

application to hold the Washington Summer Festival on July 30, 1955, on the Tar River. The event consists of a water ski show involving approximately four ski boats. The boats will make several passes in both directions with different skiing formations.

Discussion of Regulations

These regulations are necessary to control spectator craft and provide for the safety of life and property on navigable waters during the event. Since the main channel will not be closed for an extended period of time, commercial traffic should not be severely disrupted.

Regulatory Evaluation

This proposal 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 proposal to be so minimal that a fully Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation will only be in effect for three hours, and the impacts on routine navigation are expected to be minimal.

Small Entities

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.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal, and consistent with Section 2.B of Commandant Instruction M16475.1B has conducted an environmental assessment of the proposed action, and has determined that the actions to be taken under this regulation will have no significant impact on the environment.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), reporting and recordkeeping requirements, waterways.

Proposed Regulations: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 1090.35.

2. A temporary Section 100.35-537 is added to read as follows:

§ 100.35T05-037 Tar River, Washington, North Carolina.

(a) *Regulated area:* The waters of the Tar River bounded to the North by the Highway 17 Bridge, center point at latitude 35°32'33" North, longitude 77°03'42" West; and bounded to the South by the Tar River Railroad Bridge, center point at latitude 35°32'08" North, longitude 77°03'12" West. [NAD 83]

(b) *Definitions:* Coast Guard Patrol Commander. The Coast Guard Patrol Commander is any commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Fort Macon to act on his behalf.

(c) *Special Local Regulations:*

(1) Except for participants of Washington Summer Festival and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(d) *Effective dates:* This section is effective from 1 p.m. to 4 p.m. July 30, 1995.

Dated: June 14, 1995.

W.J. Ecker,

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

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33 CFR Part 117

[CGD01-95-052]

RIN 2115-AE47

Drawbridge Operation Regulations; Manchester Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule with request for comments.

SUMMARY: The Coast Guard is temporarily changing the operating regulations that govern the Manchester Amtrak Bridge (formerly the Boston and Maine Railroad Bridge), at mile 1.0 in Manchester, Massachusetts. This change will require the bridge to be crewed for three additional hours each day during the 1995 boating season. This rule is based upon satisfactory experience with a temporary deviation from the operating regulations that was in effect for the 1994 boating season. Comment letters supporting the deviation were received in March 1995, well after the end of the comment period for the deviation had ended in October, 1994. Since those comment letters were received at such a late date, it was not possible to make a permanent change to the regulations in time for the 1995 boating season. The Coast Guard determined that in order to implement desired changes to the operating regulations in time for the 1995 boating season, a temporary final rule would be required, with a comment period ending after the boating season. This change may be proposed as a permanent change as a result of comments received.

EFFECTIVE DATE: This rule is effective from July 17, 1995 through September 30, 1995. Comments must be received on or before October 31, 1995.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110-3350. Comments also may be hand-delivered to room 628 at the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223-8364. The telephone number will become part of this docket and will be available for inspection or copying at the above address.

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

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this rulemaking by

submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-95-052), the specific section of this rule to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½"×11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The drafters of this notice are Mr. John W. McDonald, Project Officer, Bridge Branch and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

Regulatory History

On June 14, 1994 a temporary deviation from the operating regulations for the Manchester Amtrak Bridge was published in the **Federal Register** (59 FR 30524; June 14, 1994). This deviation required that the bridge be crewed an additional 5 hours daily from 1 June through 30 September. Interested parties were given until October 31, 1994 to submit comments regarding the temporary deviation. The Coast Guard received only one letter during the comment period. The Massachusetts Bay Transportation Authority (MBTA), the bridge operator, opposed extending the operating hours of the bridge.

After the close of the comment period the Coast Guard received seven petition letters, as well as one letter representing 45 mariners located upstream of the bridge at the Manchester Harbor Marina, one letter from the Manchester Chief of Police and one letter from the Manchester Harbormaster. All of the letters were in favor of making the operating schedule of the temporary deviation a permanent change to the regulations. In response to these

comments, the Coast Guard initiated this rulemaking.

Background and Purpose

The Manchester Amtrak Bridge was formerly owned and operated by the Boston and Maine Railroad (B&M), which is no longer in business. The current owner of the bridge is the National Railroad Passenger Corporation (Amtrak). The MBTA is the bridge operator.

The existing operating regulations require that the bridge be crewed from 1 April through 1 November from 9 a.m. to 6 p.m., with a one hour lunch closure between 1 p.m. and 2 p.m. daily.

The Coast Guard received a request in May, 1994, from the Manchester Chief of Police and several mariners located upstream of the bridge to extend the hours that the Manchester Amtrak Bridge is crewed during the peak boating season from June 1 through September 30.

In response, the First Coast Guard District Commander signed a temporary (90 day) deviation from the operating regulations to evaluate the following changes during the 1994 boating season.

The temporary deviation extended the hours that the bridge was crewed by an additional five hours a day, from June 1 through September 30. The operating hours implemented by the temporary deviation required the bridge to be crewed from 8 a.m. to 9 p.m. daily. It also eliminated the one hour lunch hour closure from 1 p.m. to 2 p.m. each day.

