

This final rule also provides that at all other times drawtenders would be on call for one hour advance notice openings. This action is being taken because there have been few requests for bridge openings during the time periods that the MHD proposes to operate the bridge on an on call basis. This will relieve the bridge owner of the unnecessary burden of having personnel at the bridge at all times.

**EFFECTIVE DATE:** November 2, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for copying and inspection at the First Coast Guard District, Bridge Branch office located in the Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110-3350, room 628, between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223-8364.

**FOR FURTHER INFORMATION CONTACT:** John W. McDonald, Project Manager, Bridge Branch, (617) 223-8364.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The principal persons involved in drafting this final rule are Mr. John W. McDonald, Project Officer, Bridge Branch, and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

**Regulatory History**

On January 19, 1995, the Coast Guard published a notice of proposed rulemaking entitled "Drawbridge Operation Regulations; Saugus River, Massachusetts" in the Federal Register (60 FR 3791). The Coast Guard received no comments on the notice of proposed rulemaking. No public hearing was requested, and none was held.

**Background and Purpose**

The Fox Hill SR107 Bridge, mile 2.5 between Saugus and Lynn, Massachusetts, has a vertical clearance of 6' above mean high water (MHW) and 16' above mean low water (MLW). The existing regulations for the Fox Hill SR107 Bridge require it to open on signal at all times.

The MHD has requested authority to reduce the times when the bridge is crewed by drawtenders and to increase the times when the bridge is on a one (1) hour advance notice for openings. This request by MHD seeks relief from the unnecessary burden of crewing the bridge during times of infrequent requests for bridge openings.

**Discussion of Comments and Changes**

No comments were received on the notice of proposed rulemaking. No changes to the proposed rule have been made.

**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. This conclusion is based on the fact that this rule will not prevent mariners from passing through the Fox Hill SR107 Bridge, but will only require mariners to plan their transits.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of 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. Because of the reasons discussed in the Regulatory Evaluation above, 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 principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e.(32)(e) of Commandant

Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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

**Bridges.**

For the reasons set out in the preamble, the Coast Guard is amending 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 117.618 is amended by adding paragraph (c) to read as follows:

**§ 117.618 Saugus River.**

\* \* \* \* \*

(c) The Fox Hill SR107 Bridge at mile 2.5 shall open on signal, except that from October 1 through May 31, 7 p.m. to 5 a.m. daily, and all day on December 25 and January 1, the draw shall open as soon as possible, but not more than one hour, after notice is given to the drawtenders either at the bridge during the time the drawtenders are on duty or by calling the number posted at the bridge.

Dated: July 17, 1995.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 95-24523 Filed 10-2-95; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 117**

[CGD01-94-104]

RIN 2115 AE47

**Drawbridge Operation Regulations; West Bay, Osterville, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has changed the operating rules governing the West Bay Bridge at mile 1.2 over West Bay in Osterville, Massachusetts. The special operating rules formerly published at 33 CFR section 117.78 were deleted in error. This final rule will correct the deletion error and publish the correct operating regulations for the bridge.

**EFFECTIVE DATE:** November 2, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for copying and inspection at the First Coast Guard District, Bridge Branch office located in the Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110-3350, room 628, between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 233-8364.

**FOR FURTHER INFORMATION CONTACT:** John W. McDonald, Project Manager, Bridge Branch, (617) 223-8364.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The principal persons involved in drafting this final rule are Mr. John W. McDonald, Project Officer, Bridge Branch, and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

**Regulatory History**

On January 10, 1995 the Coast Guard published a notice of proposed rulemaking entitled "Drawbridge Operation Regulations; West Bay, Osterville, Massachusetts" in the Federal Register (60 FR 2562). The Coast Guard received no comments on the notice of proposed rules. No public hearing was requested, and none was held.

**Background and Purpose**

The West Bay Bridge over West Bay in Osterville, Massachusetts has a vertical clearance of 15' above mean high water (MHW) and 17' above mean low water (MLM). Through an error, the special operating rules for this bridge were deleted from 33 CFR 117.78. Therefore, the bridge is required to open on signal at all times under the general drawbridge operating regulations. Operating rules published in the Federal Register of October 7, 1982 (47 FR 44258) read as follows:

(a) The draw shall open on signal from April 1 through October 31 on the following schedule:

(1) April 1 through June 14 and October 12 through October 31; 8 a.m. to 4 p.m.

(2) June 15 through June 30; 8 a.m. to 6 p.m.

(3) July 1 until Labor Day; 8 a.m. to 8 p.m.

(4) Labor Day through October 11; 8 a.m. to 5 p.m.

(5) For the remainder of this period the draw will open on signal if 4 hours notice is given in advance.

(b) From November 1 through March 31 the draw shall open on signal if a 24-hour notice is given in advance.

