

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

[CGD11-01-005]

**Drawbridge Operating Regulation;
Sacramento River, CA****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has approved a temporary deviation to the regulations governing the opening of the Rio Vista highway drawbridge at mile 12.8 over the Sacramento River, Sacramento County, CA. The drawbridge need not open for vessel traffic at night from March 18 through April 2, 2001. Scheduled closure times are Sunday night through Friday morning from 10 p.m. until 5 a.m., and Friday night through Sunday morning from 11 p.m. until 6 a.m. This deviation is to allow California Department of Transportation to perform essential maintenance and seismic retrofit on the bridge.

DATES: The temporary deviation is effective from 12:01 a.m., March 18, 2001, through 11:59 p.m., April 2, 2001.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section; Eleventh Coast Guard District, Bldg. 50-6, Coast Guard Island, Alameda, CA 94501-5100, telephone (510) 437-3516.

SUPPLEMENTARY INFORMATION: The Rio Vista drawbridge, mile 12.8, over the Sacramento River, Sacramento County, CA, provides 17.8 feet vertical clearance above Mean High Water when closed. On March 1, 2001, the Coast Guard received the request from the California Department of transportation for the temporary deviation from the existing operating regulation in 33 CFR 117.5, which requires drawbridge to open promptly and fully when a request to open is given.

This deviation has been coordinated with commercial operators and various marinas on the waterway. No objections were received. Vessels that can pass under the bridge without an opening may do so at all times. In accordance with 33 CFR 117.35(c), this work shall be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: March 15, 2001.

C.D. Wurster,*U.S. Coast Guard, Acting Commander,
Eleventh Coast Guard District.*

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[CGD01-01-032]

RIN 2115-AE47**Drawbridge Operation Regulations:
Newtown Creek, Dutch Kills, English
Kills and Their Tributaries, NY****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Pulaski Bridge, at mile 0.6, across the Newtown Creek between Brooklyn and Queens, New York. This temporary final rule allows the bridge owner to need open only one bascule span for the passage of vessel traffic from April 23, 2001 through August 31, 2001. This action is necessary to facilitate maintenance at the bridge.

DATES: This temporary final rule is effective from April 23, 2001 through August 31, 2001.

ADDRESSES: The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668-7165.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM. The Coast Guard mailed letters to all known waterway users advising of the proposed single span operation. No objections or negative comments were received. No vessels known to use the waterway would be precluded from navigation during single span operation. Accordingly, an NPRM was deemed unnecessary. Additionally, conclusive information from the bridge owner confirming the start date for this single span bridge operation was not provided

to the Coast Guard until February 26, 2001. As a result, it was impracticable to draft or publish a NPRM or a final rule in advance of the requested start date for this necessary maintenance. Any delay encountered in this regulation's effective date would be contrary to the public interest.

Background

The Pulaski Bridge, at mile 0.6, across Newtown Creek between Brooklyn and Queens has a vertical clearance of 39 feet at mean high water and 43 feet at mean low water. The existing regulations require the draw to open on signal at all times.

The bridge owner, New York City Department of Transportation, requested a single bascule span operation in order to facilitate sandblasting and painting at the bridge. The Coast Guard contacted all known users by letter advising of this proposed single span operation. No objections or negative comments were received.

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. The Office of Management and Budget has not reviewed it 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). This conclusion is based on the fact that the bridge will continue to open at all times for navigation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" comprises 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.

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. This conclusion is based on the fact that the bridge will continue to open on signal at all times for navigation.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).