

Environment

We have analyzed this rule under Commandant Instruction M16475.ID 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 because this rule involves drawbridge regulations. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Words of Issuance and Regulatory Text

■ 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; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. § 117.469 is revised to read as follows:

§ 117.469 Liberty Bayou.

The draw of the S433 Bridge, mile 2.0, at Slidell, shall open on signal, except that between 7 p.m. to 7 a.m., the draw shall open on signal if at least two hours notice is given.

Dated: February 27, 2008.

Joel R. Whitehead,

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

[FR Doc. E8–4816 Filed 3–10–08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2008–0116]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary

deviation from the regulation governing the operation of the Figure Eight Swing Bridge, at AIWW mile 278.1, at Scotts Hill, NC. From February 29, 2008 at 6 p.m. until March 11, 2008 at 5:30 p.m., this deviation is necessary to complete sandblasting and painting operations along with mechanical repairs. The drawbridge will remain closed-to-navigation each day from 6 p.m. to 9:30 a.m., from 10 a.m. to 1:30 p.m., and from 2 p.m. to 5:30 p.m.

DATES: This deviation is effective from 6 p.m. on February 29, 2008 to 5:30 p.m. on March 11, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704–5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6222. Commander (dpb), Fifth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629.

SUPPLEMENTARY INFORMATION: The Figure Eight Swing Bridge has a vertical clearance in the closed position to vessels of 20 feet, above mean high water (MHW). Also, the vertical clearance in this location is limited to 85 feet, above MHW, by the overhead power line.

On December 27, 2007, we published a notice of temporary deviation from regulations entitled “Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC” in the **Federal Register** (72 FR 56013).

Contractors, on behalf of the Figure Eight Homeowners Association (the bridge owner), requested an additional temporary deviation from the current operating regulations set out in 33 CFR 117.821(a)(3) to close the drawbridge to navigation in order to complete sandblasting, cleaning and painting of the bridge superstructure along with mechanical repairs.

To complete this operation, the Figure Eight Swing Bridge will be further maintained in the closed-to-navigation position each day from February 29, 2008, until March 11, 2008, from 6 p.m. to 9:30 a.m., from 10 a.m. to 1:30 p.m., and from 2 p.m. to 5:30 p.m. Commercial vessel openings will be provided from the 6 p.m. to 9:30 a.m. work-block if at least three hours notice is given by calling (910) 686–0635 or via marine radio on Channel 13. At all other

times, the drawbridge will operate in accordance with 33 CFR 117.821(a)(3).

The Coast Guard will inform the users of the waterway through our Local and Broadcast Notices to Mariners of the closure period for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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.

We analyzed this temporary deviation under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f).

The environmental impact of this temporary deviation will be minimal because closing the drawbridge to vessels in order to perform routine repair and maintenance will not result in a change in functional use, or an impact on a historically significant element or setting.

Dated: February 25, 2008.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. E8–4812 Filed 3–10–08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2007–0079]

RIN 1625–AA09

Drawbridge Operation Regulation; Tchefuncta River, Madisonville, LA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the State Route 22 (S22) Bridge across the Tchefuncta River, mile 2.5, at Madisonville, St. Tammany Parish, Louisiana and cancelling the test deviation presently in effect for this bridge. This change is being made in order to enhance the flow of vehicles across the bridge during peak traffic hours.

DATES: This rule is effective April 10, 2008. The test deviation, docket number USCG–2007–0082, old docket number

CGD08-07-034, (72 FR 64152) is cancelled as of April 10, 2008.

ADDRESSES: Comments and related materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket USCG-2007-0079, previously published under docket number CGD08-07-038. The docket is available at <http://www.regulations.gov>. This material is also available for inspection or copying at two locations: 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 and the office of the Commander, Eighth Coast Guard District, Bridge Administration Branch, 500 Poydras Street, Room 1313, New Orleans, LA 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 671-2128. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On November 15, 2007, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Tchefuncta River, Madisonville, LA" in the **Federal Register** (72 FR 64175) under docket number CGD08-07-033. No public meeting was requested, and none was held.

