(6) All persons in the area shall comply with the orders of the Coast Guard Patrol Commander.

(d) *Effective Date:* This section is effective from 9 p.m. through 11 p.m. on August 20, 1995, unless extended or terminated sooner by the Coast Guard Group Commander, Buffalo, NY.

Dated: July 12, 1995.

G.F. Woolever,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District. [FR Doc. 95–19347 Filed 8–4–95; 8:45 am] BILLING CODE 4910–14–M

33 CFR Part 117

[CGD05-94-118]

RIN 2115-AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway— Alternate Route, Elizabeth City, NC

AGENCY: Coast Guard, DOT. **ACTION:** Final rule.

SUMMARY: At the request of the Albemarle and Chesapeake Railroad Company, the Coast Guard is changing the regulations that govern the operation of the drawbridge across the Pasquotank River, Atlantic Intracoastal Waterway-Alternate Route, mile 47.7, at Elizabeth City, North Carolina, to allow leaving the draw in the open position except for the passage of trains. This change to these regulations is, to the extent practical and feasible, intended to relieve the bridgeowners of the burden of having a person constantly available to open the draw while still providing for the reasonable needs of navigation. **EFFECTIVE DATE:** This rule is effective on

September 6, 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 CAPT R.A. Knee, Project Counsel, Fifth Coast Guard District Legal Office.

Regulatory History

On March 13, 1995, the Coast Guard published a Notice of Proposed Rulemaking entitled Atlantic Intracoastal Waterway—Alternate Route, Elizabeth City, North Carolina, in the **Federal Register** (60 FR 13393). The comment period ended May 12, 1995.

The Coast Guard received one comment on the Notice of Proposed Rulemaking objecting to the Coast Guard's proposed change to the regulations. The one objector stated that the proposed change at first glance sounded reasonable, but after further review, felt the city and the boating community should pay for the privilege of increased waterway accessibility just as the Albemarle and Chesapeake Railroad Company must pay for the usage of the tracks and the services of a bridgetender. The Coast Guard is without authority to assess such fees and the suggestion is inconsistent with burden placed on owners and operators of drawbridges by 33 U.S.C. 499. On April 5, 1995, the Coast Guard issued Public Notice 5-851 requesting comments on the Notice of Proposed Rulemaking. The comment period ended May 12, 1995. One comment was received on the Public Notice in favor of the Coast Guard's proposed change to the regulations. A public hearing was not requested and one was not held.

Background and Purpose

The Albemarle and Chesapeake Railroad Company has requested that the regulations governing the operation of the drawbridge across the Pasquotank River, Atlantic Intracoastal Waterway Alternate Route, mile 47.7, at Elizabeth City, North Carolina, be changed to allow leaving the bridge in the open position, except when a train is passing over it and for maintenance. A bridgetender would be available only during the times of train crossings to close the bridge and, after the train had cleared or completion of any maintenance work, to reopen the bridge to navigation. There would not be a fulltime bridgetender employed at the bridge.

Currently, the bridge remains in the open position from 3:30 p.m. to 11:30 p.m. At all other times, the draw opens on signal. This final rule will require the bridge to be maintained in the open position except for passage of trains and, when necessary, during maintenance work. A bridgetender will be available to reopen the bridge after trains have cleared the bridge and after completion of any maintenance work.

In developing this schedule, the Coast Guard considered all views, and believes this final rule will not unduly restrict commercial and recreational traffic, since the bridge will be left in the open position, except for the passage of trains.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of

Executive Order 12866 and does not 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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this final rule 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 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 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)(e) 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 have been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.