

REGULATIONS NOT ON PREVIOUS 1ST AND 2ND QUARTERLY REPORT—Continued

District/COTP	Location	Type	Effective date
HOUSTON-GALVESTON 01-004 .....	HOUSTON, TX .....	SAFETY ZONE .....	03/21/01
HOUSTON-GALVESTON 01-005 .....	HOUSTON, TX .....	SAFETY ZONE .....	03/29/01
PORT ARTHUR 01-001 .....	PORT OF PORT ARTHUR/ORANGE, TX .....	SAFETY ZONE .....	01/24/01
PORT ARTHUR 01-002 .....	PORT OF PORT ARTHUR/ORANGE, TX .....	SAFETY ZONE .....	01/26/01
<b>COTP REGULATIONS FOR 2ND QUARTER</b>			
MOBILE 01-005 .....	GULF INTRACOASTAL WATERWAY .....	SAFETY ZONE .....	04/17/01

[FR Doc. 02-4848 Filed 2-27-02; 8:45 am]  
 BILLING CODE 4910-15-M

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD01-02-012]

RIN 2115-AE47

**Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY**

**AGENCY:** Coast Guard, DOT.  
**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary final rule governing the operation of the Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet in New York. This temporary final rule allows the bridge owner to open this vertical lift bridge to a maximum of 105 feet for vessel traffic from March 1, 2002 through May 31, 2002. This action is necessary to facilitate maintenance at the bridge.

**DATES:** This temporary final rule is effective from March 1, 2002 through May 31, 2002.

**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 and making it effective in less than 30 days after publication in the **Federal Register**. No vessels known to use this waterway would be precluded from

transiting the bridge as a result of the reduction in vertical opening capability from 152 feet to 105 feet because the bridge has not opened beyond 105 feet during the past four years. Additionally, conclusive information from the bridge owner confirming the start date for this bridge maintenance was not provided to the Coast Guard until January 16, 2002. As a result, it was impracticable to draft or publish a NPRM 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 because these repairs are necessary to insure public safety and insure continued operation of the bridge.

**Background**

The Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet has a vertical clearance of 152 feet at mean high water and 156 feet at mean low water in the full open position. The existing regulations are listed at 33 CFR 117.795(a).

The bridge owner, the Metropolitan Transit Administration (MTA) Bridges and Tunnels, requested that the bridge be allowed to open no greater than 105 feet above mean high water to facilitate repairs at the bridge. The Coast Guard has determined that the bridge has not opened greater than 105 feet during the past four years.

**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 still continue to open 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 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).

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

**Taking of Private Property**

This rule will not effect 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 does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this 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. From March 1, 2002 through May 31, 2002, § 117.795 is temporarily amended by suspending paragraph (a) and adding a new paragraph (e) to read as follows:

#### § 117.795 Jamaica Bay and connecting waterways.

\* \* \* \* \*

(e) The draw of the Marine Parkway Bridge, mile 3.0, over Rockaway Inlet, shall open on signal, to a maximum vertical height of 105 feet above mean high water, Monday through Friday from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal, to a maximum vertical height of 105 feet above mean high water, if at least an eight-hour notice is given; however, the draw shall open on signal if at least one-hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

Dated: February 12, 2002.

**G.N. Naccara,**

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

[FR Doc. 02-4711 Filed 2-27-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-02-011]

#### Drawbridge Operation Regulations: Spanish River Boulevard (N.E. 40th Street) Drawbridge, Atlantic Intracoastal Waterway, Boca Raton, FL

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Spanish River Boulevard (N.E. 40th Street) Drawbridge across the Atlantic Intracoastal Waterway, mile 1045, Boca Raton, Florida. This deviation allows the bridge owner to only open a single leaf of the bridge from March 11, 2002 until March 25, 2002. Double leaf openings shall be provided with a twelve-hour advance notice to the contractor at (321) 229-3222. This temporary deviation is required to allow the bridge owner to safely complete repairs to the bridge decking.

**DATES:** This deviation is effective from 12:01 a.m. on March 11, 2002 until 11:30 p.m. on March 25, 2002.

**ADDRESSES:** Material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:** The Spanish River Boulevard (N.E. 40th Street) Drawbridge across the Atlantic Intracoastal Waterway at Boca Raton, Florida, is a double leaf bridge with a vertical clearance of 21 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. The

current operating regulation in 33 CFR 117.5 requires both draws of the bridge to open on signal.

On February 1, 2002, the drawbridge owner requested a deviation from the current operating regulations to allow the owner to complete repairs to the decking.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.5 for the purpose of completing these repairs. Under this deviation, the Spanish River Boulevard (N.E. 40th Street) need only open a single leaf of the bridge from 12:01 a.m. on March 11, 2002 until 11:30 p.m. on March 25, 2002. Double leaf openings shall be provided with twelve hours advance notice to the contractor.

Dated: February 20, 2002.

**Greg E. Shapley,**

*Chief, Bridge Administration, Seventh Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-02-017]

#### Drawbridge Operation Regulations: Norwalk River, CT

**AGENCY:** Coast Guard, DOT.

**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 Washington Street S136 Bridge, mile 0.0, across the Norwalk River at Norwalk, Connecticut. This temporary deviation will allow the bridge to open only one of the two draw spans for bridge openings from 8 a.m. February 26, 2002 through 4 p.m. February 28, 2002. This temporary deviation is necessary to facilitate mechanical repairs at the bridge.

**DATES:** This deviation is effective from February 26, 2002 through February 28, 2002.

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

#### SUPPLEMENTARY INFORMATION:

The Washington Street S136 Bridge has a vertical clearance in the closed position of 9 feet at mean high water and 16 feet at mean low water. The existing regulations are listed at 33 CFR 117.217.