under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.


Section 1910.1630 also issued under Public Law 106–430, 114 Stat. 1901.

3. Section 1910.1026 is amended by revising paragraph (d)(4)(i), to read as follows:

§ 1910.1026 Chromium (VI)

(d) * * * * *

(i) Within 5 work days after making an exposure determination in accordance with paragraph (d)(2) or paragraph (d)(3) of this section, the employer shall individually notify each affected employee in writing of the results of that determination or post the results in an appropriate location accessible to all affected employees.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT [AMENDED]

Subpart A—General Provisions

4. The authority citation for part 1915 will continue to read as follows:


Subpart Z—Toxic and Hazardous Substances

7. The authority citation for subpart Z of part 1926 is revised to read as follows:


DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0839]

RIN 1625–AA09

Drawbridge Operation Regulation; Bullards Ferry Bridge, Coquille River, Bandon, OR

AGENCY: Coast Guard, DHS.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is temporarily changing the drawbridge operation regulation for the U.S. Highway 101 Bullards Ferry Bridge that crosses over the Coquille River at mile 3.5 near Bandon, Oregon so that the vertical lift span will need to open for ten months while the bridge is being painted. The rule is necessary to ensure that the painting operation will not be disrupted by bridge openings. The bridge has not had to be opened for a vessel in seven years.

DATES: This temporary final rule is effective from May 1, 2010 until March 1, 2011.

ADDRESSES: Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2009–0839 and are available online by going to http://www.regulations.gov, inserting USCG–2009–0839 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Austin Pratt, Chief, Bridge Section, Waterways Management Branch, Thirteenth Coast Guard District; telephone 206–220–7282, e-mail 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 December 10, 2009, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Bullards Ferry Bridge, Bandon, OR, in the Federal Register (74
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 proposed 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),
we offered to assist small entities in
understanding the rule so that they
could better evaluate its effects on them
and participate in the rulemaking
process.
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
The Coast Guard will not retaliate
against small entities that question or
complain about this rule or any policy
or action of the Coast Guard.

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. 1531–1538) 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 would 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
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 would 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 M16475.1D,
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 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. From May 1, 2010 to March 1, 2011,
temporarily suspend § 117.875 and
temporarily add § 117.876T to read as
follows:

§ 117.876T Coquille River.

The draws of the U.S. 101 highway
bridge, mile 3.5 at Bandon, Oregon,
need not open for the passage of vessels
from May 1, 2010 to March 1, 2011.

The bridge owner, the Long Island
Rail Road (MTA), requested a temporary
deviation to replace the motor locks at
the bridge. The bridge can not open
during the installation of the motor
locks.

Under this deviation the Wreck Lead
Railroad Bridge may remain closed
from 9 a.m. through 3 p.m. on March 20,
2010. Vessels able to pass under the
closed draw may do so at all times.

The waterway is used by recreational
and commercial vessels. All known
waterway users were advised of the
requested bridge closure period and
offered no objection. In accordance with
33 CFR 117.35(e), the bridge must return
to its regular operating schedule
immediately at the end of the
designated time period. This deviation
from the operating regulations is
authorized under 33 CFR 117.35.

Dated: March 2, 2010.

G.T. Blore,
Rear Admiral, U.S. Coast Guard, Commander,
Thirteenth Coast Guard District.

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 117

[USCG–2010–0084]

Drawbridge Operation Regulations;
Long Island, New York Inland
Waterway from East Rockaway Inlet
to Shinnecock Canal, NY, Maintenance

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 regulation governing
the operation of the Wreck Lead
Railroad Bridge across Reynolds
Channel, mile 4.4, New York. This
deviation allows the bridge to remain in
the closed position for six hours to
facilitate bridge maintenance. Vessels
that can pass under the draw without a
bridge opening may do so at all times.

DATES: This deviation is effective from
9 a.m. through 3 p.m. on March 20,
2010.

ADDRESSES: Documents mentioned in
this preamble as being available in the
docket are part of docket USCG–2010–
0084 and are available online at
http://www.regulations.gov. They are
also available for inspection or copying
at the Docket Management Facility (M–
0084) at the 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
Gary Kassof,
Program Manager, First Coast Guard
District.

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0120]

RIN 1625–AA00

Safety Zone; Gallants Channel,
Beaufort, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is
establishing a temporary safety zone on
the waters of Gallants Channel at
Beaufort, North Carolina. The safety
zone is necessary to provide for the
safety of mariners on navigable waters
during maintenance to the Grayden Paul
Draw Bridge.

DATES: Effective Date: This rule is
effective in the CFR from March 17,
2010 through 12 p.m., April 30, 2010.
This rule is effective with actual notice
to enforce the safety zone beginning 6
a.m. March 1, 2010 through 12 p.m.
April 30, 2010.

ADDRESSES: Documents indicated in
this preamble as being available in the
docket are part of docket USCG–2010–
0120 and are available online by going
to http://www.regulations.gov, inserting
USCG–2010–0120 in the “Keyword” box,
and then clicking “Search.” They are
also available for inspection or