

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION****29 CFR Part 2200****Rules of Procedure; Extension of Comment Period**

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice of proposed rulemaking; extension of time for comments.

**SUMMARY:** This document extends the time for filing comments to the Commission's proposed revision of its settlement rules to April 30, 1998. The proposed rule was published in the **Federal Register** on March 2, 1998.

**DATES:** Comments to the Commission's Notice of Proposed Rulemaking published at 63 FR 10166 should be received by April 30, 1998.

**ADDRESSES:** Comments to the Notice of Proposed Rulemaking should be sent to Earl R. Ohman, Jr., General Counsel, Occupational Safety and Health Review Commission, 1120 20th Street, NW, 9th Floor, Washington, DC 20036-3419.

**FOR FURTHER INFORMATION CONTACT:** Earl R. Ohman, Jr., General Counsel, Occupational Safety and Health Review Commission, 1120 20th Street, NW, 9th Floor, Washington, DC 20036-3419, telephone: 202-606-5410. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On March 2, 1998, the Commission published in the **Federal Register**, 63 FR 10166, a notice of proposed rulemaking to amend the Commission's rule on settlements, 29 CFR 2200.109. In that notice, the Commission announced that all comments must be received by April 16, 1998. On April 9, the Commission received from the Office of the Solicitor of the Department of Labor, a request to extend the comment period an additional 14 days.

In his request, the Solicitor pointed out that the deadline for comments came during the Passover/Easter holiday season. It is the Commission's view that the public interest is best served by allowing all interested parties adequate time to prepare their comments to the proposal, particularly inasmuch as the Commission is unable to act on the proposal until it regains a quorum. Accordingly, the Commission extends the comment period for all interested parties until April 30, 1998.

Dated: April 13, 1998.

**Earl R. Ohman, Jr.,**  
General Counsel.

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD01-97-131]

RIN 2115-AE47

**Drawbridge Operation Regulations: Acushnet River, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to change the operating rules for the New Bedford Fairhaven (Rt-6) Bridge, mile 0.0, over the Acushnet River between New Bedford and Fairhaven, Massachusetts.

The bridge owner, Massachusetts Highway Department (MHD), has requested that the Coast Guard change the operating regulations as a result of comments received from the cities of New Bedford and Fairhaven regarding vehicular traffic delays from frequent bridge openings. Additionally, redundant language will be removed, and the times the draw opens will be combined for clarity and simplicity. An on call requirement for Christmas day is also being proposed as part of this action. It is expected that this proposed change to the regulations will help relieve the traffic during the peak traffic periods Monday through Friday, make the regulations clear and understandable as well as continue to provide for the needs of navigation.

**DATES:** Comments must reach the Coast Guard on or before June 19, 1998.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA. 02110-3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

The District Commander maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address, between 7 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

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

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

The Coast Guard encourages interested persons to participate in this matter by submitting written data,

views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-97-131) and specific section of this proposal to which their comments apply, and give reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in response to comments received. The Coast Guard does not plan to hold a public hearing; however, persons may request a public hearing by writing to the Coast Guard at the address listed under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it is determined 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 subsequent notice published in the **Federal Register**.

**Background**

The vertical clearance at the Route 6 Bridge at mean high water (MHW) is 6 feet and at mean low water (MLW) is 10 feet. The horizontal clearance is 95 feet in each channel of this swing bridge.

The Route 6 Bridge presently opens on the hour from 6 a.m. to 10 a.m., a quarter past the hour from 11:15 a.m. to 6:15 p.m., and at all other times on call. The draw also opens at any time for vessels with a draft exceeding 15 feet and for vessels owned or operated by the U.S. Government, state or local authorities. Each opening of the draw does not exceed 15 minutes except for vessels with drafts exceeding 15 feet or in extraordinary circumstances.

**Discussion of Proposal**

The bridge owner, MHD, has received comments from the cities of New Bedford and Fairhaven that the bridge is causing traffic delays and thus, effecting businesses along Route 6 on both sides of the waterway. The traffic counts submitted to the Coast Guard for review indicate that the heavy vehicular traffic periods are Monday through Friday during the morning and afternoon commuting hours. The comments received did however, indicate that the inbound commercial fishing vessels should be exempted from changes to the regulations that may restrict the openings of the bridge for marine traffic.

These changes to the regulations will require the bridge to open on signal on the hour from 6 a.m. to 7 p.m., except that from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday, the bridge need not open, except for inbound commercial fishing vessels on the hour. The bridge shall be opened at any time for vessels with a draft of 15 feet or greater, except during on call hours. An on call requirement for openings Christmas eve through Christmas day is being added as part of this proposal requiring that the draw will open as soon as possible but not longer than two hours after notice has been given by calling the number posted at the bridge.

The requirement in the regulations to open as soon as possible for U.S. Government and State of Massachusetts vessels is being removed since it is now listed under the general operating regulations in 33 CFR 117.31 for all bridges. The requirement to post the operating regulations is being removed since it is listed under 33 CFR 117.55 under the general operating regulations for all bridges.

The times when the bridge opens are being changed to on the hour eliminating the period 11:15 a.m. to 6:15 p.m. when the bridge opened at a quarter past the hour. The bridge opening times will all be on the hour for simplicity since there is no known reason to have different opening times. The requirement to not exceed 15 minutes is being eliminated from the regulations because the drawtenders open and close the bridge promptly or as soon as possible as a rule and should have the discretion to use their experience for safety and preservation of the mechanical components for the operating machinery of the bridge.

### Regulatory Evaluation

This proposed 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 proposed 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 proposed rule adopts the operating hours which the Coast Guard believes to be appropriate based on the results of past experience and the bridge traffic counts reviewed by the Coast Guard. 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 considers 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. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) that this proposed 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 proposed 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 proposed 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 proposed 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 proposed rule and concluded that, under section 2.B.2.e.(34) of Commandant Instruction M16475.1B, as amended by 50 FR 38655, July 29, 1994, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have significant effect on the environment. 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.

### Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 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 117.585 is revised to read as follows:

#### § 117.585 Acushnet River

(a) The New Bedford Fairhaven Route-6 Bridge, mile 0.0, shall open on signal on the hour from 6 a.m. to 7 p.m., except:

(1) From 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday, the draw shall open on the hour for inbound commercial fishing vessels only.

(2) Except as noted in paragraph (c) of this section, the draw shall open on signal at any time for vessels with a draft exceeding 15 feet.

(b) From 7 p.m. through 6 a.m. the draw shall open on signal.

(c) From 6 p.m. on December 24th through midnight on December 25th, the draw shall open as soon as possible but not longer than two hours after notice has been given by calling the number posted at the bridge.

Dated: April 8, 1998.

**R.M. Larrabee,**

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

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

RIN 1024–AC66

#### Kaloko-Honokohau National Historical Park, Hawaii Public Nudity

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) is proposing to prohibit public nudity within the boundaries of Kaloko-