

to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Commandant Instruction M16475.ID, and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would

limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

### List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed 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; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. In Sec. 117.269, from 6 a.m. to 8:55 a.m. on January 28, 2007, temporarily designate the existing regulatory text as paragraph (a); suspend paragraph (a); and add a new paragraph (b) to read as follows:

#### § 117.269 Biscayne Bay.

\* \* \* \* \*

(b) The draw of the east span of the Venetian Causeway bridge across the Miami Beach Channel need not open from 6 a.m. to 8:55 a.m. on January 28, 2007. Public vessels of the United States and vessels in distress shall be passed at any time.

■ 3. In § 117.261, from 6:10 a.m. until 9:30 a.m. on January 28, 2007, temporarily suspend paragraph (nn), and add a new paragraph (oo) to read as follows:

#### § 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

\* \* \* \* \*

(oo) The draw of the west span of the Venetian Causeway bridge, mile 1088.6 at Miami need not open from 6:10 a.m. until 9:30 a.m. on January 28, 2007. Public vessels of the United States and vessels in distress shall be passed at any time.

■ 4. In § 117.305, from 6:25 a.m. until 10:15 a.m. on January 28, 2007, paragraphs (c) and (d) are suspended and new paragraphs (e) and (f) are added to read as follows:

#### § 117.305 Miami River.

\* \* \* \* \*

(e) The draws of the Miami Avenue bridge, mile 0.3, and the S.W. Second Avenue Bridge, mile 0.5, at Miami, shall open on signal; except that, from 6:25 a.m. to 10:15 a.m. on January 28, 2007, the draw of the Miami Avenue bridge need not open for the passage of vessels. Public vessels of the United States and vessels in distress shall be passed at any time.

(f) The draw of the Brickell Avenue bridge across the Miami River, mile 0.1, at Miami, need not open from 7:10 a.m. to 12:25 p.m. on January 28, 2007. Public vessels of the United States and vessels in distress shall be passed at any time.

Dated: January 18, 2007.

**D.W. Kunkel,**

*RADM, U. S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. E7–1027 Filed 1–24–07; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD07–06–158]

RIN 1625–AA09

#### Drawbridge Operation Regulations; Stickney Point (SR 72) Bridge, Gulf Intracoastal Waterway, Mile 68.6, Sarasota, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the operating regulation governing the operation of the Stickney Point (SR 72) Bridge across the Gulf Intracoastal Waterway, mile 68.6, Sarasota, Florida. The rule will require the drawbridge to open on the hour, twenty minutes past the hour and forty minutes past the hour.

**DATES:** This rule is effective February 26, 2007.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD07–06–130) and are available for inspection or copying at Commander (dpb), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, Florida 33131–3050 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Seventh Coast Guard District, Bridge Branch, telephone number 305–415–6743.

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

On October 3, 2006, we published a supplemental notice of proposed rulemaking (SNPRM) entitled Drawbridge Operation Regulations; Stickney Point (SR 72) Bridge, Gulf Intracoastal Waterway, mile 68.6, Sarasota, FL in the **Federal Register** (71 FR 58334). We received 460 comments on the proposed rule. No public meeting was requested and none was held.

**Background and Purpose**

The current regulations governing the operation of the Stickney Point Bridge, published in 33 CFR 117.5, require the draw to open on signal.

On December 21, 2005, a Notice of Proposed Rulemaking was published in the **Federal Register**, 70 FR 75767. This proposal was for a schedule of an hour and half-hour opening schedule. We received 48 comments from the public all which were against changing the regulations to twice an hour openings.

On April 24, 2006, a test of a twenty minute schedule, as published in the **Federal Register** 71 FR 16491, was conducted per the request of City officials of Sarasota, because they believed the current drawbridge regulation was not meeting the needs of vehicle traffic.

We received 5 comments during the test. Four of the comments were from motorists who were in favor of the twenty minute schedule and one was against changing the schedule from an on demand regulation.

On October 3, 2006, we published a supplemental notice of proposed rulemaking (SNPRM) entitled Drawbridge Operation Regulations; Stickney Point (SR 72) Bridge, Gulf Intracoastal Waterway, mile 68.6, Sarasota, FL in the **Federal Register** (71 FR 58334).

**Discussion of Comments and Changes**

The Coast Guard received 460 responses to the Supplemental Notice of Proposed Rulemaking. There were 448 comments in favor of the new schedule, 4 comments opposing the schedule and 8 comments recommending different schedules. Of the 4 dissenting comments, all were from waterway users. One commenter desired the schedule be implemented only during weekdays, which it will be. Two commenters cited safety issues of holding vessels near the bridge. This can be avoided by vessels timing their approach to the bridge. The last dissenting commenter had no specific issue regarding the change.

The bridge logs show the average bridge opening request was less than two openings per hour. The new rule allows three openings per hour. Therefore, the new rule will meet the reasonable needs of navigation and also allow local vehicular traffic the ability to plan their crossing of the bridge.

**Regulatory Evaluation**

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.

**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 would affect the following entities, some of which may be small entities: the owners or operators of vessels needing to transit the Gulf Intracoastal Waterway in the vicinity of the Stickney Point bridge. The rule would not have a significant economic impact on a substantial number of small entities because the rule provides three openings per hour for vessel traffic.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by

employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

**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**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

**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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

**Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or

operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Commandant Instruction M16475.ID, and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

### List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed 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; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Amend § 117.287 by revising paragraph (b–1) and by adding paragraph (c) to read as follows:

### § 117.287 Gulf Intracoastal Waterway.

\* \* \* \* \*

(b–1) Stickney Point (SR 72) bridge, mile 68.6, at Sarasota. The draw shall open on signal, except that the draw need open only on the hour, twenty minutes past the hour, and forty minutes past the hour, from 6 a.m. to 10 p.m., Monday through Friday, except Federal holidays.

(c) The draw of the Siesta Drive Bridge, mile 71.6 at Sarasota, Florida shall open on signal, except that from 7 a.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour. On weekends and Federal holidays, from 11 a.m. to 6 p.m., the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

\* \* \* \* \*

Dated: January 5, 2007.

**D.W. Kunkel,**

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

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