Concurrent with the publication of the Notice of Proposed Rulemaking, a Test Deviation, USCG-2007-0082, old docket number CGD08-07-037, was published in the **Federal Register** (72 FR 64152) on November 15, 2007 to allow the Louisiana Department of Transportation and Development to test the proposed schedule and to obtain data and public comments. The test period was in effect during the entire Notice of Proposed Rulemaking comment period. The Coast Guard has reviewed the public comments from this Notice of Proposed Rulemaking and the above referenced Temporary Deviation and determined that a permanent special drawbridge operating regulation is warranted.

Background and Purpose

The Louisiana Department of Transportation and Development

requested that the operating regulation of the S22 swing span bridge be changed in order to better accommodate the vehicular traffic crossing the bridge during peak, weekday rush hours. Currently 33 CFR 117.500 reads: The draw of the S22 Bridge, mile 2.5, at Madisonville shall open on signal except that, from 5 a.m. to 8 p.m., the draw need open only on the hour and half-hour.

The bridge owner requested that the operating regulation be changed to read as follows: The draw of the S22 Bridge, mile 2.5 at Madisonville, shall open on signal from 7 p.m. to 6 a.m. From 6 a.m. to 7 p.m., the draw need only open on the hour and half hour, except that, from 6 a.m. to 9 a.m. and from 4 p.m. to 7 p.m. Monday through Friday except Federal holidays, the draw need only open on the hour. The Louisiana Department of Transportation and Development and the Coast Guard believe that this change to the operating regulation will accommodate most vehicular traffic, and that the needs of navigation will also be met. Most of the vessels that request openings are recreational powerboats and sailboats that routinely transit this waterway and are able to adjust their schedules to coincide with the proposed drawbridge operating schedule.

Discussion of Comments and Changes

The Coast Guard received a total of twelve letters of comment in response to the NPRM and the test deviation. Three of the letters were from Federal or state environmental agencies, stating that there was no objection to the proposal. Nine letters were from local citizens, seven of which stated approval of the proposed change. One of the approval letters indicated a desire for the period for opening only on the hour beginning at 2:30 p.m. to accommodate more of the school traffic. The Coast Guard believes that extending the restriction to open only on the hour beginning at 2:30 p.m. will cause the boating traffic to be too severely restricted through the majority of the day. Thus, the suggested change to the proposed regulation is not considered by the Coast Guard to be in the best interest of boaters who have already been restricted from bridge openings in the mornings and afternoons. Two of the letters neither opposed nor supported the proposal, but generally expressed dissatisfaction with the usual daily movement of vehicular traffic through Madisonville and across the S22 Bridge. These letters were forwarded to LDOTD for their consideration.

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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This is because the current and historical waterway traffic is comprised almost entirely of recreational vessels that can easily adjust schedules for transits through the bridge.

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 will affect a limited number of small entities. These entities include operators of pleasure powerboats and sailboats using the waterway. This proposed rule will not significantly impact these small entities because they are able to schedule transits through this bridge.

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. The Coast Guard provided contact information, so that small entities could ask questions concerning this rule.

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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect 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 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 because this rule involves drawbridge regulations. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (32)(e) of the Instruction, from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Words of Issuance and Regulatory Text

■ 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; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

■ 2. § 117.500 is revised to read as follows:

§ 117.500 Tchefuncta River.

The draw of the S22 Bridge, mile 2.5, at Madisonville, shall open on signal, from 7 p.m. to 6 a.m. From 6 a.m. to 7 p.m., the draw need only open on the hour and half hour, except that, from 6 a.m. to 9 a.m. and from 4 p.m. to 7 p.m. Monday through Friday except Federal holidays, the draw need only open on the hour.

Dated: February 27, 2008.

Joel R. Whitehead,

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

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG-2008-0113]

RIN 1625-AA-09

Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Beach Thorofare, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Margate Bridge, at ICW mile 74.0, across Beach Thorofare at Margate, New Jersey. This deviation is necessary to make emergency structural steel repairs. **DATES:** This deviation is effective from 7 a.m. on March 1, 2008, to 11:59 p.m. on May 1, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or