

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD11-01-005]

**Drawbridge Operating Regulation;  
Sacramento River, CA****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eleventh Coast Guard District, has approved a temporary deviation to the regulations governing the opening of the Rio Vista highway drawbridge at mile 12.8 over the Sacramento River, Sacramento County, CA. The drawbridge need not open for vessel traffic at night from March 18 through April 2, 2001. Scheduled closure times are Sunday night through Friday morning from 10 p.m. until 5 a.m., and Friday night through Sunday morning from 11 p.m. until 6 a.m. This deviation is to allow California Department of Transportation to perform essential maintenance and seismic retrofit on the bridge.

**DATES:** The temporary deviation is effective from 12:01 a.m., March 18, 2001, through 11:59 p.m., April 2, 2001.

**FOR FURTHER INFORMATION CONTACT:** David H. Sulouff, Chief, Bridge Section; Eleventh Coast Guard District, Bldg. 50-6, Coast Guard Island, Alameda, CA 94501-5100, telephone (510) 437-3516.

**SUPPLEMENTARY INFORMATION:** The Rio Vista drawbridge, mile 12.8, over the Sacramento River, Sacramento County, CA, provides 17.8 feet vertical clearance above Mean High Water when closed. On March 1, 2001, the Coast Guard received the request from the California Department of transportation for the temporary deviation from the existing operating regulation in 33 CFR 117.5, which requires drawbridge to open promptly and fully when a request to open is given.

This deviation has been coordinated with commercial operators and various marinas on the waterway. No objections were received. Vessels that can pass under the bridge without an opening may do so at all times. In accordance with 33 CFR 117.35(c), this work shall be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: March 15, 2001.

**C.D. Wurster,***U.S. Coast Guard, Acting Commander,  
Eleventh Coast Guard District.*

[FR Doc. 01-7199 Filed 3-22-01; 8:45 am]

**BILLING CODE 4910-15-M****DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD01-01-032]

**RIN 2115-AE47****Drawbridge Operation Regulations:  
Newtown Creek, Dutch Kills, English  
Kills and Their Tributaries, NY****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary final rule governing the operation of the Pulaski Bridge, at mile 0.6, across the Newtown Creek between Brooklyn and Queens, New York. This temporary final rule allows the bridge owner to need open only one bascule span for the passage of vessel traffic from April 23, 2001 through August 31, 2001. This action is necessary to facilitate maintenance at the bridge.

**DATES:** This temporary final rule is effective from April 23, 2001 through August 31, 2001.

**ADDRESSES:** The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668-7165.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM. The Coast Guard mailed letters to all known waterway users advising of the proposed single span operation. No objections or negative comments were received. No vessels known to use the waterway would be precluded from navigation during single span operation. Accordingly, an NPRM was deemed unnecessary. Additionally, conclusive information from the bridge owner confirming the start date for this single span bridge operation was not provided

to the Coast Guard until February 26, 2001. As a result, it was impracticable to draft or publish a NPRM or a final rule in advance of the requested start date for this necessary maintenance. Any delay encountered in this regulation's effective date would be contrary to the public interest.

**Background**

The Pulaski Bridge, at mile 0.6, across Newtown Creek between Brooklyn and Queens has a vertical clearance of 39 feet at mean high water and 43 feet at mean low water. The existing regulations require the draw to open on signal at all times.

The bridge owner, New York City Department of Transportation, requested a single bascule span operation in order to facilitate sandblasting and painting at the bridge. The Coast Guard contacted all known users by letter advising of this proposed single span operation. No objections or negative comments were received.

**Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge will continue to open at all times for navigation.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. "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 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 conclusion is based on the fact that the bridge will continue to open on signal at all times for navigation.

**Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

## Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

## Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

## Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

## Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this rule.

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From April 23, 2001 through August 31, 2001, § 117.801 is temporarily amended by adding a new paragraph (a)(3) and a new paragraph (h) to read as follows:

### § 117.801 Newtown Creek, Dutch Kills, English Kills and their tributaries.

(a) \* \* \*

(3) Except as provided in paragraphs (b) through (h) of this section, each draw shall open on signal.

\* \* \* \* \*

(h) The Pulaski Bridge, at mile 0.6, across Newtown Creek, need open only one bascule span for the passage of vessel traffic.

Dated: March 16, 2001.

G.N. Naccara,

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

[FR Doc. 01–7292 Filed 3–20–01; 3:29 pm]

BILLING CODE 4910–15–P

## POSTAL SERVICE

### 39 CFR Part 111

#### NetPost Mailing Online Experiment: Introduction of Nonprofit Standard Mail Option

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule sets forth the *Domestic Mail Manual* (DMM) standards adopted by the Postal Service to introduce an option to mail at Nonprofit Standard Mail rates via the NetPost Mailing Online experiment initiated September 1, 2000.

**EFFECTIVE DATE:** April 5, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jerome M. Lease, (703) 292–4184.

**SUPPLEMENTARY INFORMATION:** On August 29, 2000, the Postal Service announced in the **Federal Register** that the NetPost Mailing Online experiment is the third of an expected four-step process that will culminate in the establishment of a permanent NetPost Mailing Online service (See 65 FR 52308–52303, (August 29, 2000)). The Postal Service first conducted an operations test from March through September 1998, with a number of customers. That was followed by a one-year market test with

limited customer participation conducted from October 1998 through October 1999, pursuant to the Postal Rate Commission's Docket No. MC98–1 Opinion and Recommended Decision issued on October 7, 1998, and approved by the Postal Service Governors on October 16, 1998. In that docket, the Postal Service also requested authorization to conduct an experiment, which request was later withdrawn by Board of Governors Resolution No. 99–5 (May 3, 1999).

The NetPost Mailing Online service is similar to the Mailing Online service that was offered during the market test. Users access the service by means of the Postal Service's main corporate Website, (USPS.com). The service is available nationwide.

NetPost Mailing Online provides an affordable, convenient option that makes using the mails easier for Postal Service customers, especially those running small offices or home offices who do not currently use more traditional mailing services. It employs advanced technology that benefits customers who otherwise might not have access to sophisticated digital printing technology or to list management and presort software necessary to qualify for lower automation rates. The Postal Service batches all submitted jobs and sends them via dedicated lines to one or more commercial digital printing contractors who then print the documents, finish them according to customer specifications, place them in envelopes bearing a delivery point barcode, and enters them as mail at a Business Mail Entry Unit. Mailings are accepted and verified using manifesting documentation and procedures specified in *Domestic Mail Manual* (DMM) P910.

The experiment currently allows small-volume customers to create First-Class Mail and Standard Mail mailings and have them entered at the automation basic rates. There is no minimum or maximum volume requirement. The service is ideally suited for newsletters, flyers, statements, invoices, and small direct mailings. Customers can mail both letters and flats using a number of different document format, binding, and envelope options.

In a single Website visit to (USPS.com), a NetPost Mailing Online customer is able to upload a word processing document and a list of addresses to a postal data center. The NetPost Mailing Online system presorts and distributes the mailing electronically to contract printers for printing and entry into the mail at a