

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

[CGD01-97-134]

RIN 2115-AE47

**Drawbridge Operation Regulations;
Passaic River, NJ**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating rules for the I-280 Bridge (Stickel Memorial), mile 5.8, over the Passaic River at Harrison, New Jersey, to permit the draw to open on signal after a twenty four hour advance notice is given due to the infrequency of requests to open the draw by vessels. It is expected that this final rule will relieve the bridge owner of the responsibility to have a drawtender present and still provide for the needs of navigation.

DATES: This final rule is effective March 3, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Ma. 02110-3350, between 7 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On May 18, 1998, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations Passaic River, New Jersey, in the **Federal Register** (63 FR 27240). The Coast Guard did not receive any comments in response to the notice of proposed rulemaking. No public hearing was requested, and none was held.

On October 29, 1998, the Coast Guard published a supplemental notice of proposed rulemaking entitled Drawbridge Operation Regulations Passaic River, New Jersey, in the **Federal Register** (63 FR 57963). The Coast Guard did not receive any comments in response to the supplemental notice of proposed rulemaking. No public hearing was requested, and none was held.

Background

The Route 280 Bridge, mile 5.8, at Harrison, New Jersey, has a vertical

clearance of 35 feet at mean high water and 40 feet at mean low water.

The current operating regulations in 33 CFR 117.739(h) require the bridge to open on signal if at least eight (8) hours advance notice is given. There have been only 8 requests to open this bridge since 1987. The bridge owner, the New Jersey Department of Transportation (NJDOT), has requested relief from being required to crew the bridge since there have been so few requests to open the bridge. The general operating regulations for bridges require that the bridge owner maintain the draw in good serviceable condition.

The Coast Guard originally published a notice of proposed rulemaking to allow the bridge to need not be opened for vessel traffic. The Coast Guard, after further consideration, decided to change the rule in the notice of proposed rulemaking to a twenty four hour advance notice for bridge openings in place of the need not open requirement originally proposed. This change was made because the Coast Guard believes that since the bridge owner must maintain the draw in operable condition that the draw should still open for vessels if a request is given. The Coast Guard believes that a twenty four hour advance notice requirement is a reasonable amount of time for the bridge owner to have personnel at the bridge for an opening. A supplemental notice of proposed rulemaking was then published with a twenty four hour advance notice requirement for all bridge openings.

This final rule is being published with no changes from the supplemental notice of proposed rulemaking.

Discussion of Comments and Changes

No comments were received in response to the notice of proposed rulemaking and no comments were received in response to the supplemental notice of proposed rulemaking. A public hearing was not requested and none was held. No changes have been made to this final rule.

Regulatory Evaluation

This final 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. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a

full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that there have been only 8 requests to open this bridge in the last ten years.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include 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. For the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under Figure 2-1, paragraph 32(e), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out 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; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.739, redesignate paragraphs (j) and (k) as paragraphs (k) and (j); revise newly redesignated paragraph (k) by removing the number "6.9" and adding, in its place, the number "8.9"; and revise paragraph (h) to read as follows:

§ 117.739 Passaic River.

* * * * *

(h) The Route 280 Bridge, mile 5.8, at Harrison, New Jersey, shall open on signal if at least 24 hours notice is given by calling the number posted at the bridge.

* * * * *

Dated: January 20, 1999.

R.M. Larrabee,

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

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GENERAL SERVICES ADMINISTRATION

48 CFR Parts 511, 516, 542, and 552

[APD 2800.12A, CHGE 81]

RIN 3090-AG81

General Services Administration Acquisition Regulation; Streamlining Administration of Federal Supply Service (FSS) Multiple Award Schedule (MAS) Contracts and Clarifying Marking Requirements

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Interim rule with request for comments.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to clarify requirements for marking deliveries under contracts that provide for delivery to both civilian and military locations, clarify the contracting activities that are authorized to place orders under Federal Supply Service (FSS) contracts, allowing Procuring Contracting Officers (PCOs) in FSS to authorize Administrative Contracting Officers (ACOs) to issue cure or show cause notices, revise the time for submission to close-out reports under FSS multiple award schedule (MAS) contracts, and

simplify the process for deleting items from FSS MAS contracts.

DATES: Effective date: February 1, 1999. Comments should be submitted in writing to the address shown below on or before April 2, 1999.

ADDRESSES: Mail comments to General Services Administration, Office of Acquisition Policy, GSA Acquisition Policy Division (MVP), 1800 F Street, NW., Room 4012, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Gloria Sochon, GSA Acquisition Policy Division, (202) 208-6726.

SUPPLEMENTARY INFORMATION:

A. Background

GSA is amending the GSAR for clarification and to delete unnecessary review requirements. GSAR 511.204 is amended to clarify the applicability of the clause at GSAR 552.211-73, Marking, so that deliveries are properly labeled for delivery at military or civilian locations. GSAR 516.505 and 552.216-73 are amended to define activities authorized to place orders under an FSS schedule contract when the contract provides that ordering activities may place orders directly. They are also amended to reflect that schedule contracts may provide for either or both task and delivery orders. GSAR 542.302 is amended to allow FSS PCOs to authorize ACOs to issue show cause or cure notices. This will streamline FSS's internal processes and allow for quicker response to contractor performance problems. GSAR 552.238-72 is amended to change the time for submission to contract close-out reports to eliminate a potential conflict between the required report date and the final date of performance of delivery orders. GSAR 552.238-76 is amended to change the reference to "maximum order limit" to "maximum order threshold." This is an administrative change to make 552.238-76 consistent with Federal Acquisition Regulation (FAR) subpart 8.4. GSAR 552.243-72 is amended to allow FSS MAS contractors to delete items without prior approval. This will remove a burdensome and time-consuming procedure that does not have value for the Government. GSAR 552.243-72 is also revised to give contractors the option of publishing supplemental price lists as modifications occur or on a quarterly basis. This recognizes that many contractors now issue electronic notices of changes and that modifications occur with such frequency that grouping changes to periodic updates in paper is more efficient for both contractors and the Government. GSAR 552.243-72 is

also revised to update a FAR reference and to delete a reference to an obsolete cause.

B. Executive Order 12866

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

The GSA certifies that this interim rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The change will benefit all FSS MAS contractors, large and small, by streamlining administrative requirements.

- The change to the time for submission of contract close-out reports eliminates a potential conflict between the required report date and the final date of performance of delivery orders; this avoids placing a potentially impracticable requirement on FSS contractors.
- Updating the definition of activities authorized to place orders under FSS schedule contracts is necessary to accurately reflect current authority and avoid inconsistency with other order FSS solicitation and contract terms.
- Allowing FSS MAS contractors to delete items without prior approval will remove a burdensome and time-consuming procedure that does not have value for the Government. It allows contractors to provide potential customers the most current information on contract items.
- Contractors will have the option of publishing supplemental price lists as modifications occur or on a quarterly basis; letting them choose the most efficient method based on their individual circumstances.

D. Paperwork Reduction Act

The revised clause at 552.216-73 contains an information collection requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). However, the revisions to the clause made by this rule do not affect the information collection requirement which was approved previously by OMB and assigned control number 3090-0248. The revised clause at 552.238-72, Contractor's Report of Sales, also contains an information collection requirement subject to the Paperwork Reduction Act. However, the revisions to the clause made by this rule do not affect the information collection requirement which was approved