

seriously impacts the safety and management of instrument flight rules (IFR) operations at the airport. As a result, a Notice to Airmen (NOTAM) has been issued suspending the use of the procedures until the Class E airspace area is established.

**DATES:** *Effective date:* 0901 UTC, November 14, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817-321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

In 2006, the RNAV (GPS) RWY 17 standard instrument approach procedure was established for Comanche County-City Airport, Comanche, TX. The FAA discovered that the Class E transitional airspace area required by 14 CFR 71.71(c) was not established to contain the procedure. As a result, a NOTAM has been issued to designate the SIAP as "Not Authorized" due to the lack of Class E airspace, prohibiting aircraft from using the SIAP until the required airspace can be established.

Because of this, aircraft are unable to land in instrument meteorological conditions, which adversely impacts the utility and the safe and efficient use of the airport. Business aircraft based at Comanche County-City Airport incur added costs when diverting to alternate airports during poor weather conditions, and recreational and tourist flights have to be cancelled, creating negative effects on the local economy. This also restricts lifesaving aeromedical evacuation aircraft, which are forced to add critical flight time to their missions to land at alternate airports during periods of low ceilings and visibility as the nearest alternate airport with instrument approach capability is 20 miles away.

It is in the public interest to restore IFR operations at Comanche County-City Airport as soon as possible to enhance the safe and efficient use of airspace at the airport and ensure that any critical medical evacuation operations are not delayed. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within an 8.7-mile radius of Comanche County-City Airport, Comanche, TX to contain aircraft executing standard instrument approach procedures at the airport. Controlled airspace enhances the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Comanche County-City Airport, Comanche, TX.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface*

\* \* \* \* \*

##### ASW TX E5 Comanche, TX [New]

Comanche County-City Airport, TX  
(Lat. 31°55'13" N., long. 98°35'57" W.)

That airspace extending upward from 700 feet above the surface within an 8.7-mile radius of Comanche County-City Airport.

Issued in Fort Worth, Texas, on September 25, 2013.

**Christopher L. Southerland,**  
Manager, Operations Support Group, ATO  
Central Service Center.

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**BILLING CODE 4910–13–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 117

[USCG–2012–1085]

RIN 1625–AA09

##### Drawbridge Operation Regulation; Christina River, Wilmington, DE

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the operating schedule that governs the Walnut Street Bridge at mile 2.8, and the Market Street Bridge at mile 3.0, both located on the Christina River in

Wilmington, DE. Originally it was also proposed that the Third Street Drawbridge at mile 2.3 be included in this rule change but that request was withdrawn. Since the two other drawbridges are located near one another and the few vessels that do transit this waterway usually go through all three bridges, the Walnut Street and Market Street bridges will now open on the same eight hour advance notice. This rule will change the current regulations by allowing the Third Street and Walnut Street drawbridges to be opened in sequence with the same eight hour advance notice presently given to the Market Street drawbridge. This schedule clarifies the sequencing of these drawbridge openings, and provides for the reasonable needs of navigation.

**DATES:** This rule is effective November 4, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket number USCG–2012–1085. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC, 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Terrance A. Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at (757) 398–6587, [terrance.a.knowles@uscg.mil](mailto:terrance.a.knowles@uscg.mil). If you have questions on viewing, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Acronyms**

CFR Code of Federal Regulations  
DELDOT Delaware Department of Transportation  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

##### **A. Regulatory History and Information**

On January 24, 2013, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Christina River, Wilmington, DE in the **Federal Register** (78 FR 5156). We received one comment

on the proposed rule. No public meeting was requested, and none was held.

##### **B. Basis and Purpose**

The Delaware Department of Transportation (DELDOT) who owns and operates these bascule-type drawbridges have requested a permanent change to the existing bridge regulations, allowing the Walnut Street bridge to also open on signal with eight hours advance notice as does the Market Street Bridge. This schedule allows for both of the drawbridges to be opened in sequence on the same opening request if required. Vessel traffic on this part of the Christina River consists of a few commercial and pleasure craft.

Three vessels make-up 97% of the number of openings at these bridges: The Kalmar Nyckel sail ship, the River Taxi, and the River Boat Queen. The Market Street bridge has the most restrictive clearance of the three (8 ft. vertical clearance), and was opened a total 578 times in 2011. In 2011 the Walnut Street Bridge was opened 244 times. The River Taxi does not require an opening to pass under the Walnut Street Bridge. The Third Street Bridge was opened 250 times, but it will continue to open on signal.

##### **C. Discussion of Comments, Changes and the Final Rule**

The City of Wilmington Fire Department requested that the Third Street Bridge continue to have a bridge tender to open it on signal twenty-four hours per day, as it is currently regulated. The Fire Chief wanted a bridge tender to be available to open all the bridges during an emergency. DELDOT agreed with this proposal and now only Market Street and Walnut Street Bridges will require 8 hours advance notice.

The Coast Guard will not finalize the proposed change to the operating schedule that governs the Third Street Drawbridge. Since the two other drawbridges are located near one another and the few vessels that do transit this waterway usually go through all three bridges, the Walnut Street and Market Street bridges will now open on the same eight hour advance notice.

This rule changes the current regulations by allowing the Third Street and Walnut Street drawbridges to be opened in sequence with the same eight hour advance notice presently given to the Market Street drawbridge.

We are also modifying the existing regulations by removing the last sentence in 33 CFR 117.237(c), “The draws of these bridges shall open at all times as soon as possible for passage of a public vessel of the United States”.

This sentence is being removed because it is redundant and already exists in 33 CFR 117.31(b)(1).

##### **D. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

###### **1. Regulatory Planning and Review**

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The rule is expected to have minimal impact on mariners due to the low number of vessels requiring openings on the river. In addition, the fact that an 8-hour advance notice is presently required for the Market Street Bridge opening, it is understood that time for passage through all bridges, under the this rule, will be consistent with the current regulation.

###### **2. Impact on Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. 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.

This rule will not have a significant economic impact on a substantial number of small entities because only a few vessels transit through both these bridges and it is rare that in such cases any vessel stops between the bridges being regulated. Most commercial traffic will leave and return during the day. This rule would possibly affect small entities such as owners/operators of vessels needing to transit through the bridges but requiring more than eight feet of vertical clearance (the most vertically restrictive Market Street

Bridge). These vessels can minimize delays and plan their transits in accordance with the opening schedule.

### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### 4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### 8. Taking of Private Property

This rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### 9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### 10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### 11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

### 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### 14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.ID which guides the Coast Guard in

complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. The Christina River, Walnut Street and Market Street bridges will only open with eight hours of advance notice. This rule is categorically excluded under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

### List of Subjects in 33 CFR Part 117

Bridges.

For the 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; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.237, revise paragraph (c) to read as follows:

#### § 117.237 Christina River.

\* \* \* \* \*

(c) In Wilmington DE, the draw of the Third Street Bridge at mile 2.3, shall open on signal, the draws of the Walnut Street Bridge at mile 2.8, and the Market Street Bridge at mile 3.0, shall open on signal if at least eight hours notice is given. From 7 a.m. to 8 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday except holidays, the draws of these three bridges need not be opened for the passage of vessels. Any vessel which has passed through one or more of these bridges immediately prior to a closed period and which requires passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of the bridge or bridges without delay.

\* \* \* \* \*

Dated: September 18, 2013.

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

[FR Doc. 2013–24154 Filed 10–2–13; 8:45 am]

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