Following the expiration of the temporary deviation, the Coast Guard received seven petition letters from mariners, one letter representing forty-five boat owners located upstream of the bridge at the Manchester Harbor Marina, one letter from the Manchester Chief of Police and one letter from the Manchester Harbormaster. All the letters were in favor of the change to the operating hours and urged the Coast Guard to make them a permanent change to the regulations.

The Coast Guard received only one letter in opposition to the proposed changes to the regulations. The MBTA, the bridge operator, opposed the proposal to extend the operating hours of the bridge. Their objection was based upon the additional cost of crewing the bridge during the boating season.

The Coast Guard did not proceed with a permanent change to the regulations immediately after the temporary deviation expired because it received only one comment letter from the MBTA, in opposition, during the comment period that closed October 31, 1994.

The letters supporting the change were received March 15, 1995, well after the comment period for the temporary deviation had ended. The Coast Guard believes that based upon all the comment letters received and the safety issues involved, that a change to the regulations is justified.

The Coast Guard has decided that the hours the bridge is crewed during the boating season should be increased. In order to meet the reasonable needs of navigation and to not impose an unreasonable burden of expense on the bridge owner, the Coast Guard has determined has an increase of three hours a day from June 1 through September 30, 6 p.m. to 9 p.m., is a reasonable compromise.

The Coast Guard determined that in order to implement the requested changes to the operating regulations in time for the 1995 boating season, a temporary final rule would be required, with a comment period ending after the boating season. A permanent change if appropriate, would then be proposed to make the changes to the operating regulations permanent.

Discussion of Proposed Amendments

This rule will require that the bridge be crewed an extra 3 hours a day during the 1995 boating season. The operating hours will be extended from 6 p.m. until 9 p.m. each day.

The hours that the bridge is crewed from April 1 through May 31 and from October 1 through November 1 would remain 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m. These changes should allow the mariners to enjoy the prime boating season and also enhance public safety.

Previously, mariners were forced either to return early after sailing or tie up at locations outside of the bridge (and the inner harbor where their moorings are located) if they returned after 6 p.m. The harbormaster indicated that the increased operating hours would be a safety advantage in the event of an emergency situation. Planned and emergency patrols would be able to transmit through the bridge to the inner harbor on a more frequent basis in the event of a vessel in distress or a vessel on fire.

The bridge owner will be required by this rule to post and maintain clearance gauges to assist mariners in transiting the bridge during periods when the draw is not crewed or to reduce unnecessary openings.

The advance notice request telephone number has been changed because Boston and Maine, the former bridge owner, has gone out of business and no longer operates the bridge.

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 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 bridges must operate in accordance with the needs of navigation and that this change will provide longer operating hours which were requested by mariners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action 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 of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this action, if adopted, 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 in accordance with the principles and criteria contained in Executive Order 12612, and it has determined that this regulation 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, this proposal 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 117.603 is suspended and a new section 117.604 is added to read as follows:

§ 117.604 Manchester Harbor.

The Manchester Amtrak Bridge at mile 1.0, in Manchester, shall operate as follows:

(a) The draw shall open on signal from April 1 through May 31 from 9 a.m. to 1 p.m. and from 2 p.m. to 6 p.m.; from June 1 through September 30 from 9 a.m. to 1 p.m. and from 2 p.m. to 9 p.m.; from October 1 through November 1 from 9 a.m. to 1 p.m. and from 2 p.m. to 6 p.m.

(b) At all other times, at least two hours notice is required from 6:45 a.m. to 3:45 p.m. and at least five hours notice is required from 3:45 p.m. to 6:45 a.m. by calling the number posted at the bridge.

Dated: July 6, 1995.

J.L. Linnon,

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

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BILLING CODE 4910-14-M

33 CFR Part 117

[CGD01-95-092]

RIN 2115-AE47

Drawbridge Operation Regulations; Manasquan River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule with request for comments.

SUMMARY: At the request of the New Jersey Department of Transportation (NJDOT), the Coast Guard is implementing temporary regulations for the Route 35 drawbridge across the New Jersey Intracoastal Waterway (ICW), Manasquan River, mile 1.1, between Brielle and Point Pleasant Beach, New Jersey. This temporary rule will extend

the hour and half hour opening schedule on weekends and holidays from 9 a.m. to 10 p.m. It will also require that during evening rush hours Monday through Thursday, from 4 p.m. to 7 p.m. and on Fridays from noon to 7 p.m., the draw need only open 15 minutes before and 15 minutes after the hour. This temporary change to the regulations is being implemented to examine its effect on vehicular and marine traffic during the above periods. This action should still provide for the reasonable needs of navigation.

EFFECTIVE DATES: This temporary rule is effective on July 17, 1995 and terminates on September 4, 1995. Comments must be received on or before September 30, 1995.

ADDRESSES: Comments may be mailed to Commander (obr), First Coast Guard District, Bldg. 135A, Governor Island, New York, 10004-5073, or may be hand-delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays. The telephone number is (212) 668-7170. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Kassof, Chief, Bridge Branch, First Coast Guard District, (212) 668-7069.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-95-092), the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½" by 11", suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr) First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be