

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG–2009–0054]

RIN 1625–AA09

#### Drawbridge Operation Regulation; Tennessee River, Decatur, AL

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operations of the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, Alabama. The deviation is necessary to allow time for conducting needed maintenance and repairs to the bridge. This deviation allows the bridge to remain in the closed to navigation position and not open to vessel traffic.

**DATES:** This deviation is effective from 8 a.m. to 8 p.m. on February 20, 2009 and from 8 a.m. to 8 p.m. on February 24, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0054 and are available online at [www.regulations.gov](http://www.regulations.gov). They are also available for inspections or copying at two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Robert A. Young Federal Building, Room 2.107f, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Roger K. Wiebusch, Bridge Administrator, (314) 269–2378.

**SUPPLEMENTARY INFORMATION:** The Norfolk Southern Railway requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, Mile 304.4, at Decatur, Alabama to remain in the closed to navigation position for two 12 hour periods in order to facilitate critical bridge maintenance. The Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a

request to open is given in accordance with the subpart. In order to facilitate the needed bridge work, the drawbridge must be kept in the closed-to-navigation position for two 12 hour periods. This deviation allows the bridge to remain in the closed to navigation position and not open for vessel traffic from 8 a.m. to 8 p.m. on February 20, 2009 and 8 a.m. to 8 p.m. on February 24, 2009.

Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted.

The Southern Railroad Drawbridge navigation span has a vertical clearance of 10.52 feet above normal pool in the closed to navigation position. Performing necessary maintenance on the bridge is required to ensure the continued reliability of the lift span. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators.

There are no alternate routes for vessels transiting this section of the Tennessee River.

This temporary deviation has been coordinated with waterway users. No objections were received.

Dated: February 4, 2009.

**Roger K. Wiebusch,**

*Bridge Administrator, Eighth Coast Guard District (dwb).*

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**BILLING CODE 4910–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2008–1272]

RIN 1625–AA00

#### Safety Zone; Underwater Object, Massachusetts Bay, MA.

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is extending the duration of a temporary safety zone surrounding an underwater object located approximately 17 miles northeast of Scituate, Massachusetts in Massachusetts Bay. This action is necessary to ensure that vessels are not endangered by dredging, diving, salvage, anchoring, fishing or other activities in this area. This temporary rulemaking is needed to protect the environment, the commercial fishing industry, and the general public from

potential hazards associated with the underwater object.

**DATES:** This rule extends the current temporary regulation, docket number USCG–2008–1272, Safety Zone; Underwater Object, Massachusetts Bay, MA which has been in effect since 11 p.m. January 8, 2009, until 11:59 p.m. January 14, 2009. This current rule will be in effect from 12 a.m. January 15, 2009, until 11:59 p.m. March 14, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–1272 and will be available online at <http://www.regulations.gov>. They will also be available for inspection or copying in two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and United States Coast Guard Sector Boston, 427 Commercial St., Boston, MA 02109 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Chief Eldridge McFadden, Waterways Management, at 617–223–3000. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to protect the public from the hazards posed by an unknown underwater object located in Massachusetts Bay. This object is located in approximately 95 feet of water 17 miles northeast of Scituate, Massachusetts. This rule extends the existing safety zone, which expired on January 14, 2009, so as to protect the environment, the commercial fishing industry, and the general public, to the extent practicable, from the hazards associated with this unknown object, while investigative efforts continue and risk mitigation strategies are further explored and implemented.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.