

has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-2-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended 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).

2. Section 117.771 is amended by revising section § 117.771(b) to read as follows:

#### § 117.771 Bronx River.

(b) The draw of the Conrail bridge, mile 1.6 at New York City, need not be opened for the passage of vessels. The owners of the bridge shall provide and keep in good legible condition two board gauges painted white with black figures not less than nine inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be so placed on the bridge that they are plainly visible to the operators of vessels approaching the bridges either up or downstream.

Dated: June 20, 1985.

P.A. Yost,

*Vice Admiral, U.S. Coast Guard Commander,  
Third Coast Guard District.*

[FR Doc. 85-15604 Filed 6-27-85; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 117

[CGD3 85-040]

#### Drawbridge Operation Regulations; Delaware River (Back Channel), NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule—revocation.

**SUMMARY:** This amendment revokes the regulations for the Cities Service Co. drawbridge, mile 117.0 between Petty Island and Camden, NJ, because the

bridge has been converted to a fixed bridge. Notice and public procedure have been omitted from this action because the bridge is no longer capable of being opened and closed.

**EFFECTIVE DATE:** This rule becomes effective on June 28, 1985.

#### FOR FURTHER INFORMATION CONTACT:

William C. Heming, Bridge Administrator, Third Coast Guard District, (212) 688-7994.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of this rule are William C. Heming, project manager, and Mary Ann Arisman, project attorney.

This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that has been changed to a fixed bridge. Consequently, this action cannot be considered to be a major rule under Executive Order 12291. Furthermore, it has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-2-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 117.

Bridges.

#### Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended 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).

#### § 117.717 [Removed]

2. Section 117.717 is removed.

Dated: June 20, 1985.

P.A. Yost,

*Vice Admiral, U.S. Coast Guard Commander,  
Third Coast Guard District.*

[FR Doc. 85-15602 Filed 6-27-85; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 117

[CGD3 84-31]

#### Drawbridge Operation Regulations; Mystic River, CT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** At the request of Connecticut Department of Transportation, the Coast Guard is changing the regulations governing the Route 1 Bridge across Mystic River at Mystic, CT by allowing only hourly openings at quarter past the hour beginning at 7:15 a.m. during the boating season, and by amending notice requirements from November 1 through April 30. This change is being made because of early morning vehicular traffic congestion during the boating season, and because of minimal nighttime openings during the non-boating season. This action will continue to relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** These regulations become effective on July 29, 1985.

#### FOR FURTHER INFORMATION CONTACT:

William C. Heming, Bridge Administrator, Third Coast Guard District, (212) 688-7994.

**SUPPLEMENTARY INFORMATION:** On March 21, 1985, the Coast Guard published proposed rules (50 FR 11382) concerning this amendment. The Commander, Third Coast Guard District, also published the proposal as a Public Notice dated April 1, 1985. In each notice interested persons were given until May 6, 1985 to submit comments.

#### Drafting Information

The drafters of this notice are Lucas A. Dihopolsky, project manager, and Mary Ann Arisman, project attorney.

#### Discussion of Comments

Twelve responses were received on the proposed rule to require the bridge to allow hourly openings at quarter past the hour beginning at 7:15 a.m. rather than 8:15 a.m. from May 1 through October 31; and to require eight hours notice for openings between 7:15 p.m. and 5:15 a.m. from November 1 through April 30. One response from another federal agency indicated no objection to the proposal. Another respondent made no comment in favor or opposed to the proposed regulation but merely requested to be notified if a public hearing would be held. A public hearing is not required in this case. One person

