Dated: September 17, 2010.

**D.A. Neptun,**

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

[FR Doc. 2010–30741 Filed 12–7–10; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 117

**[Docket No. USCG–2010–1058]**

## Drawbridge Operation Regulation; Upper Mississippi River, Burlington, IA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Burlington Railroad Drawbridge across the Upper Mississippi River, mile 403.1, at Burlington, Iowa. The deviation is necessary to allow the bridge owner time to replace the swing span with a lift span and to construct the right descending tower. This deviation allows the bridge to be maintained in the closed-to-navigation position for sixty-two days.

**DATES:** This deviation is effective from 6 a.m., December 15, 2010 to 6 a.m. February 15, 2011.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–1058 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1058 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 Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, e-mail *Eric.Washburn@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 BNSF Railway Company requested a temporary deviation for the Burlington Railroad Drawbridge, across the Upper Mississippi River, mile 403.1, at Burlington, Iowa to remain in the closed-to-navigation position for 62 days from 6 a.m., December 15, 2010 to 6 a.m., February 15, 2011 to allow the bridge owner time to complete the Truman-Hobbs alteration. The new lift span will be set in place and the right descending tower will be completed. The Burlington Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Burlington Railroad Drawbridge, in the closed-to-navigation position, will provide a vertical clearance of 19.3 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. The drawbridge will not be able to open for emergencies during the construction period. This temporary deviation has been coordinated with waterway users.

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: November 26, 2010.

**Eric A. Washburn,**

*Bridge Administrator.*

[FR Doc. 2010–30744 Filed 12–7–10; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 117

**[Docket No. USCG–2010–1073]**

## Drawbridge Operation Regulation; James River, Hopewell, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the SR 156 Benjamin Harrison Memorial Bridge, across the James River, mile 65.0, at Hopewell, VA. The deviation is necessary to facilitate mechanical repairs to the vertical lift span. This deviation allows the drawbridge to remain in the closed to navigation position.

**DATES:** This deviation is effective from 9 a.m. to 9 p.m. on December 16, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket USCG–2010–1073 and are available online by going to *http://www.regulations.gov*, inserting USCG–2010–1073 in the "Keywords" box, and then clicking "Search". This material is also available for inspection or copying 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 Mr. Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District; telephone (757) 398–6422, e-mail *Bill.H.Brazier@uscg.mil.* If you have questions on reviewing the docket, call Renne V. Wright, Program Manager, Docket Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** The Virginia Department of Transportation, who owns and operates this vertical-lift type bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5, which requires the bridge to open promptly and fully when a request to open is given. In the closed to navigation position the SR 156 Benjamin Harrison Memorial Bridge across the James River, mile 65.0, at Hopewell, VA has a vertical clearance of 50 feet above mean high water. The purpose of the deviation is to facilitate structural repairs.

Under this temporary deviation, the drawbridge will be maintained in the closed to navigation position to facilitate repairs to the skew couplings that keep the vertical lift portion of the bridge balanced. The lift span will be closed from 9 a.m. to 9 p.m. on December 16, 2010.

Typical vessel traffic on the James River includes a variety of vessels from freighters, tug and barge traffic, and recreational vessels. Vessels that can pass under the bridge without a bridge opening may continue to do so at anytime. There are no alternate routes for vessels transiting this section of the James River and the drawbridge will be unable to open in the event of an emergency.

The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway

users. Additionally, the Coast Guard will inform unexpected users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the draw must return to its original 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: November 24, 2010.

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

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

[FR Doc. 2010–30745 Filed 12–7–10; 8:45 am]

**BILLING CODE 9110–04–P**

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## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2008–0747]**

**RIN 1625–AA11**

## Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent regulated navigation area (RNA) on portions of the Thea Foss and Wheeler-Osgood Waterways in Commencement Bay, Tacoma, Washington. The RNA will protect the seabed in portions of those waterways that are subject to the U.S. Environmental Protection Agency's (EPA's) Commencement Bay Nearshore/Tideflats superfund cleanup remediation efforts. This RNA will prohibit activities that would disturb the seabed, such as anchoring, dragging, trawling, spudding or other activities that involve disrupting the integrity of the cap. It would not affect transit or navigation of the area.

**DATES:** This rule is effective January 7, 2011.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2008–0747 and are available online by going to *http://www.regulations.gov,* inserting USCG–2008–0747 in the "Keyword" box, and then clicking "Search." This material is 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 LTJG Ashley Wanzer, Waterways Management, Sector Puget Sound, Coast Guard; telephone 206–217–6175, e-mail *SectorSeattleWWM@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

On June 2, 2010, we published a supplemental notice of proposed rulemaking (SNPRM) entitled Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA in the **Federal Register** (75 FR 105). We received no comments on the proposed rule. We did not receive any comments requesting a public meeting and we did not hold a public meeting.

### Basis and Purpose

The basis for this rulemaking is the Coast Guard's authority, as delegated by the Secretary of Homeland Security, to establish RNAs under 33 U.S.C. 1226, 1231; 46 U.S.C. 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; DHS Delegation No. 0170.1. The purpose of this RNA is to preserve the integrity of the clean sediment caps placed over certain areas of the Thea Foss and Wheeler-Osgood Waterways as part of the EPA's Commencement Bay Nearshore/Tideflats superfund cleanup remediation process in those waters. These caps consist of approximately three feet of sand and gravel, designed to withstand activities common to a working waterfront, covering approximately 30 acres of sediment in the waterway.

This RNA would prohibit activities that could disturb the seabed or the sediment caps, such as anchoring, dragging, trawling, or spudding. It would not affect transit or navigation of the area.

### Background

On August 20, 2008, we published a notice of proposed rulemaking (NPRM; 73 FR 162) to establish a regulated navigation area on a portion of the Thea Foss and Wheeler-Osgood Waterways, Commencement Bay, Tacoma, WA. On June 2, 2010, we published an SNPRM which revised the coordinates for this regulated navigation area and incorporated revisions for waiver requests per public comment on the initial notice of proposed rulemaking.

### Discussion of Comments and Changes

We received no comments on the NPRM or SNPRM.

### 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.

This rule is not a significant regulatory action because this RNA encompasses a small area and does not impact commercial or recreational traffic, and prohibited activities are not routine for the designated areas.

### 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 rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor, dredge, spud, lay cable or disturb the seabed in any fashion in any of the areas outlined by this regulation. The RNA would not have a significant economic impact on small entities due to its minimal restrictive area and ample opportunities for avoiding this region.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement