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 though 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.