felt that vehicular traffic control problems were more responsible for traffic back-ups than bridge openings. Three respondents expressed concern for vessel's safety when located between the two bridges (the other being the railroad bridge at mile 2.4) while waiting for the Route 1 bridge to open during an advance notice period or for the quarter past the hour opening. The proposed regulations are extending the existing time period for once hourly openings between May 1 and October 31 by only one hour (to begin at 7:15 a.m. versus 8:15 a.m.). The existing regulation has been in effect since 1965 and, except for early morning vehicular traffic congestion, has generally proven satisfactory to both vehicular and marine traffic. During advance notice periods, vessels should experience minimal delays in bridge openings for which they have made an appointment. Further, there is no indication that congestion on the waterway is greater before, than after 8:15 a.m. A couple of respondents suggested elimination of the hourly bridge openings during peak traffic periods, between 7:00 a.m.-8:15 a.m.; 4:30 p.m.-5:30 p.m.; and 12:15 p.m., in order to relieve vehicular traffic congestion. The proposed regulations did not include a change of this type. A separate Notice of Proposed Rulemaking would have to be issued after review, analysis and a determination that sufficient justification exists to warrant said change. Seven of the respondents cited the need for passage through the bridge for emergency and commercial vessels at any time. Sections of the existing regulations, which will not be changed by this rule, already require the bridge to be opened for certain vessels including those state and local vessels used for public safety and commercial vessels. One of these seven also pointed out the possibility of emergency vehicles on land being delayed because of a bridge opening. Existing regulations provide that when a draw tender is informed by a reliable source that an emergency vehicle is due to cross the draw, the draw tender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge.

#### Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary.

No vehicular/navigational conflict is expected to occur because the regulations for the boating season will only extend by one hour regulations already in effect most of the day. Additionally, the eight hours notice at night, November through April, would not pose a problem since there are few vessel openings and minimal vehicular traffic. Also most of the openings outside the boating season can be rescheduled slightly to conform with times the bridge opens on signal, thereby avoiding notice periods. Only recreational vessels will be affected by these regulations and only to a minimal extent. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended 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).

2. Section 117.211(b) is revised to read as follows:

#### § 117.211 Mystic River.

\* \* \* \* \*

(b) The draw of the US 1 bridge, mile 2.8 at Mystic, shall open on signal, with a maximum delay of 20 minutes; except:

(1) From May 1 through October 31 from 7:15 a.m. to 7:15 p.m., the draw need only open hourly at quarter past the hour.

(2) From November 1 through April 30 from 7:15 p.m. to 5:15 a.m., the draw shall open on signal upon eight hours notice.

\* \* \* \* \*

Dated: June 21, 1985.

Robert T. Nelson,

Captain, U.S. Coast Guard, Acting  
Commander, Third Coast Guard District.

[FR Doc. 85-15610 Filed 6-27-85; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 117

[CGD3 85-42]

#### Drawbridge Operation Regulations; Corrections and Miscellaneous Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction and miscellaneous amendments.

**SUMMARY:** This document corrects and makes miscellaneous amendments to a final rule which reorganized the Coast Guard regulations for drawbridges across navigable waters of the United States published in the *Federal Register* on Tuesday, April 24, 1984 (49 FR 17450). This action is necessary to correct typographical errors, omission of words and phrases, and omission of previously published regulations. Certain of these are due to various final rules published in the *Federal Register* by the Third Coast Guard District shortly before and after the final reorganization document was published. This document makes no substantive changes to the omitted material.

**EFFECTIVE DATE:** June 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

**SUPPLEMENTARY INFORMATION:** On April 24, 1984, the Coast Guard published a final rule in the *Federal Register* (49 FR 17450) which completely reorganized 33 CFR Part 117 containing requirements relating to the use and operation of drawbridges across the navigable waters of the United States. The revision was designed to simplify the use of these regulations by grouping all of the general rules into a single subpart and by arranging the provisions pertaining to individual drawbridges alphabetically by state and waterway. Since publication, various persons have pointed out errors in and material omitted from the revisions. Three documents have been published which corrected some of these errors and omissions (49 FR 26721, June 29, 1984; 49 FR 37381, September 24, 1984; and 49 FR 43457, October 29, 1984). Additional corrections are contained in this document.

#### Drafting Information

The principal persons involved in drafting this document are William C. Heming, project manager, and Mary Ann Arisman, project attorney.

