

deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 17, 2010.

**Waverly W. Gregory, Jr.,**

*Chief, Bridge Administration Branch, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0840]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the drawbridge operation regulation for the Coos Bay Railroad Bridge, Coos Bay, mile 9.0, at North Bend, Oregon to delete the requirement for special sound signals used in foggy weather and to change the name of the owner. The change is necessary to make the sound signals used at the bridge consistent with other bridges in the area and to eliminate the unnecessary special sound signals.

**DATES:** This rule is effective April 30, 2010.

**ADDRESSES:** Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in this docket are part of docket USCG-2009-0840 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0840 in the "Keyword" box, and then clicking "Search". This material is also available for inspection or copying at 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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Austin Pratt, Chief, Bridge Section, Waterways Management Branch, 13th Coast Guard; telephone 206-220-7282, e-mail [william.a.pratt@uscg.mil](mailto:william.a.pratt@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager,

Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On November 16, 2009, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR, in the **Federal Register** (74 FR 58931). No comments were received on the proposed rule. No public meeting was requested and none was held.

##### Background and Purpose

This rule will remove the requirements at the Port of Coos Bay Railroad Bridge, Coos Bay, mile 9.0, at North Bend, Oregon for a bell to be rung continuously in foggy weather and that a siren be sounded in foggy weather when the swingspan is closed. The movable span is normally kept in the open position except for the passage of trains or maintenance work. The rule will also change the regulation to reflect the bridge's current owner as the Port of Coos Bay.

The bell and siren at this drawbridge are not standard requirements at drawbridges and there is nothing specific to this bridge that currently warrants the continuance of these signals. Vessel traffic through the swingspan includes tugs and tows and a variety of recreational craft. Ongoing ship traffic has diminished greatly in recent decades.

The operating regulations currently in effect for the bridge are found at 33 CFR 117.871. These state that the bridge be maintained normally in the open position except for the passage of trains or maintenance. The aforementioned sound signals are also prescribed.

##### Discussion of Comments and Changes

No comments on the proposed rule were received and no changes were made to it.

##### Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

##### Regulatory Planning and Review

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. The Coast Guard has made this finding based on the fact that the rule will have no known impact on the maritime public.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "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 of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because it will have no known impact on any vessel traffic.

##### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), in the NPRM we offered to assist small entities in understanding the proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process.

##### Collection of Information

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

##### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

##### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of Information and Regulatory Affairs has not designated this as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are

technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (32)(e), of the Instruction.

Under figure 2-1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

### List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 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; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.2.

■ 2. Revise § 117.871 to read as follows:

#### § 117.871 Coos Bay.

The draw of the Port of Coos Bay railroad bridge, mile 9.0 at North Bend, shall be maintained in the fully open position, except for the crossing of trains or maintenance.

Dated: March 11, 2010.

**G.T. Blore,**

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

[FR Doc. 2010-7159 Filed 3-30-10; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2010-0152]

#### Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the I Street Drawbridge across the Sacramento River, mile 59.4, at Sacramento, CA. The deviation is necessary to allow the bridge owner to make bridge repairs.

**DATES:** This deviation is effective from 8 a.m. to 6 p.m. on March 30, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of the docket USCG-2010-0152 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0152 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510-437-3516, e-mail [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil) If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** Union Pacific Railroad Company requested a temporary change to the operation of the I Street Drawbridge, mile 59.4, over Sacramento River, at Sacramento, CA. The I Street Drawbridge navigation span provides 109 feet vertical clearance above Mean High Water in the full open-to-navigation position, and 30 feet vertical clearance above Mean High Water when closed. The draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least four hours notice is given, as required by 33