

Bridge across the Pocomoke River, mile 29.9, at Snow Hill, MD. The deviation restricts the operation of the draw span to facilitate the cleaning and painting of the bridge.

**DATES:** This deviation is effective from 7 a.m. on September 8, 2010 to 7 p.m. on October 8, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2010-0761 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0761 in the "Keyword" box and then clicking "Search". They are 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 rule, call or e-mail Mrs. Sandra Elliott, Bridge Management Specialist, Fifth District, Coast Guard; telephone 757-398-6557, e-mail [Sandra.S.Elliott@uscg.mil](mailto:Sandra.S.Elliott@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Maryland State Highway Administration (SHA), who owns and operates this single leaf bascule drawbridge, has requested a temporary deviation from the current operating schedule to facilitate cleaning and painting the structure. Under the regular operating schedule, the bridge opens on signal as required by 33 CFR 117.569(c) if at least five hours advance notice is given.

The S12 Bridge across Pocomoke River, mile 29.9 at Snow Hill MD, has a vertical clearance in the closed position of two feet above mean high water and five feet above mean low water. Under this temporary deviation, the contractor has requested to maintain the bridge in the closed position to vessels beginning at 7 a.m. on September 8, 2010 until and including 7 p.m. on October 8, 2010.

Bridge opening data supplied by SHA and reviewed by the Coast Guard revealed, from August 2009 to October 2009, the bridge opened for vessels 57, 57, and 48 times, respectively. During the same period on the weekdays, the bridge opened 13, 14, and 13 times, respectively, with the majority of the vessel openings on the weekends for a fishing tournament.

The Coast Guard has coordinated the restrictions with the local users of the

waterway. The Coast Guard will inform other waterway users of the bridge closure periods through our Local and Broadcast Notices to Mariners so that vessels can arrange their transits to minimize any impact caused by the temporary deviation. There are no alternate routes for vessels transiting this section of the Pocomoke River but the drawbridge will be able to open in the event of an emergency.

In accordance with 33 CFR 117.35(e), the drawbridge 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: August 11, 2010.

**Waverly W. Gregory, Jr.,**

*Chief, Bridge Administration Branch, Fifth Coast Guard District.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0757]

#### **Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 from 7 a.m. to 11 a.m. and from 1 p.m. to 5 p.m. on September 7, 2010 through September 11, 2010. This action is necessary to protect the waterways, waterway users, and vessels from hazards associated with the U.S. Army Corps of Engineers' installation of parasitic structures which will help control the spread of aquatic nuisance species that might devastate the waters in the Chicago Sanitary and Ship Canal. During the enforcement period, entry into, transiting, mooring, laying-up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port,

Sector Lake Michigan, or his or her designated representative.

**DATES:** The regulations in 33 CFR 165.T09.0166 will be enforced from 7 a.m. on September 7, 2010 through 5 p.m. September 11, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, telephone 216-902-6045, e-mail address

*Timothy.M.Cummins@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL listed in 33 CFR 165.T09-0166(a)(2), on all waters of the Chicago Ship and Sanitary Canal from Mile Marker 296.1 to Mile Marker 296.7 daily from 7 a.m. to 11 a.m. and from 1 p.m. to 5 p.m. on September 7, 2010 through September 11, 2010.

This enforcement action is necessary because the Captain of the Port Sector Lake Michigan has determined that the U.S. Army Corps of Engineers' installation operation poses risks to life and property. Specifically, there will be congested waterways and construction operations requiring the use of divers taking place in the vicinity of the U.S. Army Corps of Engineers' electric dispersal barrier. The combination of vessel traffic, divers, and electric current in the water makes the control of vessels through the impacted portion of the Chicago Sanitary and Ship Canal necessary to prevent injury and property loss.

In accordance with the general regulations in § 165.23 of this part, entry into, transiting, mooring, laying up, or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

This notice is issued under authority of 33 CFR 165.T09-0166 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Captain of the Port, Sector Lake Michigan, will provide notice through other means, which may include but are not limited to Broadcast Notice to Mariners, Local Notice to Mariners, local news media, distribution in leaflet form, or on-scene oral notice. Additionally, the Captain of the Port, Sector Lake Michigan, may notify representatives from the maritime industry through telephonic and e-mail notifications.

Dated: August 6, 2010.

**L. Barndt,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.*

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BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0743]

RIN 1625-AA00

#### Safety Zone; Raccoon Creek, Bridgeport, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone in specified waters of Raccoon Creek, Bridgeport, NJ. This action is necessary to provide for the safety of life and property on navigable waters while contractors replace steel I-beams. This safety zone is intended to restrict vessel access in order to protect mariners in a portion of Raccoon Creek.

**DATES:** This rule is effective in the CFR on August 26, 2010 through 10 p.m. on August 28, 2010. This rule is effective with actual notice for purposes of enforcement on August 14, 2010. This rule will remain in effect through August 28, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0743 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0743 in the "Keyword" box, and then clicking "Search." They are 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 e-mail LT Corrina Ott, Chief, Waterways Management Division, Coast Guard; telephone 215-271-4902, e-mail [Corrina.Ott@uscg.mil](mailto:Corrina.Ott@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

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM is impracticable and contrary to the public interest. Delaying the effective date by first publishing an NPRM and holding a comment period would be contrary to the rule's objectives of ensuring safety of life on the navigable waters while these repairs are taking place, as immediate action is needed to protect persons and vessels from the hazards associated with the bridge repair operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this regulation would be contrary to the public interest as immediate action is necessary to protect persons and vessels from the hazards associated with the bridge repair operations.

### Basis and Purpose

This temporary safety zone is necessary to ensure the safety of persons, vessels, and the New Jersey Department of Transportation (NJDOT) workers while the NJDOT conducts significant bridge repairs. The NJDOT plans on replacing steel I-beams used to support the Route 130 Bridge spanning the Raccoon Creek in Bridgeport, NJ. A barge will be used to transport and support construction materials which will be stationed in the Raccoon Creek channel during the pendency of the safety zone.

### Discussion of Rule

This temporary safety zone is for all navigable waters within 400 yards on either side of the Route 130 Bridge, located approximately at 39 48'04" N, 075 21'20" W. This rule is effective from 6 a.m. to 10 p.m. every Saturday from August 14, 2010 through August 28, 2010. This rule is necessary because the NJDOT has identified the need to station a barge below the Route 130 Bridge to replace three 17-foot steel I-beams and to prevent injury or damage to property

from falling debris associated with the repair. This temporary rule will provide for the safety of mariners navigating the Raccoon Creek. This rule is required due to the inherent dangers associated with these types of construction.

During the enforcement period of the safety zone, all persons and vessels will be prohibited from entering, transiting, mooring, or remaining within the zone unless specifically authorized by the Captain of the Port Delaware Bay, or her designated representative.

### 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. Due to the location of the proposed safety zone being in an area not subject to regular flow of vessel traffic, the regulatory impact is expected to be minimal.

### 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 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 rule will not have a significant economic impact on a substantial number of small entities.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for three days over the course of three weeks from 6 a.m. to 10 p.m. every Saturday from August 14, 2010 through August 28, 2010. The local marina being affected has been notified regarding this temporary safety zone. The marina has made arrangements to inform affected boaters of the need to make alternate arrangements during the effective period. Before the effective period, the Coast Guard will issue