**Discussion of Amendments**

None of the amendments in this rule make substantive changes not already contained in existing Coast Guard regulations. This rule merely incorporates the material omitted, as well as corrects certain errors, without change other than for organization and formatting purposes. The sections affected and the reasons for amending them are listed below:

Sections 117.205, 117.207(b), 117.213(b), 117.219, 117.237, 117.723(a), 117.734, 117.734-1, 117.739, and 117.903 are added or amended to include material found in the Code of Federal Regulations which was inadvertently omitted from the April 24, 1984 revision and subsequent corrections or to clarify ambiguous language in the revision.

Sections 117.723(c), 117.738 and 117.795 are removed or revised to conform to the format used throughout Part 117.

Section 117.231(a) is removed because the bridge referred to has been removed and the regulation was previously deleted.

Section 117.733 is amended to correct errors in paragraph designation due to multiple amendments which appeared in the Federal Register shortly before or after the correction document of October 29, 1984 (49 FR 43457).

Sections 117.217, 117.777(a), and 117.791(e)(1) are amended to correct spelling errors and names of bridge and bridge owners to properly identify the bridge and location.

This rulemaking action is purely administrative in nature and merely corrects typographical errors, and incorporates without substantive change existing regulations omitted from the Part 117 reorganization. Therefore, the Coast Guard finds that notice and public procedure thereon are unnecessary and that they rule may be made effective in less than 30 days under 5 U.S.C. 553(d).

**List of Subjects in 33 CFR Part 117**

Bridges.  
Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follow:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.205 is revised to read as follows:

**§ 117.205 Connecticut River.**

(a) The draws of the Amtrak Old Saybrook—Old Lyme Bridge, mile 3.4, and the Conrail Middletown Bridge, mile 32.0, shall open on signal:

(1) For commercial vessels except as described below:

(i) Amtrak Bridge, mile 3.4, when a westbound train scheduled to cross the bridge without stopping has passed Old Lyme and Blackhall Station, or an eastbound train has passed Saybrook Junction Station, and is in motion toward the bridge, the draw shall be opened as soon as the train has crossed the bridge.

(ii) Conrail Middletown Bridge, mile 32.0, when a westbound train scheduled to cross the bridge without stopping has passed Portland Station, or an eastbound train has passed Middletown Station, and is in motion toward the bridge, the draw shall be opened as soon as the train has crossed the bridge.

(2) For all other vessels which cannot pass the closed bridges the draws shall be opened as soon as practicable, but in no case shall the delay be more than 20 minutes from the time of request.

(b) All openings of the draws shall afford full horizontal and vertical clearance, regardless of the size or requirements of the passing vessel.

3. By revising § 117.207(b)(2) to read as follows:

**§ 117.207 Housatonic River.**

(b) \* \* \*

(2) A delay in opening the draw shall not exceed 20 minutes for the passage of approaching trains from the time of the request.

4. By revising § 117.213(b) to read as follows:

**§ 117.213 New Haven Harbor, Quinnipiac and Mill Rivers.**

\* \* \* \* \*

(b) Public vessels of the United States, state or local vessels used for public safety, commercial vessels and vessels in distress, shall notify the operator of the Tomlinson and the Ferry Street bridges and shall be passed through each of the bridges listed in this section as soon as possible at anytime.  
\* \* \* \* \*

**§ 117.217 [Corrected]**

5. By correcting "Conrail bridge," in § 117.217(b) to read "Metro-North 'WALK' bridge."

6. By revising § 117.219 to read as follows:

**§ 117.219 Pequonnock River.**

(a) Public vessels of the United States and vessels in distress shall be passed

through the draw of each bridge as soon as possible.

(b) The draw of the Stratford Avenue Bridge, mile 0.1 at Bridgeport, shall open on signal; except that, the draw need not open for passage of vessels from 6:45 a.m. to 7:15 a.m. and 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m. and 4:30 p.m. to 6:10 p.m. The opening signal is one prolonged blast followed by one short blast.

