DATES: Effective Date: 33 CFR 100.507 will be enforced from 8:30 a.m. to 5 p.m. on June 12, 2005.

FOR FURTHER INFORMATION CONTACT: Ronald Houck, Marine Events Coordinator, Commander, Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1971, and (410) 576–2674.

SUPPLEMENTARY INFORMATION: The Great Chesapeake Bay Swim, Inc. will sponsor the “Great Chesapeake Bay Swim” and the “Chesapeake Challenge One Mile Swim” on the waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridge. Approximately 600 swimmers will start Great Chesapeake Bay Swim from Sandy Point State Park and swim between the spans of the William P. Lane Jr. Memorial Bridge to the Eastern Shore. Approximately 400 swimmers will start the Chesapeake Challenge One Mile Swim following a triangular shaped course beginning and ending at Hemingway’s restaurant on the Eastern Shore adjacent to the William P. Lane Jr. Memorial Bridge. A large fleet of support vessels will be accompanying the swimmers. Therefore, to ensure the safety of participants and support vessels, 33 CFR 100.507 will be enforced for the duration of the event. Under provisions of 33 CFR 100.507, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander. Vessel traffic will be allowed to transit the regulated area as the swim progresses, when the Patrol Commander determines it is safe to do so.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.


Lawrence J. Bowling,
Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.

[FR Doc. 05–9639 Filed 5–13–05; 8:45 am]
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 will not have a
significant economic impact on a
substantial number of small entities
because the regulation will not
significantly affect the current pattern of
maritime traffic through the bridge and
will provide for the reasonable needs of
navigation.

Assistance for Small Entities
Under section 213(a) of the Small
Business Regulatory Enforcement
Fairness Act of 1996 (Pub. L. 104–121),
we offered to assist small entities in
understanding the rule so that they can
better evaluate its effects on them and
participate in the rulemaking process. If
this rule would affect your small
business, organization, or governmental
jurisdiction and you have questions
about it, please contact the person
listed in the FOR FURTHER INFORMATION
CONTACT section. Small businesses may
send comments on the actions of
Federal employees who enforce, or
otherwise determine compliance with,
Federal regulations to the Small
Business and Agriculture Regulatory
Enforcement Ombudsman and the
Regional Small Business Regulatory
Fairness Boards. The Ombudsman
evaluates these actions annually and
rates each agency’s responsiveness to
small business. If you wish to comment
on actions by employees of the Coast
Guard, call 1–888–REG–FAIR (1–888–
734–3247).

Collection of Information
This rule calls for no new collection of
information under the Paperwork
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. 1531–1536) 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
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 the Office
of Information and Regulatory Affairs
has not designated it 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. 2727(a)) 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
Commandant Instruction M16475.1D,
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 there are no factors
in this case that would limit the use of
a categorical exclusion under section
2.B.2 of the Instruction. Therefore, this
rule is categorically excluded, under
figure 2–1, paragraph (32)(e) of the
Instruction, from further environmental
documentation because it is an
amendment to a drawbridge regulation.
Under figure 2–1, paragraph (32)(e) of
the Instruction, an “Environmental
Analysis Check List” and a “Categorical
Exclusion Determination” are not
required for this rule.

List of Subjects in 33 CFR Part 117
Bridges.
minutes past the hour. From 11 p.m. to 7 a.m., the draw shall open on signal if at least 10 minutes advance notice is given.

Dated: May 6, 2005.

W.E. Justice,
Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 05–9638 Filed 5–13–05; 8:45 am]
BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY
Coast Guard

33 CFR Part 117
[CGD08–05–028]
RIN 1625–AA09

Drawbridge Operation Regulations: Cumberland River, Nashville, TN

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 operation of the Louisville and Nashville Railroad Drawbridge, mile 190.4, Nashville, Tennessee across the Cumberland River. This deviation allows the bridge to remain in the closed-to-navigation position for three consecutive days from 7 a.m., June 11, 2005 until 7 a.m., June 14, 2005. The deviation is necessary to allow time for making repairs of critical mechanical components essential to the continued safe operation of the drawbridge.

DATES: This temporary deviation is effective from 7 a.m., June 11, 2005 until 7 a.m., June 14, 2005.

ADDRESSES: Materials referred to in this document are available for inspection or copying by Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

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

SUPPLEMENTAL INFORMATION: CSX Transportation Inc. requested a temporary deviation to allow time to conduct critical repairs to the Louisville and Nashville Railroad Drawbridge, mile 190.4 at Nashville, Tennessee across the Cumberland River. The Louisville and Nashville Railroad Drawbridge currently operates in accordance with 33 CFR 117.5 which requires the drawbridge to open promptly and fully for passage of vessels when a request to open is given in accordance with 33 CFR Part 117, Subpart A. In order to facilitate required bridge maintenance the bridge must be kept in the closed-to-navigation position. When the river is at normal pool elevation commercial traffic can transit the bridge without opening the drawspan; therefore, performing the needed repair when the river is at normal pool will have minimal impact on navigation. This deviation allows the bridge to remain closed-to-navigation for three days from 7 a.m., June 11, 2005 until 7 a.m., June 14, 2005. There are no alternate routes for vessels transiting this section of the Cumberland River.

The Louisville and Nashville Railroad Drawbridge, in the closed position, provides a vertical clearance of 47.0 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 9, 2005.
Roger K. Wiebusch,
Bridge Administrator.

[FR Doc. 05–9700 Filed 5–13–05; 8:45 am]
BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY
Coast Guard

33 CFR Part 117
[CGD05–05–039]

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 May 16 through May 20, May 23 through May 27, and May 30 through June 17, 2005. This temporary deviation is necessary to facilitate bridge maintenance.

DATES: This deviation is effective from May 16, 2005 through June 17, 2005.

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

SUPPLEMENTAL 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 rehabilitation repairs at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from May 16, through May 20, May 23 through May 27, and May 30 through June 17, 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: May 9, 2005.
Gary Kassof,
Bridge Program Manager, First Coast Guard District.

[FR Doc. 05–9701 Filed 5–13–05; 8:45 am]
BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY
Coast Guard

33 CFR Part 117
[CGD05–05–022]
RIN 1625–AA09

Drawbridge Operation Regulations: Chelsea River, MA

AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the P.J. McArdle Bridge, mile 0.3, across the Chelsea River between East Boston and Chelsea, Massachusetts. This final rule