The bridge has been operating in accordance with the deleted rules on an unofficial basis. The Coast Guard is publishing a final rule that will reinstate the operating hours of the bridge contained in the erroneously deleted rule.

**Discussion of Comments and Changes**

No comments were received on the notice of proposed rulemaking. No changes to the proposed rule have been made.

**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. This conclusion is based on the fact that this rule will not prevent mariners from passing through the West Bay Bridge, but will only require mariners to plan their transits.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of 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. Because of the reasons discussed in the Regulatory Evaluation above, 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 principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications

to warrant preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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

**Bridges.**

For the reasons set out in the preamble, the Coast Guard is amending 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 117.622 is added to read as follows:

**§ 117.622 West Bay.**

(a) The draw of the West Bay Bridge, in Osterville, Massachusetts, shall open on signal from April 1 through October 31 on the following schedule:

(1) From April 1 through June 14 and October 12 through October 31; 8 a.m. to 4 p.m.

(2) June 15 through June 30; 8 a.m. to 6 p.m.

(3) July 1 until Labor Day; 8 a.m. to 8 p.m.

(4) Labor Day through October 11; 8 a.m. to 5 p.m.

(5) At all other times from April 1 through October 31, the draw shall open on signal if at least four (4) hours advance notice is given by calling the number posted at the bridge.

(b) From November 1 through March 31, the draw shall open if at least twenty-four (24) hours advance notice is given by calling the number posted at the bridge.

(c) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of section 118.160 of this chapter.

Dated: July 17, 1995.  
 J.L. Linnon,  
*Rear Admiral, U.S. Coast Guard, Commander,  
 First Coast Guard District.*  
 [FR Doc. 95-24526 Filed 10-2-95; 8:45 am]  
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**33 CFR Part 117**  
**[CGD05 94-093]**

**Drawbridge Operation Regulations;  
 Mullica River, NJ**

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

**SUMMARY:** At the request of Burlington County, the Coast Guard is changing the regulations governing the Lower Bank bridge over the Mullica River at mile 15.0 between Atlantic and Burlington Counties, New Jersey. This change will extend the period during the winter months to include April when a four-hour advance notice for all bridge openings is required. This change is being made because there have been few requests for bridge openings during this time period.

**EFFECTIVE DATE:** November 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. G. Kassof, Bridge Administrator—NY, Fifth Coast Guard District (212) 668-7069.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The principal persons involved in drafting this document are Mr. J. Arca, Fifth Coast Guard District, Bridge Branch-NY, Project Manager, and CAPT R. A. Knee, Fifth Coast Guard District Legal Office, Project Counsel.

**Regulatory History**

On February 13, 1995, the Coast Guard published a Notice of Proposed Rulemaking entitled "Drawbridge Operation Regulations, Mullica River, New Jersey" in the Federal Register (60 FR 8209). The comment period ended May 15, 1995. The Coast Guard received one comment on the notice of proposed rulemaking supporting the Coast Guard's proposed change to the regulations. A public hearing was not requested, and one was not held.

**Background and Purpose**

The Lower Bank highway bascule bridge over the Mullica River in Lower Bank, New Jersey, was replaced in 1993. The present bridge has a vertical clearance of 13 feet above mean high water (MHW) in the closed position which is 4 feet higher than the previous bridge. During the period from

December 1993 through April 1994, a period of 151 days, the bridge opened on request on only 34 days. The current operating regulations implemented in January 1988 require the Lower Bank bridge to open on signal, except from April 1 through November 30 from 11 p.m. to 7 a.m., and from December 1 through March 31 from 4:30 p.m. to 8 a.m., a 4-hour advance notice is required for a bridge opening. This change to the regulations will include April in the winter seasonal restrictions and increase the 4-hour advance notice requirement to apply to all requests for bridge openings from December through April. This change will provide the bridge owner with relief from constantly having a person available to open the bridge at times when openings are not needed.

**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. This conclusion is based on the fact that the regulation will not prevent mariners from passing through the Lower Bank Bridge, but will require mariners to provide a 4-hour advance notice of their arrival from May 1 through November 30 between 11 p.m. and 7 a.m., and from December 1 to April 30 at all times. At all other times, the bridge will open on signal.

**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 fields 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 principles and criteria contained in Executive Order 12612 and it has determined that this rule does not have sufficient federalism implications to warrant 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 has been prepared and placed in the rulemaking docket.

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

**Bridges.**

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).

2. In section 117.731a paragraph (a) is revised to read as follows:

**§ 117.731a Mullica River.**

\* \* \* \* \*

(a) The draw of the Lower Bank bridge, mile 15.0, need not open during the following periods unless at least four hours notice is given:

(1) From May 1 through November 30, from 11 p.m. to 7 a.m.

(2) From December 1 through April 30, at all times.

\* \* \* \* \*

Dated: September 14, 1995.

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