(c) The draw of the Metro-North "PECK" bridge, mile 0.3 at Bridgeport, shall open on the signal of three blasts as follows:

(1) From 5:45 a.m. to 9 p.m. except:

(i) From Monday through Friday, excluding holidays or emergencies, the draw need not be opened from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., and 4:30 p.m. to 6:10 p.m.

(ii) From Monday through Friday, excluding holidays or emergencies, the draws need not be opened more than once during the periods 5:45 a.m. to 6:45 a.m., 7:15 a.m. to 7:45 a.m., 8:15 a.m. to 9 a.m., and 6:10 p.m. to 8:15 p.m.

(2) From 9 a.m. to 5:45 a.m., the draws shall open on signal if at least eight hours notice is given.

(3) The draw need not open on signal if a train is approaching so closely that it may not be safely stopped; however, the delay in opening the draw shall not exceed 7 minutes from time of the request.

(d) The draw of the Congress Street Bridge, mile 0.4 at Bridgeport, shall open on signal as follows:

(1) From 8 a.m. to 9 p.m.; except that the draw need not open for the passage of other than commercial vessels from 11:45 a.m. to 1:15 p.m. and for all vessels from 4:30 p.m. to 6:10 p.m.

(2) From 9 p.m. to 8 a.m., if at least eight hours notice is given; except that the draw need not open for the passage of vessels from 6:45 a.m. to 7:15 a.m.; and from 7:45 a.m. to 8 a.m.

(3) The opening signal is two prolonged blasts followed by two short blasts.

(e) The draw of the East Washington Street bridge mile 0.6, shall open on the signal of one prolonged blast followed by two short blasts if at least 24 hours notice is given.

(f) The draw of the Grand Street bridge mile 0.9 at Bridgeport need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within 12 months after notification by the District Commander to do so.

**§ 117.231 [Amended]**

7. By removing § 117.231(a) and removing the designation of paragraph (b).

8. By revising § 117.237(a) to read as follows:

**§ 117.237 Christina River.**

(a) The owners of the bridges on this waterway:

(1) Shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to the operator of each vessel approaching the bridge either up or downstream.

(2) Shall open on signal except that the draw of a railroad bridge need not be opened when a train is in the bridge block, approaching the bridge, or within 5 minutes of the passage of a passenger train; but in no event shall the opening of the draw be delayed more than 10 minutes.

9. By removing § 117.723(c) in its entirety and adding § 117.723(a)(6) to read as follows:

**§ 117.723 Hackensack River.**

(a) \* \* \*

(6) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes except as provided in paragraph (a)(1) of this section. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

10. By revising § 117.733 to read as follows:

**§ 117.733 New Jersey Intracoastal Waterway.**

(a) The following requirements apply to all bridges listed in this section:

(1) Except as otherwise provided in this section, these bridges need not stay open for more than 10 minutes for the passage of vessels nor need they stay closed for more than 10 minutes for the passage of land traffic.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels

approaching the bridge either up or downstream.

(b) The draw of the Route 35 bridge, mile 1.1 (Manasquan River) at Brielle shall open on signal; except that, from Memorial Day through Labor Day on Saturdays, Sundays, and Federal holidays from 10 a.m. to 8 p.m., the draw need only open on the hour and half hour. The draw shall open at all times as soon as possible for passage of a public vessel of the United States or for a vessel in distress.

(c) The draw of the County Route 528 bridge across Barnegat Bay, mile 6.3 at Mantoloking shall open on signal; except that on Saturday, Sunday, and Federal holidays from Memorial Day through Labor Day from 9 a.m. to 6 p.m., the draw need be opened only on the hour, twenty minutes after the hour, and forty minutes after the hour. The draw shall open at all times as soon as possible for a public vessel of the United States, a vessel in distress or for a vessel with tow.

(d) The draw of the S37 bridge across Barnegat Bay, mile 14.1 at Seaside Heights, shall open on signal except as follows:

(1) From December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not be opened.

