rulemaking (CGD01–95–008), 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 beneficial. If the Coast Guard 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.

Background and Purpose

The Padanaram Bridge at mile 1.0 over the Apponagansett River between Dartmouth and South Dartmouth, MA, has a vertical clearance of 9' above mean high water (MHW) and 12' above mean low water (MLW).

The current operating regulations require the bridge to open on signal on the hour and half hour, 5 a.m. to 9 p.m. May 1, through October 31. At all other times at least six hours advance notice must be given.

In the spring of 1993, the Town of Dartmouth requested a change from the operating regulations to permit openings once an hour rather than twice an hour. The town selectmen felt that the traffic congestion during peak summer months was a result of the bridge opening every 30 minutes and was causing village commerce to suffer. The selectmen also considered the 30 minute opening schedule a serious risk to public safety because emergency vehicles could not travel to and from South Dartmouth during the traffic delays caused by the bridge opening every half hour. The Town of Dartmouth requested that the bridge be required to open only once an hour between 5 a.m. and 9 p.m., for a

test period of 60 days, to evaluate the effects on vehicular and marine traffic. This request was approved and the first deviation from the permanent regulations, published in the Federal Register (58 FR 38056; July 15, 1993), was effective from July 1, 1993 through August 29, 1993. It provided an opportunity to evaluate the effects of the hourly openings on marine and vehicular traffic. The Coast Guard implemented a second deviation, published in the Federal Register (58 FR 47067; September 7, 1993), for a thirty-two day period to evaluate an alternative opening time period for the Padanaram Bridge. This second deviation added two time periods when the bridge could still open on the hour and half hour: between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m. The Coast Guard received 29 letters commenting on the two deviations. Twenty were in favor of hourly openings and nine were opposed to any change. Most of the comments in opposition to any change were based on the concern over the lack of facilities to tie up vessels while awaiting openings.

After the two deviation periods expired, the Town of Dartmouth installed traffic signals, automatic traffic gates, navigational lights and clearance gauges at the bridge. The Coast Guard subsequently authorized a third deviation for a period of 90 to evaluate the effects of these improvements to the bridge. This third deviation, published in the Federal Register (59 FR 31931; July 21, 1994), was effective from June 3, 1994 through August 31, 1994. It allowed the Padanaram Bridge to open on signal on the hour and half hour between 5 a.m. and 9 a.m. between 8 p.m. and 9 p.m., and once an hour on the hour between 9 a.m. and 8 p.m. The Coast Guard received two letters commenting on the third deviation. One letter favored the hourly openings and one letter was opposed to the hourly openings.

Discussion of Proposed Amendments

The Town of Dartmouth has requested that the Coast Guard make a permanent change to the operating regulations for the Padanaram Bridge to allow the draw to open on signal from May 1 through October 31, on the hour and half hour between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m., and on the hour between 9 a.m. and 8 p.m. At all other times a four hour advance notice would be required for bridge openings. The drawtenders will be on call to open the draw when the advance notice is given.

As part of this action, the bridge owner would be required to keep, in good legible condition, clearance gauges for each draw with figures not less than twelve inches high designed, installed and maintained according to the provisions of 33 CFR 118.160.

The provision for the passage of emergency vessels at any time is published at 33 CFR 117.31 for all bridges and is no longer required to be published for each waterway.

Appendix A to part 117 would be amended to add the Apponagansett River entry under the State of Massachusetts subheading to advise mariners that a marine radio is installed at the bridge for opening requests.

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 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 transiting the bridge. It will require only that mariners plan their transits.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, 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 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 proposal 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 proposal under the principles and criteria contained in Executive Order