

will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632); Because it expects the impact of this rule to be minimal, 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 final 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 principals and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e(32)(2) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

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

Bridges.

#### Final Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations to read 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. In § 117.997, paragraph (g) is redesignated as (h) and a new paragraph (g) is added to read as follows:

**§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.**

\* \* \* \* \*

(g) The draw of the Albemarle & Chesapeake Railroad bridge, mile 13.9, in Chesapeake, Virginia, shall be maintained in the open position; the draw may close only for the crossing of trains and maintenance of the bridge. When the draw is closed, a bridgetender shall be present to reopen the draw after the train has cleared the bridge.

\* \* \* \* \*

Dated: June 15, 1995.

**W.J. Ecker,**

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

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#### 33 CFR Part 117

[CGD05-94-103]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Chesapeake, VA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is adopting as final the interim rule published in the **Federal Register** on December 30, 1994, changing the regulations governing the drawbridge across the Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, mile 5.8, at Chesapeake, Virginia, by limiting bridge openings during the morning and evening rush hours. This rule will allow commercial cargo vessels, tugs, and tugs with tows passage through the bridge during morning and evening rush hours, provided a 2-hour advance notice is given to the Gilmerton Bridge. This rule also includes a provision that allows public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial or public vessels assisting in an emergency situation passage through the bridge at any time. All other commercial and recreational vessel traffic will be denied draw openings during the morning and evening rush hours. This new rule is intended to provide regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge while providing for the reasonable needs of navigation.

**EFFECTIVE DATE:** This rule is effective on August 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and CDR Christopher A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

##### Regulatory History

On December 30, 1994, the Coast Guard published an interim final rule with request for comments entitled Atlantic Intracoastal Waterway, Chesapeake, Virginia, in the **Federal Register** (59 FR 67630). The comment period ended March 30, 1995. The Coast Guard received no comments on the interim final rule. The Commander, Fifth Coast Guard District, also published the interim rule as a public notice on January 13, 1995, with the comment period ending March 30, 1995, and no comments were received as a result of this notice. A public hearing was not requested and one was not held.

##### Background and Purpose

The City of Chesapeake, Virginia, requested that the regulations for the operation of the drawbridge across the Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, mile 5.8, at Chesapeake, Virginia, be changed by limiting bridge openings during the morning and evening rush hours, from 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays, year-round. This will help reduce highway traffic congestion problems, and respond to public safety and welfare concerns associated with frequent bridge openings caused by recreational boat traffic. This also will help reduce the wear and tear that is already apparent on the bridge's mechanical machinery. Prior to the publication of the interim rule in the **Federal Register**, the drawbridge operated by opening on demand.

In addition to restricting bridge openings during the morning and evening rush hours, commercial cargo vessels, tugs and tugs with tows will be allowed passage through the bridge during the hours of restriction provided a 2-hour advance notice is given to the Gilmerton Bridge. Public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial or public vessels assisting in an emergency situation will be able to pass through the bridge at any time.

Further explanation of the interests considered was provided in the