(2) From Memorial Day through Labor Day from 10 a.m. to 2 p.m. Saturdays, Sundays, and Federal holidays, the draw need only be opened on the hour and half hour, except that it shall open at any time for the passage of vessels with tows.

(e) The draws of the New Jersey Transit Rail Operations railroad bridge across Beach Thorofare, mile 68.9 at Atlantic City, shall open on signal from 11 p.m. to 6 a.m. From 6 a.m. to 11 p.m., the draw shall open on signal from 20 minutes to 30 minutes after each hour and remain open for all awaiting vessels.

(f) The draw of the Albany Avenue (US40-322) bridge across Inside Thorofare, mile 70.0 at Atlantic City, shall open on signal, except that from June 1 through September 30 from 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m., the draw shall open on signal only on the hour and half hour and from 4 p.m. to 6 p.m., the draw need not be opened.

(g) The draw of the Dorset Avenue bridge across Inside Thorofare, mile 71.2 at Ventnor City, shall open on signal; except that, from June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need be opened only on the quarter and three-quarter hours. Public vessels of the United States and vessels in distress shall be passed at any time.

(h) The draw of the Route 52 (Ninth Street) bridge, mile 80.4 at Ocean City,

shall open on signal; except that, from Memorial Day through Labor Day from 11 a.m. to 5 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour and half hour. Public vessels of the United States, vessels with another vessel in tow, and vessels in distress shall be passed at any time.

(i) The draw of the Stone Harbor Boulevard Bridge across Great Channel, mile 102.0 at Stone Harbor, shall open on signal except:

(1) From October 1 through March 31 from 10 p.m. to 6 a.m. the draw need only open if at least eight hours notice is given.

(2) From Memorial Day through Labor Day, from 6 a.m. to 6 p.m. on Saturday, Sunday and holidays, the draw need open only for waiting vessels on the hour, 20 minutes after the hour, and 20 minutes before the hour.

(3) The draw shall be opened at all times as soon as possible for a vessel with a tow, a public vessel of the United States or a vessel in distress.

(j) The draw of the Cape May County Bridge Commission bridge, mile 104.0 between Stone Harbor and Nummy Island, shall open on signal from May 15 through October 15 from 6 a.m. to 10 p.m., and from 10 p.m. to 6 a.m. if at least four hours notice is given. From October 16 through May 14, the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

11. By adding § 117.734 to read as follows:

**§ 117.734 Navesink River (Swimming River).**

The owners of all bridges over the waterway shall provide and keep in good legible condition two broad gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

12. By redesignating § 117.735 as § 117.736 and by adding a new § 117.735 to read as follows:

**§ 117.735 Newark Bay.**

The following requirements apply to all bridges across this waterway:

(a) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw without delay. The opening signal from these vessels is

four or more short blasts of a whistle or horn or a radio request.

(b) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(c) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

13. By adding § 117.738 to read as follows:

**§ 117.738 Overpeck Creek.**

(a) The draws of the Conrail and the New York, Susquehanna and Western railroad bridges, mile 0.0 both at Ridgefield Park, NJ, operate as follows:

(1) The draws shall open on signal if at least 24 hours notice is given.

(2) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(3) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

14. By revising § 117.739 to read as follows:

**§ 117.739 Passaic River.**

(a) The following requirements apply to all bridges across the Passaic River:

(1) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw of each bridge

as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes except as provided in paragraph (c) of this section. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(4) Except as provided in paragraph (b) through (m) of this section the draws shall open on signal.

(b) The draw of the Jackson Street Bridge, mile 4.6, at Harrison, shall open on signal; except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(c) The draw of Amtrak's Dock bridge, mile 5.0 at Harrison, need not be opened from 7:20 a.m. to 9:20 a.m. and 4:30 p.m. to 6:50 p.m. Monday through Friday except Federal holidays. At all other times, an opening may be delayed no more than 10 minutes, unless the draw tender and the vessel operator, communicating by radiotelephone, agree to a longer delay.

