

Energy Resources and Trade LLC, and PSEG Power LLC).  
Southern—Southern Nuclear Operating Company.  
Union Electric/Ameren—Union Electric Company and Ameren Services Company.  
NRC Staff—U.S. Nuclear Regulatory Commission Staff.  
Wolf Creek—Wolf Creek Nuclear Operating Corporation.

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9447]

RIN 1545-BG80

#### Automatic Contribution Arrangements

##### Correction

In rule document E9-3716 beginning on page 8200 in the issue of Tuesday, February 24, 2009, make the following correction:

##### **§1.401(m)-2 [Corrected]**

On page 8211, in §1.401(m)-2, in the first column, in paragraph (b)(2)(iv)(D), in the sixth line, “April 1, 2007 edition” should read “April 1, 2007, edition”.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2008-1095]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Chehalis, Hoquiam, and Wishkah Rivers, Aberdeen and Hoquiam, WA, Schedule Change

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the drawbridge operation regulation for the Washington State drawbridges across the Chehalis, Hoquiam, and Wishkah Rivers at Grays Harbor, Washington. The change reduces staffing requirements during the night when openings are infrequent. The rule does this by modifying the number of hours of advance notice required for draw openings and establishing the

telephone as the only means of initial contact for openings at night.

**DATES:** This rule is effective April 24, 2009.

**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-2008-1095 and are available online at <http://www.regulations.gov>. This material is also available for inspection or copying at two locations: 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 and Commander (dpw), Thirteenth Coast Guard District, 915 Second Avenue, Room 3510, Seattle, WA 98174-1067, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Austin Pratt, Chief, Bridge Section, Waterways Management Branch, Thirteenth Coast Guard District, telephone 206-220-7282. 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 26, 2008, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Chehalis, Hoquiam, and Wishkah Rivers, Aberdeen and Hoquiam, WA, Schedule Change in the *Federal Register* (73 FR 229). Two responses were received from the public. No public hearing was requested, and none was held.

##### Background and Purpose

This rule enables the Washington State Department of Transportation, the owner of the drawbridges across the Chehalis, Hoquiam, and Wishkah Rivers at Grays Harbor, Washington, to reduce the staffing of the Chehalis Bridge, which currently maintains a radio watch during the night hours when advance notice is required for openings of the draws of all of those bridges.

One-hour notice is currently required for openings of the Chehalis River Bridge from one hour after sunset to one hour before sunrise and for all openings of the Simpson Avenue Bridge, Hoquiam River mile 0.5, the Riverside Avenue Bridge, Hoquiam River mile 0.9, the Heron Street Bridge, Wishkah River

mile 0.2, and the Wishkah Street Bridge, Wishkah River, mile 0.4.

The reduction in staffing is appropriate because the draws of those bridges rarely have to be opened during the period affected. In fact, during the entire year of 2007 only 50 openings were requested for the bridges between 9 p.m. and 5 a.m., which equates to an average of less than one opening per week during those hours. Furthermore, most of the requests were made by telephone. Whenever operators are at the Chehalis River Bridge a normal radio watch will be maintained.

##### Discussion of Comments and Changes

Two comments were received from parties affected by this rule. Both comments appeared to misunderstand some of the provisions of the rule. Specifically, the rule requires notice of one hour rather than four hours as one commenter believed. Another commenter appeared to believe that a radio watch would never be maintained under the rule, but the rule provides for a normal radio watch to be maintained whenever operators are present. The commenters' objections were resolved as noted and no changes were made to the rule based on the comments received.

##### Regulatory Analyses

We developed this 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.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. We reached this conclusion because the draws of the bridges rarely have to be opened during the period affected, the draws will still be opened in a reasonable amount of time, and most vessel operators already use the telephone to request openings of the draws.

##### 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