

economic impact on small business. Therefore, the Coast Guard certifies under section 605(b) of the Regulator Flexibility Act (5 U.S.C. 601-612) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard offered to assist small entities in understanding this proposed rule so that they can better evaluate its effect on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact LCDR John Fidaleo, G-OPN-2 at (202) 267-0346.

Collection of Information

This final rule does not provide for a collection-of-information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under paragraph 2.B.2.e(23) and (34)(i) of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 66

Intergovernmental relations, Navigation (water), Reporting and recordkeeping requirements. For the reasons set forth in the preamble, the Coast Guard amends 33 CFR part 66 as follows:

PART 66—[AMENDED]

1. The authority citation for part 66 continues to read as follows:

Authority: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

2. In § 66.05-100, remove paragraph (a), and redesignate paragraphs (b) through (j) as paragraphs (a) through (i), and revise newly designated paragraph (i) to read as follows:

§ 66.05-100 Designation of navigable waters as State waters for private aids to navigation.

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(i) *Wisconsin*. Navigable waters within the State not marked with Coast Guard aids to navigation as of May 1, 1996.

Dated: October 9, 1998.

Ernest R. Riutta,

Assistant Commandant for Operations.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-98-014]

RIN 2115-AE47

Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the Belt Line Railroad drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 2.6, at Portsmouth and Chesapeake, Virginia. This change will eliminate the need for a bridgetender by allowing the bridge to be operated by the bridge/train controller from a remote location at the Berkley Yard office. The Belt Line Bridge will be left in the open position, and will only close for the passage of trains and to perform maintenance.

This new rule will maintain the bridge's current level of operational capabilities and continue providing for the reasonable needs of rail transportation and vessel navigation.

DATES: this rule is effective on November 19, 1998.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Commander (AOWB), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757)398-6222.

FOR FURTHER INFORMATION CONTACT:

Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On June 1, 1998, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia" in the **Federal Register** (63 FR 29677). The Coast Guard received one comment from the Virginia Pilots Association stating no objection, but requesting clarity on how radio communications would be handled. No public hearing was requested and none was held.

Background and Purpose

The Belt Line Railroad Bridge across the Southern Branch of the Elizabeth River, mile 2.6, located in Portsmouth and Chesapeake, Virginia, currently is left in the open position and only closed by a bridgetender on site for the passage of trains and periodic maintenance. The Belt Line Railroad Company requested that the current regulations be changed by allowing operation of the bridge from a remote location or train crossings or maintenance. The bridge would be operated by the bridge/train controller at the Berkley Yard office.

Prior to publishing the Notice of Proposed Rulemaking, the Coast Guard met with the Belt Line Railroad Company, the Virginia Pilots Association, Hampton Roads Maritime Association, Steamship Trade Committee, and various tug and barge companies. The meeting targeted possible safety problems associated with controlling the bridge from an offsite location. The Virginia Pilots Association voiced concern for safety and wanted assurance that radio communications and visual surveillance would be maintained at all times. The Belt Line Railroad Company responded that it would do so. Based on the procedures established in this meeting, and the guidelines provided by the Belt Line Railroad Company, the Coast Guard believes that this regulations will make the closure process more efficient during train crossings and periodic maintenance and will save operational expenses by eliminating bridgetenders while still providing the same bridge operational capabilities. The Coast Guard is revising 33 CFR 117.997 by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and adding a new paragraph (a).

Discussion of Comments and Changes

The Coast Guard received 1 comment from the Virginia Pilots Association on the NPRM. This comment did not oppose or recommend a change, but merely requested additional information

as to how radio communications between the Bridge/Train Controller and the waterway users would be handled, and it requested additional radio communications during the lowering of the bridge. These concerns were a misunderstanding by the Pilots of the procedures proposed. The Pilots are now satisfied that this issue is addressed adequately in this Final Rule. Since no comments opposing the proposed change were received, the final rule is being implemented without change.

Regulatory Evaluation

This final 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 reached this conclusion based on the fact that this change will not prevent mariners from transiting the bridge, but merely require mariners to adhere to the new operation procedures during transits of the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the U.S. Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small independently owned and operated 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 final rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final 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. 3501-3520).

Federalism

The Coast Guard has analyzed this final rule under the principals and criteria in Executive Order 12612, and it has been determined that this final rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation based on the fact that this is a promulgation of an operating regulation for a drawbridge. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For reasons discussed in the preamble, the Coast Guard amends 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 117.997 is amended by redesignating paragraphs (a) through (h) as paragraphs (b) through (i) and by adding a new paragraph (a) to read as follows:

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

(a) The draw of the Belt Line Railroad Bridge, mile 2.6, in Portsmouth and Chesapeake will operate as follows:

(1) The bridge will be left in the open position at all times and will only be lowered for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

(2) The bridge will be operated by the controller at the Berkley Yard office.

(3) The controller will monitor waterway traffic in the area of the bridge and directly beneath the bridge with closed circuit cameras mounted on top of the bridge and with surface navigational radar.

(4) When the bridge closes for any reason, the controller will announce 30 minutes in advance, 15 minutes in advance, and immediately proceeding the actual lowering, over marine channel 13, that the Belt Line Railroad Bridge is closing for river traffic. In each of these three announcements, the bridge/train controller will request all concerned river traffic to please acknowledge on marine channel 13.

(5) The bridge shall only be operated from the remote site if closed circuit

visual and radar information shows there are no vessels in the area and no opposing radio communications have been received.

(6) While the Belt Line Bridge is moving from the full open position to the full closed position, the bridge/train controller will maintain constant surveillance of the navigational channel to ensure no conflict with maritime traffic exists. In the event of failure of a camera or the radar system, or loss of marine-radio communications, the bridge shall not be operated by the off-site bridge/train controller from the remote location.

(7) If the off-site bridge/train controller's visibility of the navigational channel is less than $\frac{3}{4}$ of a mile, the bridge shall not be operated from the remote location.

(8) When the draw cannot be operated from the remote site, a bridgetender must be called to operate the bridge in the traditional on-site manner.

(9) The Belt Line mid-channel lights will change from green to red anytime the bridge is not in the full open position.

(10) During the downward and upward span movement, a warning alarm will sound until the bridge is seated and locked down or in the full open position.

(11) When the bridge has returned to its full up position, the mid-channel light will turn from red to green, and the controller will announce over marine radio channel 13, "Security, security, security, the Belt Line bridge is open for river traffic." Operational information will be provided 24 hours a day on marine channel 13 and via telephone (757) 543-1996 or (757) 545-2941.

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Dated: October 7, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

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DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 674

Federal Perkins Loan Program

CFR Correction

In Title 34 of the Code of Federal Regulations, parts 400 to end, revised as of July 1, 1998, on page 541, in § 674.19, paragraph (b)(5) is removed.

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