

Electronic copies of the agreement are available at: <http://www.osha.gov/dcspl/osp/stateprogs/hawaii.html>.

[FR Doc. 2012-23366 Filed 9-20-12; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0862]

#### Drawbridge Operation Regulation; Willamette River, Portland, OR

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Broadway Bridge across the Willamette River, mile 11.7, at Portland, OR. This deviation is necessary to accommodate the running of the Portland Marathon. This deviation allows the bridge to remain in the down or closed position during the marathon.

**DATES:** This deviation is effective from 7:30 a.m. October 7, 2012 through 3 p.m. October 7, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0862 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0862 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 email the Bridge Administrator, Coast Guard Thirteenth District; telephone 206-220-7282, email [randall.d.overton@uscg.mil](mailto:randall.d.overton@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

Multnomah County has requested that the Broadway Bascule Bridge remain closed to vessel traffic to facilitate safe, uninterrupted roadway passage of participants of the Portland Marathon. The Broadway Bridge crosses the Willamette River at mile 11.7 and

provides 90 feet of vertical clearance above Columbia River Datum 0.0 while in the closed position. Vessels which do not require a bridge opening may continue to transit beneath the bridge during this closure period. Under normal conditions this bridge operates in accordance with 33 CFR 117.897 which allows for the bridge to remain closed between 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m. Monday through Friday and also requires advance notification when a bridge opening is needed. This deviation period is from 7:30 a.m. October 7, 2012 through 3 p.m. October 7, 2012. The deviation allows the bascule span of the Broadway Bridge across the Willamette River, mile 11.7, to remain in the closed position and need not open for maritime traffic from 7:30 a.m. October 7, 2012 through 3 p.m. October 7, 2012. The bridge shall operate in accordance to 33 CFR 117.897 at all other times. Waterway usage on this stretch of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridge's operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. The draw span will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

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: September 7, 2012.

**Randall D. Overton,**  
Bridge Administrator.

[FR Doc. 2012-23291 Filed 9-20-12; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0808]

#### Drawbridge Operation Regulation; Old River, Orwood, CA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating regulation that governs the Burlington Northern & Santa Fe Railroad (BNSF)

Drawbridge across Old River, mile 10.4, at Orwood, CA. The deviation is to allow the bridge owner to perform essential mechanical repairs on the bridge. This deviation allows the bridge to remain in the closed-to-navigation position during the event.

**DATES:** This deviation is effective from 8 a.m. October 22, 2012 to 4 p.m. on October 26, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of the docket USCG-2012-0808 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0808 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 email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510-437-3516, email [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** BNSF has requested a temporary change to the operation of the BNSF Railroad Drawbridge, mile 10.4, over Old River, at Orwood, CA. The drawbridge navigation span provides a vertical clearance of 11.2 feet above Mean High Water in the closed-to-navigation position. The draw opens promptly and fully when a request to open is given. Navigation on the waterway is commercial and recreational.

This temporary deviation has been coordinated with commercial operators and various marinas. No objections to the proposed temporary deviation were raised. Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time. The BNSF drawbridge across Middle River provides alternative access for vessel transits.

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: September 11, 2012.

D.H. Sulouff,

*District Bridge Chief, Eleventh Coast Guard District.*

[FR Doc. 2012-23292 Filed 9-20-12; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 261

RIN 0596-AD08

#### Prohibitions Governing Fire

**AGENCY:** Forest Service, USDA.

**ACTION:** Direct final rule.

**SUMMARY:** The Forest Service is making purely technical, nonsubstantive changes to Forest Service regulations. These regulations authorize issuance of an order prohibiting operation or use of any internal or external combustion engine without a spark arresting device that is properly installed, maintained, and in effective working order in accordance with the standards. The reference to the standard is obsolete and needs to be updated. The standard does not apply and needs to be removed.

