

the extent that Entergy seeks clarification concerning whether it is complying with the market-based rate affiliate restrictions, or seeks waiver of certain affiliate restrictions, it may submit a request for a no-action letter regarding specific proposed transactions, practices or situations, or a case-specific request for waiver of the affiliate restrictions.

30. For the reasons discussed above, the Commission withdraws the NOPR and terminates this rulemaking proceeding.

By the Commission.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0803]

#### **Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, Oakland/Alameda, CA, Schedule Change**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its notice of proposed rulemaking (NPRM), to change the operation of the Alameda County and the Army Corps of Engineers owned drawbridges crossing the Oakland Inner Harbor Tidal Canal, between Oakland and Alameda, California. The proposed change would have allowed the drawbridges to open for vessels upon four hours advance notice for openings between the hours 4:30 p.m. and 9 a.m. daily. With the exception of Federal Holidays, openings at all other times would have been on signal except during interstate rush hours, 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, when the drawbridges need not be opened for vessels. The proposed change was requested by Alameda County to reduce the drawbridge staffing requirements during periods of reduced openings.

stop the operation of generation facilities solely for operational reasons" and that "shared employees may not be involved in decisions regarding the marketing or sale of electricity from the facilities, may not make economic dispatch decisions, and may not determine the timing of scheduled outages for facilities." Order No. 697-A, FERC Stats. & Regs. ¶ 31,268 at P 253.

The NPRM is being withdrawn because of the opposing comments received from the various sources including the primary waterway users that transit the drawbridges.

**DATES:** The notice of proposed rulemaking is withdrawn on January 26, 2011.

**ADDRESSES:** The docket for this withdrawn rulemaking is available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room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. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-2009-0803 in the "Keyword" box and then clicking "Search".

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice, call or e-mail David H. Sulouff, Chief, Bridge Section, Waterways Management Branch, 11th Coast Guard District, telephone 510-437-3516, e-mail address: [David.H.Sulouff@USCG.mil](mailto:David.H.Sulouff@USCG.mil). If you have questions on viewing material in the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On May 27, 2010, we published a Notice of Proposed Rulemaking entitled "Drawbridge Operation Regulation; Oakland Inner Harbor Tidal Canal, Oakland/Alameda, CA, Schedule Change" in the **Federal Register** (75 FR 29693-29695). The proposed change would have allowed the drawbridge owner/operator to reduce the hours of staffing on the drawbridges and would have required a four hour advance notice from mariners to the bridge operator for vessel transits requiring drawbridge openings, during the specified times. A test period of the proposed regulation was not performed. A Coast Guard Public Meeting was determined unnecessary due to the outreach provided by Alameda County, the response to the NPRM and the actions of local concerned citizens.

The Coast Guard received twenty-nine (29) response to the NPRM. Of these two (2) were in support of the proposal and twenty-seven (27) either opposed or recommended additional review of the proposal. Some of the opposing entries contained input from multiple sources including petitions against the proposal and letters providing consolidated input from various organizations in opposition. We conducted a lengthy and

thorough investigation including a review of statistical information on vessel transits provided by Alameda County, site visits at the drawbridges and waterfront facilities along the Oakland Inner Harbor, presentations to and request for input from the San Francisco Harbor Safety Committee, requests for input from the Cities of Alameda and Oakland, CA, and dissemination of the **Federal Register** to most of the local marine related establishments along the waterway. Local groups representing waterway users and property owners along the waterway provided additional dissemination of the Federal Register NPRM for the proposed change. The bridge operator (Alameda County) held a public meeting on April 1, 2010 to present the proposal to the local public. The Coast Guard directly contacted the primary waterway users to obtain their input.

The proposed change was submitted by Alameda County. Alameda County indicated that the proposed regulation change would meet their minimum needs for reducing funding required for drawbridge staffing and alternatives had not been considered at the time of the request. Comments opposing the proposed change were received from the San Francisco Harbor Safety Committee, The National Boating Federation, Hanson Aggregates, Power Engineering, Harbor Bay Maritime, Dutra Group, Oakland Yacht Club, Fernside Homeowners Association, Waterfront Homeowners Association, East Shore Homeowners Association, Aeolian Yacht Club, Briar Rose Yacht Charters, Baytech Marine Service, Heinold's First and Last Chance, Aroma Restaurant, Eskelund Marine, Bocanova, Vortex Marine Construction, British Marine, The Outboard Motor Shop, Waterfront Hotel-Miss Pearl's Restaurant, Encinal Yacht Club, Marina Village Inn, Kincaid's Restaurant, Scott's Seafood Restaurant, Captain Ed Payne Technical Services, Il Pescatore Restaurant, The City of Alameda, The City of Oakland Fire Department, City of Oakland Public Works/Transportation Services Division, and numerous local residents and vessel owners. Comments received recommending additional review and possible alternative regulations included those from Mr. Tom Charron, Mr. Henry C. Lindemann and The Bay Planning Coalition recommending coordination with RBOC Recreational Boaters of California, PICYA Pacific Inter-Club Yacht Association and other key stakeholders.

**Withdrawal**

The Notice of Proposed Rulemaking is withdrawn due to comments received in opposition and the potential negative impacts to navigation and the surrounding community. We have determined the regulation change, as proposed, would not meet the reasonable needs of navigation on the waterway.

**Authority:** This action is taken under the authority of 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

Dated: January 3, 2011.

**J.R. Castillo,**

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

[FR Doc. 2011-1574 Filed 1-25-11; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**
**Coast Guard****33 CFR Part 165**

[Docket No. USCG-2010-0992]

RIN 1625-AA00

**Safety Zone; Repair of High Voltage Transmission Lines to Logan International Airport, Saugus River, Saugus, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone on the Saugus River, Lynn, Massachusetts, within the Captain of the Port (COTP) Boston Zone to allow for repair of high voltage transmission lines to Logan Airport. This safety zone is required to provide for the safety of life on navigable waters during the repair of high voltage transmission lines. Entering into, transiting through, mooring or anchoring within this zone is prohibited unless authorized by the COTP.

**DATES:** Comments and related material must be received by the Coast Guard on or before February 25, 2011.

Requests for public meetings must be received by the Coast Guard on or before February 2, 2011.

See the Supplementary Information for discussion of the anticipated effective date.

**ADDRESSES:** You may submit comments identified by docket number USCG-2010-0992 using any one of the following methods:

(1) *Federal e-Rulemaking Portal:*  
<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail PO Trevor Hughes of the Waterways Management Division, Coast Guard; telephone 617-223-3010, e-mail [Trevor.A.Hughes@uscg.mil](mailto:Trevor.A.Hughes@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Coast Guard anticipates that this proposed rule will be effective for six months following the publication of the final rule in the **Federal Register**. The Coast Guard will be enforcing this rule for less than a 48 hour period during the construction and associated activities related to the actual repair of the transmission lines.

**Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

**Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG-2010-0992), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard

when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2010-0992" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

**Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2010-0992" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

**Privacy Act**

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).