

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket No. USCG–2017–0983]

Drawbridge Operation Regulation; Hutchinson River, Mount Vernon, NY**AGENCY:** Coast Guard, DHS.**ACTION:** Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the South Fulton Avenue Bridge across the Hutchinson River, mile 2.9, at Mount Vernon, New York. This deviation is necessary to facilitate bridge rehabilitation allowing the owner to temporarily close the draw for ten days.

DATES: This deviation is effective from 12:01 a.m. on November 13, 2017 until 11:59 p.m. on November 22, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0983, is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy K. Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4336, email Judy.K.Leung-Yee@uscg.mil.

SUPPLEMENTARY INFORMATION: The owner of the bridge, the Westchester County Department of Public Works and Transportation, requested a temporary deviation in order to facilitate bridge rehabilitation including placement of the concrete deck for the counterweight spans, installation of concrete on the movable spans, installation of sidewalk deck panels, control/mechanical equipment wiring and testing, and bridge testing.

The South Fulton Avenue Bridge across the Hutchinson River, mile 2.9, at Mount Vernon, New York is a bascule bridge with a vertical clearance of 6 feet at mean high water and 13 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.793(c).

This temporary deviation will allow the South Fulton Avenue Bridge to remain in the closed position from 12:01 a.m. on November 13, 2017 to 11:59 p.m. on November 22, 2017. The waterway is transited by recreational

vessels and commercial vessels. There is only one facility upstream of this bridge. Coordination with waterway user has indicated no objection to the proposed closure of the draw. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so vessel operators may arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 3, 2017.

Christopher J. Bisignano,

*Supervisory Bridge Management Specialist,
First Coast Guard District.*

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

[Docket Number USCG–2017–1028]

RIN 1625–AA00**Safety Zone; Atlantic Ocean, Rehoboth Beach, DE****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones in the Atlantic Ocean, off the coast of Rehoboth Beach, DE and in Breakwater Harbor near Cape Henlopen. Safety zone one is being established for navigable waters in the vicinity of the derrick barge HAAKON during dredging operations, pipe laying operations, diving operations and underwater construction operations. Safety zone two is being established for waters in the vicinity of the working barges and pipeline located in Breakwater Harbor during pipeline fusing and testing operations. This regulation is necessary to provide for the safety of life on navigable waters of Breakwater Harbor and the Atlantic Ocean in the vicinity of the construction operations off the

coast of Rehoboth Beach during construction activities. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Delaware Bay.

DATES: This rule is effective without actual notice from November 9, 2017 through February 28, 2018. For the purposes of enforcement, actual notice will be used from November 6, 2017 through November 9, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–1028 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Edmund Ofalt, Waterways Management Branch, U.S. Coast Guard Sector Delaware Bay; telephone (215) 271–4814, email Edmund.J.Ofalt@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary 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 due to the short time period between when Sector Delaware Bay received complete details of this project, October 30, 2017, and the date when these safety zones needed to go into effect. It is impracticable and contrary to the public interest to publish an NPRM to provide a notice and opportunity for comment period because the safety zones must be established by November 6, 2017, to ensure safety of life on navigable waters in the vicinity of dredging operations, pipe laying operations, diving operations as well as construction