

shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF-FM Channel 16 by using the call sign *PATCOM*.

(c) *Effective Date*: This section is effective from 8 a.m. to 5 p.m. September 27, 1997.

Dated: September 19, 1997.

T.W. Josiah,

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

[FR Doc. 97-25598 Filed 9-25-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-97-022]

RIN 2115-AE47

Drawbridge Operation Regulations; Manchester Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has changed the operating rules for the Massachusetts Bay Transportation Authority (MBTA) Bridge over Manchester Harbor in Manchester, Massachusetts. The mariners located in the vicinity of the MBTA Bridge and the Manchester Harbormaster requested longer operating hours for the bridge during the summer boating season. This change to the regulations will require the bridge owner to crew the bridge for eight additional hours each day from Memorial Day through the end of September, to install clearance gauges and to post the regulations for the operation of the bridge.

DATES: This final rule is effective October 27, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Manager, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Regulatory History

On June 14, 1994, the Coast Guard published a temporary 90 day deviation (59 FR 30524) from the effective operating regulations to evaluate changes to the operating rules during the 1994 boating season. The Coast Guard received one letter opposing the proposal and nine letters in favor of increasing the operating hours for the bridge during the boating season. On July 17, 1995, the Coast Guard published a temporary final rule with a request for comments (60 FR 36357) which tested an alternate operating schedule for the bridge. The Coast Guard received 20 letters from mariners. Three petitions with a total of 40 signatures, a letter from Manchester Harbor Marina, and a letter from the Manchester Harbor Boat Club with 200 members were also received. All comments requested that the operating rules be changed to require the bridge to open on signal from 7 a.m. to 11 p.m. each day, Memorial Day through the end of September. On April 11, 1997, the Coast Guard published a notice of proposed rulemaking with a request for comments (62 FR 17762) to permanently change the operating hours to 7 a.m. to 11 p.m. Memorial Day to the end of September. No additional comments were received as a result of the April 1997, proposal.

Background and Purpose

The Manchester MBTA Bridge was formerly owned and operated by the Boston and Maine Railroad. The present owner of the bridge is the MBTA. The existing operating regulations are published at 33 CFR 117.603 and 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 Harbormaster/Chief of Police and several mariners located upstream of the bridge to extend the hours that the Manchester MBTA Bridge is crewed during the boating season. The June 1994 temporary deviation extended the hours that the bridge was crewed by an additional five hours a day during the boating season. It required the bridge to be crewed from 8 a.m. to 9 p.m. daily and eliminated the one hour lunch hour closure from 1 p.m. to 2 p.m. each day. The Coast Guard asked for comments at the close of the 90 day deviation period.

The Coast Guard received only one letter during the comment period that closed October 31, 1994. The MBTA, the bridge owner, opposed the proposal to

extend the operating hours of the bridge. Their objection was based upon the additional cost of \$16,000 to crew the bridge during the deviation period. The Coast Guard requested additional data and actual copies of the bridge logs to analyze the impact of the deviation. The data was never provided.

Several comments were received after the comment period closed. The comments included seven petition letters, one letter representing forty-five boat owners located upstream of the bridge at the Manchester Harbor Marina, and one letter from the Manchester Harbormaster/Chief of Police. All the letters were strongly in favor of increasing the operating hours for the bridge.

The July 1995, temporary final rule increased the period that the bridge opened on signal by three hours, from 6 p.m. to 9 p.m., each day during the boating season. As noted in the Regulatory History section above, all the letters received in response to the rule were in favor of permanently changing the operating regulations to require that the bridge be crewed from 7 a.m. to 11 p.m. each day from Memorial Day through the end of September. The mariners requested the extended bridge operating hours so that they could get underway earlier in the summer mornings and return to their moorings after a day trip or their evening racing and sailing.

One letter from the bridge owner, the MBTA, opposed the proposal requesting that the hours remain unchanged. The MBTA objected to the extra operating hours based upon a claim that there was a \$27,000 additional cost to crew the bridge during the 1995 test period. Copies of the bridge logs were not submitted as requested.

On April 30, 1996, the Coast Guard implemented another temporary final rule with a request for comments (61 FR 18946) requiring the bridge to be crewed from 7 a.m. to 11 p.m. each day Memorial Day through the end of September. On May 7, 1996, the Coast Guard sent a letter to the MBTA requiring them to post a sign summarizing the temporary regulations and maintain a bridge log for the 1996 test period. The MBTA was asked to provide bridge logs and operating cost data to the Coast Guard no later than October 31, 1996, for consideration of impacts upon the MBTA. The Coast Guard received one letter from a mariner in favor of the temporary regulation. A review of the bridge logs provided by MBTA for the 1996 test period indicated that there was an average of 247 additional openings per month for the hours 7 a.m. to 11 p.m.

during June, July and August 1996. Thirty-five additional openings during these hours were logged for September, 1996. The MBTA submitted a letter indicating an additional operating cost of \$41,459 for the period May 30 to September 30, 1996. On April 11, 1997, the Coast Guard published a notice of proposed rulemaking (62 FR 17762) to permanently change the operating hours for the Manchester MBTA Bridge to 7 a.m. to 11 p.m. Memorial Day to the end of September. No additional comments have been received in response to the notice of proposed rulemaking.