(d) The draw of the Bridge Street Bridge, mile 5.6 at Harrison, shall open on signal except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(e) The draw of New Jersey Rail Operations Morristown Line bridge, mile 5.8 at Harrison, need not be opened from 7:23 a.m. to 9 a.m. and 4:30 p.m. to 6:50 p.m. Monday through Friday except Federal holidays.

(f) The draw of the Route 280 (Stickel Memorial) bridge, mile 5.8 at Harrison, shall open on signal if at least eight hours notice is given. In an emergency, the draw shall open as soon as possible but not more than two hours after the opening request.

(g) The draw of the Clay Street Bridge, mile 6.0 at Harrison, shall open on signal except that, notice must be given before

2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(h) The draw of the New Jersey Transit Rail Operations bridge (West Arlington), mile 8.0 at Kearney, shall open on signal from 7 a.m. to 11 p.m. if at least eight hours notice is given. From 11 p.m. to 7 a.m., the draw need not be opened.

(i) The draw of the Avondale Bridge, mile 10.7 at Lyndhurst, shall open on signal except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(j) The draw of the New Jersey Transit Rail Operations bridge, mile 11.7 at Lyndhurst, shall open on signal from 8 a.m. to 4 p.m. if at least six hours notice is given. From 4 p.m. to 8 a.m., the draw need not be opened.

(k) The draw of the Route 3 bridge, mile 11.8 at Rutherford, shall open on signal if at least six hours notice is given.

(l) The draw of the Union Avenue bridge, mile 13.2 at Wallington, shall open on signal; except that, from midnight to 8 a.m., the draw shall open on signal if at least eight hours notice is given.

(m) The draw of the following bridges need not be opened for the passage of vessels:

(1) Gregory Avenue bridge, mile 14.0 at Wallington.

(2) Second Street bridge, mile 14.7 at Wallington.

(3) West Eighth Street bridge, mile 15.3 at Garfield.

**§ 117.777 [Corrected]**

15. By correcting "The draw of the Long Island Railroad bridge, mile 1.1 at New York City," in § 117.777(a) to read "The draws of the Long Island Railroad bridges, mile 1.1 both at New York City."

**§ 117.191 [Corrected]**

16. By correcting "before 4:30 p.m. to the time" in § 117.791(e)(1) to read "before 4:30 p.m. of the time."

17. By revising § 117.795 to read as follows:

**§ 117.795 Jamaica Bay and Connecting Waterways.**

(a) The draw of the Marine Parkway bridge, mile 3.0 over Rockaway Inlet, shall open on signal Monday through Friday from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal if at least eight hours notice is given; however, the draw shall open on signal

if at least a one hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

(b) The draws of the New York City highway bridge, mile 0.8 across Mill Basin on Belt Parkway, need not be opened for the passage of vessels from noon to 9 p.m. on Sundays from May 15 to September 30, and on Memorial Day, Independence Day, and Labor Day. However, on these days, from two hours before to one hour after predicted high tide, the draw shall open on signal. For the purpose of this section, predicted high tide occurs 15 minutes later than that predicted for Sandy Hook, as given in the tide tables published by the National Oceanic and Atmospheric Administration. At all times, public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(c) The draws of the New York City Cross Bay Boulevard bridge, mile 10.0, and the New York City Transit Authority bridge, mile 10.6 both across the North Channel at Hamilton Beach, need not be opened for the passage of vessels.

18. By revising § 117.903 to read as follows:

§ 117.903 **Darby Creek.**

(a) The owners of the bridges on this waterway shall provide and keep in good legible condition two board gages painted white with black figures, nine inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) The draw of the Conrail railroad bridge, mile 0.3, and the Reading railroad bridge, mile 0.3 both at Easington, shall operate as follows:

(1) From May 15 through October 15:

(i) From 11 p.m. to 7 a.m., the draw need not be opened for the passage of vessels.

