

were taken into consideration when developing this test deviation.

On June 8, 2023, the Coast Guard published a Temporary Deviation entitled “Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL” in the **Federal Register** (88 FR 37470). The comment period ended on August 4, 2023, with 342 comments received. While those comments were taken into consideration while making this modification, comments from all Notices of Inquiry and Temporary Deviations will be addressed further if a notice of proposed rulemaking (NPRM) is published. The NW Dixie Hwy Bridge has been removed from this docket to allow the Coast Guard to commence a separate rulemaking for the highway bridge to operate on demand.

Under this temporary deviation, the FEC Railroad Bridge will be maintained in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. However, the bridge will not be closed for more than 50 consecutive minutes in any given hour during daytime operations (6 a.m. to 10 p.m.) and for more than 8 total hours during daytime operations (6 a.m. to 10 p.m.).

Notwithstanding the above paragraph, the drawbridge will open and remain open to navigation for a fixed 10-minute period at the top of each hour from 6 a.m. to 10 p.m. In addition, the drawbridge will open and remain open to navigation for a fixed 15-minute period as outlined in the table below:

TABLE 1

Monday through Friday	8:55 a.m. through 9:10 a.m.
Saturday and Sunday	8:55 a.m. through 9:10 a.m.
	9:55 a.m. through 10:10 a.m.
	10:55 a.m. through 11:10 a.m.
	12:55 p.m. through 1:10 p.m.
	4:55 p.m. through 5:10 p.m.

From 10:01 p.m. until 5:59 a.m. daily, the drawbridge will remain in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. The drawbridge will not be closed more than 60 consecutive minutes.

If a train is in the track circuit at the start of a fixed opening period, the opening may be delayed up to, but not more than, five minutes. Once the train has cleared the circuit, the bridge must

open immediately for navigation to begin the fixed opening period.

In the event of a drawbridge operational failure, or other emergency circumstances impacting normal drawbridge operations, the drawbridge owner will immediately notify the Coast Guard Captain of the Port Miami and provide an estimated time of repair and return to normal operations.

The drawbridge will be tended from 6 a.m. to 10 p.m., daily. The bridge tender will monitor VHF-FM channels 9 and 16 and will provide estimated times of drawbridge openings and closures, or any operational information requested. Operational information will be provided 24 hours a day by telephone at (772) 403-1005.

The drawbridge owner will maintain a mobile application. The drawbridge owner will publish drawbridge opening times, and the drawbridge owner will provide timely updates to schedules, including but not limited to, impacts due to emergency circumstances, inspections, maintenance, and repairs authorized by the Coast Guard.

Signs will be posted and visible to marine traffic, displaying VHF radio contact information, application information, and the telephone number for the bridge tender.

A drawbridge logbook will be maintained including the date and time of each closing and opening of the draw. The drawbridge logbook will also include all maintenance opening, closings, malfunctions, or other comments. During the temporary deviation, a copy of the drawbridge logbook for the previous week will be provided to the Seventh Coast Guard District Bridge Manager by 4 p.m. each Monday.

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

II. Public Participation and Request for Comments

We view public participation as essential to determining the needs of the public and will consider all comments and material received during the comment period. Your comment can help shape the outcome of future actions. If you submit a comment, please include the docket number for this test deviation, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2022-0222, in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

View material in the docket. To view documents mentioned in this deviation as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts, you will be notified when comments, future actions or updates are posted to the docket.

We review all comments received, but we will only post comments that address the topic of this deviation. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Dated: August 7, 2023.

Douglas M. Schofield,
Rear Admiral, U.S. Coast Guard, Commander,
Coast Guard Seventh District.

[FR Doc. 2023-17222 Filed 8-10-23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2022-0222]

Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notification of temporary deviation from regulations; cancellation.

SUMMARY: The Coast Guard is canceling the temporary deviation concerning the Florida East Coast (FEC) Railroad Bridge, mile 7.41, and the NW Dixie Highway Bridge, mile 7.5, across the Okeechobee Waterway (OWW), at Stuart, Florida. The cancellation will allow the Coast Guard to review and adjudicate the comments posted to determine whether this temporary deviation would meet the safe and reasonable needs of navigation while taking into consideration competing modes of transportation.

DATES: The temporary deviation published on June 8, 2023, 88 FR 37470, is cancelled as of August 11, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG-2022-0222) in the "SEARCH" box and click "SEARCH". In the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this cancellation, call or email Ms. Jennifer Zercher, Bridge Management Specialist, Seventh Coast Guard District; telephone 305-415-6740, email Jennifer.N.Zercher@uscg.mil.

SUPPLEMENTARY INFORMATION: On June 8, 2023, we published a temporary deviation entitled "Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL" in the **Federal Register** (88 FR 37470). The temporary deviation concerned the anticipated significant increase in railway activity across the FEC Railroad Bridge and the anticipated negative impact on safe and reasonable navigation under the current operating regulation. Given this concern, the Coast Guard issued a temporary deviation to the FEC Railroad Bridge and the adjacent NW Dixie Highway Bridge to allow the drawbridges to operate in concert and on a more predictable schedule. This action was taken to assist the Coast Guard in determining an operating schedule that would meet the safe and reasonable needs of navigation, taking into consideration other modes of transportation. This deviation from the operating regulations was authorized pursuant to 33 CFR 117.35(a).

This temporary deviation is being cancelled to allow the Coast Guard to review and adjudicate the comments posted to determine whether this temporary deviation would meet the safe and reasonable needs of navigation while taking into consideration competing modes of transportation. If we determine this temporary deviation was not effective, a second temporary

deviation will be published in the **Federal Register** to test an alternate operating schedule. The NW Dixie Hwy Bridge has been removed from this docket to allow the Coast Guard to commence separate rulemaking for the highway bridge to operate on demand. In accordance with 33 CFR 117.35(e), the FEC Railroad Bridge must return to its regular operating schedule immediately upon the cancellation date of this deviation.

Dated: August 4, 2023.

Randall D. Overton,

Director, Bridge Administration, Seventh Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2023-0623]

RIN 1625-AA00

Safety Zone; Coast Guard Island, Alameda, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters of the Alameda Estuary, from surface to bottom, within 250 feet of the pier along the southwest side of Coast Guard Island in support of a munitions transfer on August 13, 2023. The safety zone is necessary to protect personnel, vessels, and the marine environment from the dangers associated with live munitions. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port San Francisco.

DATES: This rule is effective from 8 a.m. through 1 p.m. on August 13, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2023-0623 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Helen Oh, Sector San Francisco Waterways Safety Management, U.S. Coast Guard; telephone 415-399-7405, email SFWaterways@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 because munitions must be transferred for operational readiness. It is impracticable to publish an NPRM because we must establish this safety zone by August 13, 2023.

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**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the munitions transfer near Alameda, CA beginning August 13, 2023.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the munitions transfer starting August 13, 2023, will be a safety concern for anyone within a 250-foot radius of the pier along the southwest side of Coast Guard Island. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the munitions transfer.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 a.m. until 1 p.m. on August 13, 2023. The safety zone will cover all waters of the Alameda Estuary, from surface to bottom, within 250 feet of the pier along the southwest side of Coast Guard Island. The safety zone is necessary to ensure the safety of people, vessels, and the marine environment for