**DATES:** The rule is effective September 21, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth Pearson, Assistant Director for Enforcement and Liaison, at 703-605-4527 or via email at [kenpearson@fs.fed.us](mailto:kenpearson@fs.fed.us). Individuals who use telecommunication devices for the deaf may call the Federal Information Relay Service at 800-877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The standard listed in paragraph (j)(1) is "Department of Agriculture, Forest Service Standard 5100-1a." However, the current U.S. Forest Service Standard is 5100-1d. Since this standard is continually being updated, the standard in paragraph (j)(1) is being revised to read, "U.S. Forest Service Standard 5100-1."

The standard listed in paragraph (j)(2) is "Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a)." However, SAE recommended practices cover test procedures for, rather than performance of, spark arresters. U.S. Forest Service Standard 5100-1 covers performance of spark arresters. Accordingly, paragraph (j)(2) is being removed, and paragraph (j)(1) is being designated as paragraph (j).

### Good Cause Statement

The Administrative Procedure Act (APA) exempts certain rulemaking from its public notice and comment requirements, including rulemaking involving "public property" (5 U.S.C. 553(a)(2)), such as federal lands managed by the Forest Service. Furthermore, the APA allows agencies to promulgate rules without public notice and comment when an agency for good cause finds that public notice and comment are "impracticable, unnecessary, or contrary to the public interest" (5 U.S.C. 553(b)(B)).

In 1971, Secretary of Agriculture Hardin announced a voluntary waiver of the public property exemption from public notice and comment rulemaking under the APA (July 24, 1971; 36 FR 13804). Thus, agencies in the United States Department of Agriculture (USDA) generally provide public notice and comment in promulgating rules. However, the Hardin policy permits USDA agencies to promulgate final rules without public notice and comment when the agencies find for good cause that notice and comment procedures would be impracticable, unnecessary, or contrary to the public interest, consistent with 5 U.S.C. 553(b)(B). The courts have recognized this good cause exception to the Hardin policy and have indicated that since the public notice and comment requirement was adopted voluntarily, the Secretary should be afforded "more latitude" in making a good cause determination. See *Alcaraz v. Block*, 746 F.2d 593, 612 (9th Cir. 1984).

The Department finds that good cause exists to exempt this rulemaking from public notice and comment pursuant to 5 U.S.C. 553(b)(B). This rulemaking merely updates a reference and removes an inapplicable reference. Public notice and comment are unnecessary for these minor, purely technical changes.

### 3. Regulatory Certifications

#### *Environmental Impact*

This final rule revises law enforcement regulations governing certain activities on National Forest System lands. Forest Service regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or environmental impact statement rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions. The Department has determined that this final rule falls within this category of actions and that no extraordinary circumstances exist which require preparation of an

environmental assessment or environmental impact statement.

This final rule has been reviewed under USDA procedures and Executive Order (E.O.) 12866 on regulatory planning and review. It has been determined that this final rule is not significant. This final rule will not have an annual effect of \$100 million or more on the economy, nor will it adversely affect productivity, competition, jobs, the environment, public health or safety, or State or local governments. This final rule will not interfere with an action taken or planned by another agency, nor will this final rule raise new legal or policy issues. Finally, this final rule will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of beneficiaries of those programs. Accordingly, this final rule is not subject to review by the Office of Management and Budget under E.O. 12866.

This final rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). This final rule makes purely technical, nonsubstantive changes to Forest Service regulations. Therefore, the Department has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined by that Act because this final rule will not impose record-keeping requirements on them; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

#### *Federalism and Consultation and Coordination With Indian Tribal Governments*

The Department has considered this final rule under the requirements of E.O. 13132 on federalism. The Department has determined that this final rule conforms to the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has determined that no further determination of federalism implications is necessary at this time.

This final rule does not have tribal implications per E.O. 13175, Consultation and Coordination with Indian Tribal Governments. Therefore, advance consultation with tribes is not required in connection with the final rule.