

**§ 558.342 [Amended]**

■ 2. Section 558.342 is amended in paragraph (e)(1)(vii) in the table in the "Sponsor" column by adding in numerical sequence "021641".

Dated: October 13, 2005.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-05-098]

#### **Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain in the closed position from November 14, 2005 through November 20, 2005. This temporary deviation is necessary to facilitate scheduled bridge maintenance.

**DATES:** This deviation is effective from November 14, 2005 through November 20, 2005.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the drawbridge operation regulations to facilitate scheduled bridge repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from November 14, 2005 through November 20, 2005.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all

due speed in order to return the bridge to normal operation as soon as possible.

Dated: October 25, 2005.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 05-21850 Filed 11-1-05; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD08-05-041]

**RIN 1625-AA09**

#### **Drawbridge Operation Regulation; Tennessee River, Chattanooga, TN**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary Final rule.

**SUMMARY:** The Coast Guard is changing the regulation governing the Chief John Ross Drawbridge, mile 464.1, across the Tennessee River at Chattanooga, Tennessee. Under the temporary change, the drawbridge need not open for river traffic and may remain in the closed-to-navigation position from 8 a.m., December 1, 2005 until 8 a.m., July 1, 2006. This temporary change will allow the drawbridge to be maintained in the closed-to-navigation position to allow major repair work to be performed on the bridge.

**DATES:** This rule is effective from 8 a.m., December 1, 2005 through 8 a.m., July 1, 2006.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD08-05-041] and are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building, Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2831 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539-3900, extension 2378.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On August 25, 2005, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Tennessee River, Chattanooga, TN in the **Federal Register** (70 FR 49900). We received no letters

commenting on the proposed rule. No public meeting was requested, and none was held.

##### **Background and Purpose**

On February 11, 2005, the State of Tennessee Department of Transportation requested a temporary change to the operation of the Chief John Ross Drawbridge, across the Tennessee River, mile 464.1, at Chattanooga, Tennessee to allow the drawbridge to remain in the closed-to-navigation position for seven months to perform major repairs to the bridge. The drawbridge has a vertical clearance of 58.7 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft that will be minimally impacted by the closure period. Presently, the draw opens on signal for the passage of river traffic when the vertical clearance beneath the draw is 50 feet or less. When the vertical clearance beneath the draw is more than 50 feet, at least eight hours notice is required.

The Tennessee Department of Transportation requested the drawbridge be permitted to remain in the closed-to-navigation position from 8 a.m., December 1, 2005, until 8 a.m., July 1, 2006. This temporary change to the drawbridge's schedule has been coordinated with the commercial waterway operators.

##### **Discussion of Comments and Changes**

We received no comments on the NPRM, and have made no changes from the proposed rule.

##### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 Homeland Security (DHS).

The Coast Guard expects this temporary change will have minimal economic impact on commercial traffic operating on the Tennessee River. There is sufficient height, when the drawbridge is closed, to allow for the vast majority of commercial users to pass.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered