

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. In § 117.595, paragraphs (a)(4), (b)(1), and (c) are revised and paragraph (d) is added to read as follows:

#### § 117.595 Danvers River.

(a) \* \* \*

(4) Except as provided in paragraphs (b) through (d) of this section, the draws shall open on signal.

(b) \* \* \*

(1) The draw shall open on signal, except that from May 1 through September 30, 12 midnight to 5 a.m. and from October 1 through April 30, 8 p.m. to 5 a.m., 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.

\* \* \* \* \*

(c) The draw of the Massachusetts Bay Transportation Authority (MBTA)/AMTRAK Bridge at mile 0.05, between Salem and Beverly shall open on signal, except that from 12 midnight to 5 a.m. daily and 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.

(d) The Essex County Kernwood Bridge at mile 1.0 shall open on signal, except that from May 1 through September 30, 12 midnight to 5 a.m. and from October 1 through April 30, 7 p.m. to 5 a.m., 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 5, 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

[CGD01-95-001]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Lagoon Pond, Tisbury, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard has changed the operating rules governing the Lagoon Pond Bridge over Lagoon Pond at mile 0.0 in Tisbury, Massachusetts. The operating rules formerly published at 33 CFR section 117.79 were deleted in error. This final rule will correct the deletion error and publish the operating regulations for the bridge.

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

**ADDRESSES:** 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 February 28, 1995, the Coast Guard published a notice of proposed rulemaking entitled "Drawbridge Operation Regulations; Lagoon Pond, Tisbury, Massachusetts" in the Federal Register (60 FR 10817). 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 Lagoon Pond Bridge over Lagoon Pond in Tisbury, Massachusetts has a vertical clearance of 15' above mean high water (MHW) and 17' above mean low water (MLW). Through an error, the previous special operating regulations for this bridge were deleted from 33 CFR section 117.79. Therefore, the bridge currently is required to open on signal at all times under general operating regulations. Regulations published in the Federal Register of October 7, 1982, (47 FR 44258) read as follows:

(a) The draw shall open on signal from September 16 through May 14 provided 24 hours advance notice is given.

(b) From May 15 through September 15, the draw will open on signal only from 8:15 a.m. to 8:45 a.m., 10:15 a.m. to 11 a.m., 3:15 p.m. to 4 p.m., 5 p.m. to 5:45 p.m., and 7:30 p.m. to 8 p.m. Throughout the remainder of this period, the draw will open for the passage of vessels if 4 (four) hours advance notice is given.

(c) The draw shall open at any time for public vessels of the United States, any vessels of state or municipal governments used for public safety, and in case of emergency or during severe storm conditions.

The bridge owner, the Massachusetts Highway Department (MHD), has been operating the bridge in accordance with the deleted regulations on an unofficial basis. The Coast Guard is changing the regulations to 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 Lagoon Pond 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 117.600 is added to read as follows:

**§ 117.600 Lagoon Pond.**

The draw of the Lagoon Pond Bridge, mile 0.0 in Tisbury, Massachusetts, shall operate as follows:

(a) The draw shall open on signal from May 15 through September 15, from 8:15 a.m. to 8:45 a.m., from 10:15 a.m. to 11 a.m., from 3:15 p.m. to 4 p.m., from 5 p.m. to 5:45 p.m., and from 7:30 p.m. to 8 p.m. At all other times the draw will open for the passage of vessels if at least four (4) hours advance notice is given by calling the number posted at the bridge.

(b) The draw shall open on signal from September 16 through May 14 if at least a 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 twelve (12) inches high designed, installed and maintained according to the provisions of section 118.160 of this chapter.

**Appendix to Part 117—[Amended]**

3. Appendix A to Part 117 is amended by adding an entry in alphabetical order under the heading "Massachusetts" for Lagoon Pond to read as follows:

**APPENDIX A TO PART 117.—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES**

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
Massachusetts:	*	*	*	*	*	*
Lagoon Pond .....	0.0	Tisbury .....	Lagoon Pond—MHD .....		13	13
*	*	*	*	*	*	*

Dated: July 5, 1995.

J.L. Linnon,  
Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.

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**33 CFR Part 117**

**[CGD01-94-150]**

**RIN 2115-AE47**

**Drawbridge Operation Regulations;  
Saugus River, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has changed the operating rules governing the Fox Hill SR107 Bridge at mile 2.5 over the Saugus River, between Saugus and Lynn, Massachusetts. This final rule will permit the bridge owner, the Massachusetts Highway Department (MHD), to reduce the number of hours in a day that the bridge will be crewed by drawtenders and opened on signal.