

**PART 290—DEFENSE CONTRACT  
AUDIT AGENCY (DCAA) FREEDOM OF  
INFORMATION ACT PROGRAM**

1. The authority citation of part 290 continues to read as follows:

**Authority:** 5 U.S.C. 552.

2. Appendix B to part 290 is amended as follows:

a. Regional office CALIFORNIA is amended after "Oregon" by adding the word "and", and after "Washington" by removing the words, "and Wyoming."

b. Regional office TEXAS is amended after "Wisconsin" by adding the state "Wyoming".

3. Appendix C to part 290 is amended by adding new paragraph (c)(3) to read as follows:

**Appendix C to Part 290—For Official  
Use Only**

\* \* \* \* \*

(c) \* \* \*

(3) *DCAA Label 4, FOUO Cover Sheet.*

This form may be used to further identify FOUO information.

\* \* \* \* \*

Dated: April 3, 1995.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

[FR Doc. 95-8652 Filed 4-7-95; 8:45 am]

BILLING CODE 5000-04-M

**32 CFR Parts 354, 355, 357, 359, 360,  
361, and 374**

**Organizational Charters; Removal of  
Parts**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of Defense hereby removes obsolete parts concerning organizational charters within the Department of Defense from title 32 of the Code of Federal Regulations. These organizations are specifically identified as Under Secretary of Defense for Policy (DoD Directive 5111.1); Principal Deputy Under Secretary of Defense for Policy (DoD Directive 5111.3); Assistant Secretary of Defense for Nuclear Security and Counterproliferation (DoD Directive 5111.5); Assistant Secretary of Defense for International Security Affairs (DoD Directive 5111.7); Assistant Secretary of Defense for Strategy, Requirements, and Resources (DoD Directive 5111.8); Director of Net Assessment (DoD Directive 5111.9); and Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (DoD Directive 5138.3). These parts have served the purpose for which

they were intended and are no longer valid.

**EFFECTIVE DATE:** March 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** L.M. Bynum, Correspondence and Directives Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 32 CFR Parts 354,  
355, 357, 359, 360, 361, and 374**

Organization and functions  
(Government agencies).

**PARTS—[REMOVED]**

Accordingly, by the authority of 10 U.S.C. 131, 32 CFR parts 354, 355, 357, 359, 360, 361, and 374 are removed.

Dated: April 3, 1995.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

[FR Doc. 95-8653 Filed 4-7-95; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD09-95-004]

**Drawbridge Operation Regulations;  
Chicago River, IL**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of revised temporary deviation.

**SUMMARY:** The Commander, Ninth Coast Guard District, has revised the bridge opening schedule for the authorized 90-day deviation from the operation regulations for the draws of City of Chicago-owned bridges over the Chicago River, Illinois. The deviation is being revised based on all available information, including information and comments presented at the public hearing held on Thursday, March 9, 1995. The revised deviation will provide for daylight weekend openings, and weekday daylight and evening openings on Tuesdays and Thursdays during the Spring breakout period.

**DATES:** The deviation will be effective from April 15, 1995, through July 13, 1995, unless sooner terminated by the District Commander. Comments on the impacts of the deviation must be received by June 9, 1995.

**ADDRESSES:** Comments on the deviation may be mailed to Mr. Robert Bloom, Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio. The public docket will

be available for inspection or copying in room 2083D, at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Mr. Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, (216) 522-3993.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The principal persons involved in drafting this document are Robert Bloom, Chief, Bridge Branch, and Commander James Collin, District Legal Officer, Ninth Coast Guard District.

**Background and Purpose**

Regulations governing the operation of drawbridges are promulgated under the authority of 33 U.S.C. 499. As amended in 1988, the statute provides that any rules and regulations made in pursuance of this section shall, to the extent practical and feasible, provide for regularly scheduled openings of drawbridges during seasons of the year, and during times of the day, when scheduled openings would help reduce motor vehicle traffic delays and congestion on roads and highways linked by drawbridges.

Following notice and comment rulemaking, the Coast Guard promulgated a final rule on April 18, 1994, establishing a new rule for drawbridge operations on the Chicago River. On September 26, 1994, the United States District Court for the District of Columbia issued an order in the case of *Crowley's Yacht Yard, Inc., Plaintiff, v. Federico Peña, Secretary, United States Department of Transportation, Defendant*, (C.A. No. 94-1152 SSH), rescinding the Final Rule published on April 18, 1994, and reinstating the previous regulations found at 33 CFR 117.391. The regulations reinstated by the District Court provided for on-demand openings of drawbridges except during rush hour periods.

Further, those regulations contained no requirement for advance notice or the use of specified recreational vessel flotilla size. As a result of the Court decision and to gather data for future use, in the Fall of 1994, the District Commander issued a temporary deviation to regulations for the period October 11, 1994 through December 5, 1994, with a comment period through January 15, 1995. The deviation provided openings of bridges, with a twenty-four hour advance notice to the City of Chicago, from 7 a.m. to 7 p.m. on Saturdays and Sundays, and on Wednesdays between the hours of 6:30

p.m. and 10 p.m. throughout the entire period. In addition, from October 11 through October 23 the draws were opened during the period from 10:30 a.m. to 1:30 p.m. on Tuesdays and Thursdays, and from October 23 through December 5 the draws were opened for vessel passage during the period between 10:30 a.m. and 1:30 p.m. on Wednesdays. Flotilla size was specified.

