

dates, to avoid the potentially unnecessary and burdensome *reporting* costs that would otherwise be triggered for many Form T-1 reporting unions on January 1, 2010, the Department leaves in place, for 2010, the *recordkeeping* responsibilities imposed by the 2008 rule.

Finally, four commenters claimed that the Department did not provide for an adequate comment period. A public policy group and a trade association made requests for an extension of the period and two individual commenters opposing changes to the Form T-1 requirements addressed the issue generally, while also commenting on other matters. The public policy group asked for a minimum extension of 140 days and asserted that the Department took almost a decade to develop the Form T-1, with great effort by personnel, and that a comment period of only ten days on extending "the effective date" of the rule is not sufficient for those union members who would gain from the disclosure provided by the Form T-1. The commenter stated that the Department has granted much longer comment periods for notices contemplating "regulatory changes to the annual financial reports." In particular, the comment cited the 90-day extension granted during the recent Form LM-30 rulemaking, after a request from two unions, for a total of 150 days. Further, the comment suggested that the Department has not adequately justified the length of its comment period, particularly in light of Executive Order (E.O.) 12866, sec. 6(a)(1), and the multiple regulatory actions currently being undertaken by the Administration.

The trade association requested an 80-day extension, arguing that the ten-day period does not provide sufficient time for stakeholders to submit a meaningful response. The comment also addressed past extensions that the Department has granted, particularly concerning "changes to the substance or filing instructions of labor organization financial reporting regulations," such as the 90-day extension granted during the Form LM-30 rulemaking mentioned by the public policy group, after two stakeholder requests. The trade association also cited E.O. 12866, sec. 6(a)(1), which states, in part, that "in most cases" an agency should include a comment period of not less than 60 days.

The Department finds that the commenters have not established grounds to extend the comment period. The Department reiterates that it sought comments on a proposal to extend the

Form T-1 filing due dates for one year, not to rescind the Form T-1 rule or otherwise make regulatory changes to the form, such as was the case with the regulations referenced in the requests for an extended comment period. The Department will provide a lengthier comment period concerning any future proposal to rescind the Form T-1. The Department believes that the ten-day comment period was sufficient for the narrow purpose of reviewing the proposal to extend the filing due dates, as the large number of comments demonstrates. Further, there is urgency in providing for this extension, because the first reports to be filed under the Form T-1 rule would be due on or after January 1, 2010, and the Department anticipates publication as early as January 2010 of a proposal to withdraw the Form T-1 rule. As such, there is sufficient reason that the Department determined that a longer comment period was not feasible in this case.

For the reasons stated above and in light of the Department's intention to propose the withdrawal of the Form T-1 rule as early as January 2010, the Department has decided to extend for one year the filing due dates of Form T-1 reports that otherwise must be filed during calendar year 2010. In particular, the Department acknowledges the evidence and experience described in those comments regarding the costs and burdens associated with implementing new reporting requirements, particularly those created by the unique nature of the Form T-1, which mandates that trusts provide unions with information about the former's transactions. The Department notes comments suggesting that enforcement of the filing due dates in 2010 could lead to conflict between the unions and the trusts. Such conflict, as well as the up front reporting costs and burdens, may be avoided by extending the calendar year 2010 filing due dates for one year, pending the outcome of a proposal to rescind the 2008 Form T-1 rule. The Department believes that a one-year extension of the Form T-1 filing due dates is justified by a significant decrease in potentially unnecessary reporting burden, including up front costs.

Andrew Auerbach,

Deputy Director, Office of Labor-Management Standards.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-1053]

Drawbridge Operation Regulation; Inner Harbor Navigational Canal, New Orleans, LA

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 Danziger lift span bridge across the Inner Harbor Navigational Canal, mile 3.1, at New Orleans, LA. The deviation is necessary to remove and install the roller guide assemblies on the bridge. This deviation allows the bridge to remain closed at two different points of time during the bridge repairs project.

