

§ 117.618 Saugus River.

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(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 drawtenders either at the bridge during the time the drawtenders are on duty or by calling the number posted at the bridge.

Dated: January 3, 1995.

J.L. Linnon,

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

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33 CFR Part 117

[CGD01-94-149]

RIN 2115-AE47

**Drawbridge Operation Regulations;
Danvers Rivers, MA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations governing the operation of the Beverly-Salem SR1A bridge at mile 0.0 between Salem and Beverly, Massachusetts, and the Essex County Kernwood Bridge at mile 1.0 between Peabody and Beverly, Massachusetts. Both bridges span the Danvers River. These proposed changes will allow the bridges' owner, the Massachusetts Highway Department (MHD), to reduce the number of hours in a day that the bridges will be manned by drawtenders. The changes will permit a corresponding increase in the number of hours in a day that the bridges will be unmanned and opened only upon one hour advance notice. This action is being proposed in light of the historically few requests for bridge openings during the time periods that are proposed for expanded one hour advance notice service.

DATES: Comments must be received on or before March 20, 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 may also 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. Comments 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 Manager, 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 (CGD01-94-149), the specific section of the 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 8½ x 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, 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 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 Manager, Bridge Branch, and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

Background and Purpose

The Beverly-Salem SR1A Bridge at mile 0.0 between Salem and Beverly, Massachusetts, has a vertical clearance of 10' above mean high water (MHW) and 19' above mean low water (MLW). The Essex County Kernwood Bridge at mile 1.0 between Peabody and Beverly, Massachusetts, has a vertical clearance of 8' above MHW and 17' above MLW.

The MHD has requested authority to reduce the times when the bridges are manned by drawtenders and to increase the times when the bridges are on a 1 hour advance notice for openings. This request by the MHD seeks relief from the unnecessary burden of manning the bridges during times of infrequent requests for bridge openings.

Discussion of Proposed Amendments

Under the proposed regulations for the Beverly-Salem SR1A Bridge, from October 1 through April 30, the daily period slated for 1 hour advance notice openings would be expanded by 4 hours, from 8 p.m. until 5 a.m.

Similarly, under the proposed regulations for the Essex County Kernwood Bridge, from October 1 through April 30, the daily period slated for 1 hour advance notice openings would be expanded by 5 hours, from 7 p.m. until 5 a.m.

These proposed changes would relieve the MHD of the burden of manning the bridges with drawtenders during times of infrequent requests for bridge openings. The operating regulations for the MBTA/AMTRAK Bridge at mile 0.05 would remain unchanged.

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 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 Beverly-Salem and Essex County Kernwood Bridges. Rather, it will only require mariners to plan their transits and provide advance notice.

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.