

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117****[Docket No. USCG–2011–0335]****RIN 1625–AA09****Drawbridge Operation Regulation; Apponagansett River, Dartmouth, MA****AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has changed the drawbridge operation regulations that govern the operation of the Padanaram Bridge across the Apponagansett River, mile 1.0, at Dartmouth, Massachusetts. The owner of the bridge requested relief from crewing the bridge in the early morning hours when there have been no requests to open the bridge. It is expected that this change to the regulations would provide relief to the bridge owner while continuing to meet the reasonable needs of navigation.

**DATES:** This rule is effective November 16, 2011.

**ADDRESSES:** Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2011–0335 and are available online by going to <http://www.regulations.gov>, inserting USCG–2011–0335 in the “Keyword” box, and then clicking “Search.” 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 Mr. John McDonald, Project Officer, First Coast Guard District Bridge Branch, 617–223–8364, [john.w.mcdonald@uscg.mil](mailto:john.w.mcdonald@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

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

On June 24, 2011, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations Apponagansett River, in the **Federal Register** (76 FR 37041). We received no comments in response to

the proposed rule. No public meeting was requested, and none was held.

**Basis and Purpose**

The Padanaram Bridge across the Apponagansett River, mile 1.0, at Dartmouth, Massachusetts, has a vertical clearance in the closed position of 9 feet at mean high water and 12 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.587.

The existing drawbridge operation regulations require the draw to open on signal 1 May through 31 October from 5 a.m. to 9 p.m., daily. The following intervals apply to open on signal: The bridge shall open on signal, twice an hour, on the hour and the half hour between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m. or on signal, once an hour, on the hour between 9 a.m. and 8 p.m. At all other times the bridge shall open if at least four hours advance notice is given.

The Coast Guard received a request from the owner of the bridge, the Town of Dartmouth, to change the drawbridge operation regulations concerning the daily hours the bridge is crewed from 1 May through 31 October. The bridge owner requested to crew the bridge from 6 a.m. through 9 p.m. instead of 5 a.m. through 9 p.m., daily.

A review of the bridge opening logs reveals that the bridge has not received any requests to open between 5 a.m. and 6 a.m. since 2009.

As a result of the above information the Coast Guard believes it is reasonable for the bridge owner to crew the Padanaram Bridge from 6 a.m. through 9 p.m., 1 May through 31 October, since there have been no requests to open the bridge before 6 a.m.

**Discussion of Comments and Changes**

The Coast Guard received no comments in response to the notice of proposed rulemaking. As a result no changes were made to this final rule.

**Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

**Executive Order 12866 and Executive Order 13563**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, 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. There will not be a significant impact. This conclusion is based on the fact that the bridge has not received any requests to open between 5 a.m. and 6 a.m., daily, between May 1 and October 31.

**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 might be small entities: the owners or operators of vessels needing to transit through the bridge between 1 May through 31 October from 5 a.m. to 6 a.m. This rule would not have a significant economic impact on a substantial number of small entities for the following reason:

The bridge has not received any requests to open between 5 a.m. and 6 a.m., daily, between 1 May and 31 October, since 2009.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM 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.

**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 (adjusted for inflation) 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 cause 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, eliminates 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 Department of Homeland Security Management Directive 023–01 and 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 this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist 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; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.587, revise paragraphs (a) introductory text and (a)(1) to read as follows:

### § 117.587 Apponagansett River.

(a) The draw of the Padanaram Bridge, mile 1.0, shall open on signal from 1 May through 31 October, between 6 a.m. and 9 p.m., daily, as follows:

(1) The bridge shall open on signal, twice an hour, on the hour and half hour between 6 a.m. and 9 a.m. and between 8 p.m. and 9 p.m.

\* \* \* \* \*

Dated: September 16, 2011.

**Daniel A. Neptun,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 2

[EPA–HQ–OAR–2009–0924; FRL–9479–8]

### Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking direct final action to correct an erroneous reference in EPA’s procedures for handling data required under the Mandatory Greenhouse Gas Reporting Rule, which are provided in the Special Rules Governing Certain Information Obtained Under the Clean Air Act. This correction does not change any requirements for entities regulated under the Mandatory Greenhouse Gas Reporting Rule or the final confidentiality determinations that EPA has made for such data.

**DATES:** This rule is effective on December 1, 2011 without further notice, unless the EPA receives adverse comment by November 16, 2011. If we receive adverse comment by this date, we will publish a timely withdrawal notice in the **Federal Register** to inform the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2009–0924, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **E-mail:** [GHGReportingCBI@epa.gov](mailto:GHGReportingCBI@epa.gov).
- **Fax:** (202) 566–1741.
- **Mail:** Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 6102T, Attention Docket ID