DATES: This deviation is effective from 7 a.m. on January 16, 2010 through 7 p.m. on January 30, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-1053 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-1053 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 Lindsey Middleton, Bridge Administration Branch; telephone 504-671-2128, e-mail

Lindsey.R.Middleton@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 Coastal Bridge Company, contracted by Louisiana Department of Transportation and Development, has requested a bridge closure for the Danziger Lift Span Bridge on Route US 90 crossing the Inner Harbor Navigational Canal, mile 3.1, in New Orleans, LA. The vertical clearance of the bridge in the closed-to-navigation position is 50 feet above mean high water and 55 feet above mean low water. Currently, according to

33 CFR 117.458(b), the draw of the US 90 (Danziger) bridge, mile 3.1, shall open on signal; except that, from 8 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given, and the draw need not be opened from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday. This deviation allows the draw span of the bridge to remain closed-to-navigation for 12 consecutive hours between 7 a.m. and 7 p.m. on intermittent days from January 16, 2009 through January 30, 2009. Uncontrollable variables such as inclement weather make it difficult to predict the exact dates that work can be conducted. Thus, the exact dates for the closures cannot be firmly scheduled. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System as soon as information pertaining to the exact closure dates becomes available. During the deviation period seven new aerial cables between the two bridge towers will be installed, the wiring for the roadway and navigation lighting will be replaced, and the guide rollers and span locks will be replaced. The closure periods are necessary for the guide rollers and span locks to be replaced. During the non-closure times of the deviation period the bridge will remain in the open position for vessel traffic. Navigation on the waterway consists mainly of tugs with tows. As a result of coordination between the Coast Guard and the waterway users, it has been determined that this closure will not have a significant effect on these vessels. The Coast Guard will inform these users through the Local Notice to Mariners. Vessels will be allowed to pass underneath the bridge in the closed-to-navigation position. There are alternate routes available to vessel traffic. The bridge will not be able to open for emergencies.

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: December 14, 2009.

David M. Frank,

Bridge Administrator.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-1059]

Drawbridge Operation Regulation; Sacramento River, Knights Landing, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Knights Landing Drawbridge across the Sacramento River, mile 90.1, at Knights Landing, CA. The deviation is necessary to allow the bridge owner, California Department of Transportation, to paint portions of the drawbridge. This deviation allows the bridge owner to operate the double leaf bascule bridge in single leaf mode during the deviation period.

DATES: This deviation is effective from 7 a.m. on December 30, 2009 to 7 a.m. on February 6, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-1059 and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-1059 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. 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 David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437-3516, e-mail 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: California Department of Transportation requested a temporary change to the operation of the Knights Landing Drawbridge, mile 90.1, Sacramento River, at Knights Landing, CA. The draw opens on signal if at least 12 hours notice is given as

required by 33 CFR 117.189(b). This deviation allows the bridge owner to operate the double leaf bascule bridge in single leaf mode while securing one leaf of the drawspan in the closed-to-navigation position from 7 a.m. on December 11, 2009 to 7 a.m. on February 6, 2010.

The Knights Landing Drawbridge provides 3 feet vertical clearance above the 100 year floodplain when closed and unlimited vertical clearance in the open-to-navigation position. The drawbridge provides 199 feet horizontal clearance between bridge piers. The horizontal clearance provided by the drawbridge during single leaf operation is reduced by approximately 100 feet between the tip of the closed bascule and the opposite pier face. The vertical clearance will be unaffected.

No alternative routes are available for navigation. This temporary deviation has been coordinated with all known waterway users. No objections were received concerning the temporary deviation.

Vessels that can safely transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

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: December 14, 2009.

J.R. Castillo,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA-R05-RCRA-2009-0908; SW-FRL-9096-7]

Hazardous Waste Management System; Exclusion for Identifying and Listing Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA (also, “the Agency” or “we” in this preamble) is taking direct final action to grant a petition submitted by Professional Plating, Inc. (PPI), in Brillion, Wisconsin to exclude (or “delist”) up to 140 cubic yards of sludge per year generated by its wastewater treatment plant from the list of hazardous wastes.