, Minnesota, at (612) 290-3991 for current information.

**Small Entities**

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

**Federalism Assessment**

Under the principles and criteria of Executive Order 12612, this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation as an action to protect public safety. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

**Temporary Regulation**

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

**PART 165—[AMENDED]**

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A temporary section 165.T02-049 is added, to read as follows:

**§ 165.T02-049 Safety Zone: Upper  
Mississippi River.**

(a) *Location.* The Upper Mississippi River between mile 840.0 and 615.0 is established as a safety zone.

(b) *Effective Dates.* This section is effective on October 2, 1995 and will terminate on December 1, 1995, unless terminated sooner by the Captain of the Port.

(c) *Regulations.* The general regulations under § 165.23 of this part, which prohibit vessel entry within the described zone without authority of the Captain of the Port apply. The Captain of the Port, St. Louis, Missouri will authorize entry into and operations within the described zone under certain conditions and limitations as announced by Marine Safety