

incorporated into this section. This benefit/cost ratio is calculated to document the economic feasibility of an alteration under the Truman-Hobbs Act. The section also includes information about the "60-Day Letter" the Coast Guard issues to provide notice and opportunity for a bridge owner to request reevaluation, prior to the issuance of an Order to Alter, of the determination that a bridge is an unreasonable obstruction to navigation or of the required alterations to the bridge.

The Order to Alter which was discussed in the NPRM in proposed § 116.25 is discussed in the final rule in § 116.35. As a result of this change, paragraphs (b) and (d) of proposed § 116.25 are in § 116.35 of the final rule. Paragraph (c) of proposed § 116.25, which discussed service of the Order to Alter has been deleted as unnecessary. No special service procedures are needed. The requirements for an equitable contribution for alterations with non-navigational effects as a prerequisite to the issuance of an Order to Alter, which in the proposed rule was in the section concerning apportionment of costs, proposed § 116.35, has been moved to paragraph (c) of § 116.35 in the final rule as well.

Minor editorial changes were made to proposed § 116.30, *Plans and specifications*, which has been renumbered as § 116.40 in the final rule; proposed § 116.35, *Apportionment of cost under the Truman-Hobbs Act*, which has been renumbered as § 116.50; and proposed § 116.40, *Submission of bids, approval of award, guaranty of cost, and partial payments for bridges eligible to be altered under the Truman-Hobbs Act*, which has been renumbered as § 116.45 in the final rule. These sections have been reworded and renumbered to clarify that the procedures in these sections only apply to bridges being altered under the Truman-Hobbs Act. The order of the sections describing the apportionment of costs and submission of bids, proposed § 116.35 and § 116.40, respectively, was changed to properly reflect the order of events during a bridge alteration project.

Proposed § 116.45, *Appeals*, now appears as § 116.55 with the clarification that the decision to issue an Order to Alter can not be appealed through the administrative process. This clarification was made because issuing the Order constitutes final agency action.

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 not been reviewed by the Office of Management and Budget under that order. It is not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rulemaking to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures is unnecessary. This rulemaking is intended to revise the regulations which describe the administrative process used to declare and order the alteration of unreasonably obstructive bridges. There is no new expense to the general public. On average, the Coast Guard orders one bridge to be altered under the Truman-Hobbs Act a year, and orders one alteration of a bridge under the Bridge Act of 1906 every thirty years.

Small Entities

This rulemaking is intended to clarify the circumstances under which a bridge may be declared unreasonably obstructive and the procedures taken to affect changes allowing the reasonably unimpeded passage of navigation. It imposes no special expense on 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. Therefore, because it expects the economic impact of this final rule to be minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) that this will not have a significant economic impact on a substantial number of small entities. On average, the Coast Guard orders one bridge to be altered under the Truman-Hobbs Act a year, and orders one alteration of a bridge under the Bridge Act of 1906 every thirty years.

Collection of Information

This rule contains collection of information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*), and OMB approved them. The part number is part 116, and the corresponding OMB approval number is OMB Control Number 2115-0614.

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rulemaking and concluded that under section 2.B.2. of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), this final rule is categorically excluded from further environmental documentation because it is a Bridge Administration Program action involving the promulgation of procedures, process, and guidance for alteration of unreasonably obstructive bridges. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects

33 CFR Part 4

Coast Guard, Reporting requirements.

33 CFR Part 116

Bridges, Coast Guard.

For the reasons set out in the preamble, the Coast Guard is amending parts 4 and 116 of Title 33, Code of Federal Regulations, as follows:

PART 4—[AMENDED]

1. The authority citation for part 4 continues to read as follows:

Authority: 44 U.S.C. 3507; 49 CFR 1.45(a).

2. The table in § 4.02 is amended by adding, in the appropriate columns, between the entries for "Part 115" and "Part 125", an entry for Part 116 to read as follows:

§ 4.02 Display.

33 CFR part or section where identified and described	Current OMB control No.
* * *	* * *
Part 116	2115-0614
* * *	* * *

3. Part 116 is revised to read as follows:

PART 116—ALTERATION OF UNREASONABLY OBSTRUCTIVE BRIDGES

- Sec. 116.01 General.
- 116.05 Complaints.
- 116.10 Preliminary review.