(ii) Between 7 a.m. and 11 p.m., the draw shall open on signal at 7:15 a.m., 10:30 a.m., 1 p.m., 3 p.m., 7:30 p.m., and 10:30 p.m. and at all other times during these hours, if an opening will not unduly delay railroad operations.

(2) From October 16 through May 14, the draws shall open on signal if at least 24 hours notice is given.

(3) Any vessel which has passed through one of these bridges shall be passed through the draw of the other bridge without delay. When open for the passage of any vessel, these bridges shall remain open sufficiently long to

permit the passage through both bridges of all vessels waiting to pass.

(4) The draws shall open as soon as possible for an emergency or vessel in distress.

Dated: June 21, 1985.

Robert T. Nelson,

Captain, U.S. Coast Guard, Acting  
Commander, Third Coast Guard District.

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### Copyright Office

#### 37 CFR Part 211

[Docket RM 84-6A]

#### Mask Work Protection; Implementation of the Semiconductor Chip Protection Act of 1984

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final regulations.

**SUMMARY:** The Copyright Office of the Congress is issuing final regulations establishing a new Part 211 to 37 CFR Ch. II. These regulations implement certain provisions of the Semiconductor Chip Protection Act of 1984, Pub. L. 98-620 (Nov. 8, 1984). The Act establishes a registration system for mask works to be administered by the Copyright Office and authorizes the Office to establish regulations in several cases, including the registration of claims of protection in mask works, the recordation in the Copyright Office of documents pertaining to mask works and the mask work notice. Part 211 of 37 CFR Chapter II sets forth specific requirements for filing applications for registration of mask work claims and for the recordation of documents. The regulations also provide examples of methods of affixation and placement of the mask work notice. Portions of interim rules published January 3, 1985 at 50 FR 263 are herein modified.

**EFFECTIVE DATE:** June 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559 (202) 287-8380.

**SUPPLEMENTARY INFORMATION:** On November 8, 1984, the President signed into law the Semiconductor Chip Protection Act of 1984, Pub. L. 98-620. The Act creates a new form of intellectual property law separate and apart from any earlier law. The legislation consists of an amalgam of patent and copyright principles, but also contains new features. The law is

codified as chapter 9 of title 17 of the U.S. Code and is primarily administered by the Copyright Office. Noteworthy is the requirement in section 908(a) of the Act that registration in the Copyright Office of a claim of protection in a mask work must be made within two years of first commercial exploitation of the work anywhere in the world or protection under the Act terminates. The Act also provides for a notice of mask work protection; however, unlike the copyright notice, this notice is not a condition of protection.

On October 4, 1984, the Copyright Office issued a Notice of Inquiry and of Public Hearing in the *Federal Register* to advise the public that the Office would institute a rulemaking proceeding to implement certain provisions of the Semiconductor Chip Protection Act of 1984, and to invite public comment, views and information to assist it in the preparation of regulations (49 FR 39171). The Copyright Office was particularly interested in receiving public comment on a registration form, filing fee for registration and fees for other services, application for registration, deposit of identifying material, mask work notice and publication of registrations made by the Copyright Office.

At the public hearing on implementation of the Semiconductor Chip Protection Act of 1984, held at the Copyright Office on October 18, 1984, representatives of the Semiconductor Industry Association [hereinafter SIA] testified on the issues raised in the Notice of Inquiry and submitted a written statement for the record. During the course of the hearings, the Copyright Office circulated for information and comment a preliminary draft form, Form MW, to be used for registration of a claim of protection in a mask work. Following the hearing, supplemental comments were received from SIA and from other interested parties. The comment period was held open until October 31, 1984.

On January 3, 1985, the Copyright Office issued interim regulations implementing the Semiconductor Chip Protection Act of 1984. (50 FR 263). The regulations were made immediately effective since owners of mask works were entitled to file applications for registration on January 7, 1985. A lengthy comment period was provided in order to encourage public participation in the rulemaking process.

Approximately simultaneously with publication in the *Federal Register* of the interim regulations, the Copyright Office issued Form MW and an information circular. A mask work examining unit