At the end of the comment period for the temporary deviation to regulations, the Coast Guard received twenty-one comments. One comment letter, from the City of Chicago, expressed opposition to any permanent regulation for the Spring breakout in 1995. In support of its position, the City provided data concerning the number of boat runs during the preceding Spring and Fall seasons, including the number of boats traversing through the drawbridges and the number of times the individual drawbridges were opened and delays that occurred. The City was unable to provide a vehicular traffic count for the Fall, but it stated that it would provide traffic count statistics for the Spring season. In the interim, the City urged a deviation schedule allowing one weekday daylight opening and weekend openings. Thirteen of the other twenty comment letters favored not affecting any change to the regulations that are in place now and expressed opposition to establishing minimums and maximums for recreational vessel flotilla sizes that would be allowed to pass through the bridges. Other commenters indicated that if a change is necessary, there should be daylight openings during the weekdays and openings should not be restricted to strictly nighttime hours from Monday through Friday. These commenters also expressed opposition to establishing a minimum and maximum number of boats that would be required for the bridges to be opened. Representatives from the Chicago River boat yards in their comments stated they did not favor a permanent regulation for the Spring breakout in 1995, but favor the existing regulatory structure.

On February 16, 1995, (60 FR 8941) the District Commander published a Notice of his intent to issue a deviation for the Spring breakout and announced a public hearing to discuss the proposed schedule in the deviation. The proposed deviation would have required the draws to open on demand, except during rush-hour periods for recreational vessels that had provided twenty-four hours notice of their intended passage through the draws.

#### *Public Hearing*

The Commander, Ninth Coast Guard District, held a public hearing to solicit comments relative to this deviation which will govern the operation of City of Chicago-owned drawbridges across the Chicago River System during the Spring breakout.

The hearing provided all concerned parties with the opportunity to present oral and written statements, with supporting data, to the Coast Guard for evaluation to determine if any revisions ought to be made to the proposed deviation.

A Coast Guard representative presided at the hearing, made a brief opening statement describing the proposed temporary deviation to regulations, and announced the procedures to be followed at the hearing. The meeting was well attended and there were multiple presentations, primarily by three interested groups: the City of Chicago, the boatyards, and some national level organizations. A transcript is being made of the hearing and may be purchased by the public through arrangements with Ms. Katherine Kerns, CSR, 79 West Monroe Street, Suite 627, Chicago, IL 60603. She may also be reached at (312) 357-1617.

#### *Summary of Comments at Public Hearing*

The City representatives stated they have determined weekday daylight openings are not necessary since all outgoing and incoming flotillas can be accommodated on weekends. Weekday openings are too disruptive to emergency services, commercial vehicular traffic during business hours, and pedestrian and mid-day vehicular traffic.

Businesses in Chicago were not in favor of weekday daylight openings due to disruption of deliveries, public transportation, and emergency services.

Representatives of the boatyards stated that the regulations presently in effect should not be modified until data is collected for an entire navigation season to depict seasonal changes of impact.

The boaters stated not all boatowners are available to join flotillas on weekends, but they can join flotillas during the weekday daylight hours. Nighttime navigation, in their opinion, during the week is not conducive to safety.

Based on the comments from the public hearing and all available data the District Commander is revising the authorized deviation for the Spring breakout period to better address the concerns which were expressed by

those participating in the public meeting.

The concerns raised at the public meeting and the data submitted to the Coast Guard at this point are insufficient to provide a basis for a permanent regulatory change. They nonetheless provide a framework for making revisions to the Spring deviation, particularly in light of the 1988 statutory amendment. This deviation period will be preliminary to the permanent rulemaking project to be conducted as a formal Negotiated Rulemaking, announced by separate notice elsewhere in today's issue of the **Federal Register**. The Coast Guard intends to charter a Negotiated Rulemaking Committee to develop a proposed permanent rule based on information and comments gathered during this and previous deviation periods as well as new information to be developed by the Committee during the rulemaking. The Coast Guard is requesting participation by both the City of Chicago and the interested boatyards and is asking them to submit data and impact assessments relating to this and other deviations in order to assist the Committee members in formulating any proposed changes to the current regulations. In particular, the Coast Guard requests the City of Chicago to provide information on unreasonable impacts upon vehicular traffic resulting from bridge openings at inopportune time; inequities or adverse impacts on other modes of transportation resulting from bridge openings at particular times; vehicular traffic counts showing directional flow (in fifteen minute increments over a period of at least fourteen consecutive days); reports of delays experienced by emergency vehicles (fire, ambulance, police) due to bridge openings; bridgetender logs for the 1994 navigation season (1 April 1994 through 5 December 1994); and current costs for operation of the bridges to provide for the passage of recreational vessels both under the provisions of this deviation and under the current permanent regulations. The boatyards and boat operators are requested to provide information concerning the impacts of the deviation on their ability to prepare vessels for the Spring breakout, and the needs of boat operators, including the ability to traverse the Chicago River on weekends or at stated weekday hours, the ability to form flotillas, the practicality of advance notices scheduling drawbridge openings, problems presented by traversing the Chicago River at night, and any other information which will be helpful to the Negotiated Rulemaking

Committee in balancing the operational needs of the boatyards with the needs of the City and other modes of transportation.