Discussion of Comments and Changes

Upon review of the comments from all the test periods, the Coast Guard believes that the operating hours for the bridge should be permanently changed. The mariners specifically requested, after several alternative schedules, that the bridge be crewed from 7 a.m. to 11 p.m. each day during the prime boating season, Memorial Day through the end of September. The bridge logs also indicated that there were significant additional openings as a result of the longer operating hours for the bridge; therefore, the Coast Guard is changing the operating hours for the Manchester MBTA Bridge. This final rule change will amend section 117.603 to require the Manchester MBTA Bridge to open on signal between 7 a.m. and 11 p.m. from Memorial Day through September 30 each year. The hours that the bridge is crewed from April 1 to Memorial Day and from October 1 through November 1 would remain 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.

It is the Coast Guard's policy in the interest of protecting the needs of navigation to assure that drawbridges are operated in such a manner that they are a minimum obstruction to waterway traffic while at the same time still providing for the reasonable needs of land traffic. Under that policy drawbridges shall be operated in a manner and under operating rules and regulations that are in the overall public best interest by pursuing balanced operating schedules. Under the existing operating rules for the Manchester MBTA Bridge, the needs of navigation were clearly not being satisfied as evidenced by the comments from the mariners and the documented increased openings as a result of the 1996 temporary final rule. The Coast Guard responded to all the MBTA's submissions, but believes the increase in the operating hours for a four month period each year will allow the mariners to enjoy the prime boating season and best serve the public interest by balancing the needs of the boating

public against the needs of rail traffic and operating costs. The expanded operating schedule will allow the mariners to depart earlier and return later each day during the prime boating season. The previous hours clearly did not meet the needs of navigation as a result of the bridge not opening until 9 a.m. and closing at 6 p.m. during the boating season.

The Coast Guard has also changed the advance notice requirements of the Manchester MBTA Bridge by establishing a four hour advance notice requirement for openings during all periods when the bridge is not scheduled to be crewed.

The Coast Guard determined that clearance gauges should be installed and maintained for the safety of navigation to assist mariners in determining whether they can safely pass under the bridge without an opening during periods when the bridge is not crewed. The final rule requires the bridge owner to post the operating regulations to assist mariners interested in transiting under the bridge by posting the operating schedule of 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 not been reviewed 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 bridges must operate in accordance with the needs of navigation while providing for the reasonable needs of land transportation. This rule adopts the operating hours which the Coast Guard believes to be appropriate based on the results of previous test periods and public comments. The Coast Guard believes this rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations less than 50,000. For the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (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 has determined that this rule does not have sufficient federalism implications to warrant the 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 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.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—[AMENDED]

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. Revise § 117.603 to read as follows:

§ 117.603 Manchester Harbor.

The Massachusetts Bay Transportation Authority Bridge at mile 1.0 in Manchester, shall operate as follows:

- (a) The draw shall open on signal—
 - (1) From Memorial Day through September 30 from 7 a.m. to 11 p.m.;
 - (2) From April 1 to Memorial Day and from October 1 to November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.
- (b) At all other times, the draw shall open on signal with at least four hours notice.
- (c) The owner 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 in accordance with the provisions of section 118.160 of this chapter.

§ 117.604 [Removed]

3. Section 117.604 is removed.

Dated: August 17, 1997.

R.M. Larrabee,

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

[FR Doc. 97-25601 Filed 9-25-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CGD13-97-027]

**Safety Zone Regulation;
Commencement Bay Maritime Festival
Tugboat Races, Commencement Bay,
Tacoma, WA**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone during the Commencement Bay Maritime Festival Tugboat Races held on Commencement Bay in Tacoma, WA. This event will be held on Sunday, September 28, 1997, from 12:30 p.m. to 3:30 p.m. (PDT). The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. Entry into the safety zone will be prohibited during the event in order to keep spectator vessels from interfering with the races and to prevent damage that may be caused by the large wakes produced by the tugboats during the races.

DATES: This regulation becomes effective on September 28, 1997, at 12:30 p.m. and will terminate at 3:30

p.m. (PDT) that same day, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT Joel Roberts, c/o Commanding Officer, Coast Guard Marine Safety Office, 1519 Alaskan Way South, Seattle, Washington 98134, (206) 217-6232.

SUPPLEMENTARY INFORMATION:**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective less than 30 days from the date of publication in the **Federal Register**. The final details of this event were not available from its sponsor more than 30 days prior to the event. Prompt regulatory action is needed in order to provide for the safety of spectators and participants during this event. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

Background and Purpose

The Tug Boat Races are sponsored by the Commencement Bay Maritime Festival Committee as part of the Commencement Bay Maritime Festival and will be conducted on the waters of Commencement Bay, Tacoma, WA. This one day event attracts a large number of spectator craft which gather on the waters near the race course. To promote the safety of both the spectators and participants, a safety zone will be established and entry into this safety zone will be restricted during the event. This action is necessary in order to keep spectators off of the race course and to prevent any damage to spectator vessels that may be caused by the large wakes produced by the tugs during the races. This safety zone will be enforced by representatives of the Captain of the Port Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal, state, and local agencies.

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 CFR 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 expectation is based on the fact that the safety zone will involve less than one square mile of area on Commencement Bay and entry into this zone will be restricted for only 3 hours on the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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). For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final 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 final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this rule and has concluded that under Section 2.B.2.c. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends part