lowered on or in front of a tow. The IRCA also recommended implementation of a trial period monitored by the Coast Guard to ensure safe operation and quick return of the on site bridge tender if needed.

The bridge owner has no objection to the trial period and expects Coast Guard evaluation of the operation. EJ&E has reported the remote operator cannot "accidentally" lower the drawspan. A series of commands from a dispatcher control console must be initiated to lower the drawspan. Radar at the bridge allows the remote operator to view the river and radio broadcast requirements provide communication with river traffic. Interruption of the boat detectors will result in halting of the drawspan lowering sequence. If this occurs, the drawspan will return to the full open to navigation position until the obstruction is clear.

Based on the owner's response to comments on the remote operation of this bridge, the Coast Guard is amending the proposed operating requirements. Paragraphs 8 and 9 were added for additional safety measures. Paragraph 8 adds a requirement that the remote operator broadcast on the marine radio when the span is closed to navigation. Paragraph 9 adds a condition that a malfunction of any portion of the remote operating system will require immediate return of a qualified bridge tender to the bridge for on-site operation until repairs are completed.

Good cause exists for making this rule effective on publication. The old regulation required that the bridge be constantly manned to allow for the opening of the draw on demand. This new rule allows the bridge to be left open unless rail traffic or maintenance requires its closure. Vessel traffic will benefit from this rule by having the bridge maintained in the open to navigation position. For these reasons the Coast Guard has determined that there is no need to delay implementation of this rule.

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 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

After considering comments received, the Coast Guard finds that any 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.

Environmental Assessment

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 (as revised by 59 FR 38654, July 29, 1994) this proposal is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have significant effect on the human environment. A Categorical Exclusion Determination is available for inspection or copying where indicated under ADDRESSES.

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 is amending 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).

2. In Section 117.395 the existing text is designated as paragraph (a) and paragraph (b) is added to read as follows:

§117.395 Illinois Waterway.

(a) * * *

- (b) The drawspan of the Elgin, Joliet and Eastern Railway bridge, mile 290.1 at Joliet, Illinois, is operated by remote operator located at the Elgin, Joliet & Eastern offices in Gary, Indiana as follows:
- (1) The drawspan is normally maintained in the fully open to navigation position displaying green center span navigation lights to indicate that the drawspan is fully open.
- (2) The bridge is equipped with the following:
- (i) A radiotelephone link direct to the remote operator;
- (ii) A radar antenna on top of the drawspan capable of scanning the river, one mile upstream and one mile downstream;
- (iii) Infrared boat detectors under the drawspan, to allow the remote bridge operator to detect vessels under the drawspan.
- (iv) Electronic motion detectors under the drawspan to allow the remote bridge operator to detect vessel movement under the drawspan.
 - (v) A siren for sound signals, and
- (vi) Red and green center span navigation lights.
- (3) The remote bridge operator shall maintain a 24 hour VHF marine radio channel 16 watch for mariners to establish contact as they approach the bridge to ensure that the drawspan is open or that it remains open until passage of river traffic is complete.
- (4) When rail traffic approaches the bridge, and the drawspan is in the open position, the remote bridge operator initiates a one minute warning period before closing the drawspan. During this warning period, the remote operator shall broadcast at least twice, via marine radio, channel 16, that: 'The drawspan of the EJ&E Railroad bridge will be lowered in one minute.' A siren on the bridge sounds for 20 seconds, to warn anyone on or under bridge that the drawspan will be lowered.
- (5) If a vessel is approaching the bridge upbound or, departing the Lockport Lock and Dam at mile 291.1, downbound, with intentions of passing through the drawspan, they shall respond to the remote bridge operator's marine radio broadcast, or initiate radio contact, indicating their proximity to the bridge and requesting an opening of the drawspan or that the drawspan remain open until the vessel passes. If any approaching vessel is detected or if a radiotelephone response is received, the remote operator shall not close the drawspan until the vessel or vessels have cleared the bridge.