The District Commander has authorized the temporary deviation to commence on April 15, 1995, and remain in effect for a period of ninety (90) days. This deviation will require that the City open their bridges for the passage of recreational vessels on Saturdays and Sundays from 7 a.m. to 7 p.m., on Tuesdays and Thursdays from 10:30 a.m. to 1:30 p.m., and on Tuesday and Thursday evenings from 6:30 p.m. to 11:30 p.m. All openings require twenty-four hour advance notice of intended passage be given to the City.

The bridges subject to this deviation need not open for the passage of any vessels from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m., Mondays through Fridays. The Coast Guard anticipates that the boatyard owners and boaters will coordinate the movement of vessels from the boatyards to Lake Michigan and, to the extent practicable, arrange for the vessels to move in flotillas so as to minimize the number of bridge openings required. No requirement for minimum flotilla size will be imposed, however past experience indicates that an upper target of approximately 25 vessels is appropriate and will be enforced. This deviation will facilitate data gathering and scheduling and will support safety while addressing concerns of all parties during the Spring period when most recreational vessels traditionally return to Lake Michigan from winter storage at the Chicago River boat yards. The temporary deviation from the operating requirements at 33 CFR 117.391 governing bridges owned by the City of Chicago over the Chicago River will read as follows:

The bridges affected by this deviation are listed below:

Main branch	South branch	North branch
Lake Shore Drive.	Lake Street ..	Grand Avenue. Ohio Street.
Columbus drive.	Randolph Street.	
Michigan Avenue.	Washington Street.	Chicago Avenue. N Halsted Street.
Wabash Avenue.	Monroe Street.	
State Street ..	Madison Street.	
Dearborn Street.	Adams Street.	
Clark Street ..	Jackson Boulevard.	
LaSalle Street.	Van Buren Street.	
Wells Street .	Eisenhower Expressway.	

Main branch	South branch	North branch
Franklin-Orleans Street.	Harrison Street. Roosevelt Road. 18th Street. Canal Street. South Halsted Street. South Loomis Street. South Ashland Avenue.	

This deviation from normal operating regulations is authorized in accordance with the provisions of title 33 of the Code of Federal Regulations, § 117.43, and applies only to the passage of recreational vessels. Under this deviation the bridges listed above operated by the City of Chicago shall operate as follows:

(a) The bridges covered by this deviation need not open for the passage of vessels Mondays through Fridays from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m.

(b) On Saturdays and Sundays the draws shall open on signal between the hours of 7 a.m. and 7 p.m.

(c) On Tuesdays and Thursdays the draws shall open on signal between the hours of 10:30 a.m. and 1:30 p.m.

(d) On Tuesdays and Thursdays the draws shall open on signal between the hours of 6:30 p.m. and 11:30 p.m.

(e) Except for emergencies, all openings require that 24 hours advance notice of intended passage be given to the City.

(f) Not more than 25 vessels shall pass through the bridges during one opening.

(g) This period of deviation is effective from April 15, 1995 through July 13, 1995.

Dated: April 5, 1995.

**Rudy K. Peschel,**

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

[FR Doc. 95-8758 Filed 4-6-95; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 165**

[CGD01-95-035]

RIN 2115-AA97

**Safety Zone: Transatlantic Reinsurance Co. Fireworks, Upper New York Bay, NY and NJ**

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

a fireworks program located in Federal Anchorage 20C in Upper New York Bay, New York. This safety zone will be in effect on May 9, 1995, from 8:45 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The safety zone will temporarily close all waters of the Upper New York Bay, within a 300 yard radius of the fireworks platform anchored approximately 300 yards east of Liberty Island, New York.

EFFECTIVE DATE: This rule is effective on May 9, 1995, from 8:45 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York (212) 668-7934.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information**

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

**Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for not publishing an NPRM. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would effectively cancel this event. Cancellation of this event is contrary to public interest.

**Background and Purpose**

On March 17, 1995, Fireworks by Grucci submitted an application to hold a fireworks program in the waters of Upper New York Bay, off of Liberty Island, New York. This regulation establishes a temporary safety zone in all waters of the Upper New York Bay within a 300 yard radius of the fireworks platform anchored approximately 300 yards east of Liberty Island, New York, at or near 40°41'17"N latitude, 074°02'25"W longitude. The safety zone will be in effect on May 9, 1995 from 8:45 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

This safety zone precludes all vessels from transiting this portion of the Upper New York Bay and is needed to protect