

Regulations; Atlantic Intracoastal Waterway (AIWW), Albemarle and Chesapeake Canal, Chesapeake, VA" in the **Federal Register** (72 FR 17065). This rulemaking would have allowed the bridge to open on signal every hour on the half hour from 6:30 a.m. to 6:30 p.m., year round.

Withdrawal

The City of Chesapeake, which owns and operates this swing-type bridge, had requested a change to the existing regulations in an effort to improve the travel for mariners to arrive at the Great Bridge (S168) Bridge across the Albemarle and Chesapeake, at AIWW mile 12.0 at Chesapeake, (approximately three miles away).

The Coast Guard conducted a lengthy and thorough investigation with both roadway and waterway users. Our investigation revealed that the proposal would not improve the transit of waterway users because it would impose possibly hazardous and unnecessary delays on slower vessels, such as sailboats and trawlers, that are probably most of the transient vessels needing openings at the bridge. Additionally, all of the comments received during the comment period were in favor of keeping the current schedule.

Authority

This action is taken under the authority of 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

Dated: May 12, 2008.

Fred M. Rosa, Jr.,

*Rear Admiral, United States Coast Guard,
Commander, Fifth Coast Guard District.*

[FR Doc. E8-11405 Filed 5-21-08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2008-0256]

RIN 1625-AA09

Drawbridge Operation Regulation; Duwamish Waterway, Seattle, WA, Schedule Change

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the drawbridge operation regulation for the Spokane Street Bridge across the Duwamish Waterway, mile

0.3, in Seattle, Washington, by establishing two daily closed draw periods Monday through Friday. The change is necessary to help alleviate roadway traffic and will do so by preventing traffic stoppages on either side of the bridge during high volume traffic periods. Large vessels would be exempted from the closed draw periods.

DATES: Comments and related material must reach the Coast Guard on or before July 21, 2008.

ADDRESSES: You may submit comments identified by the Coast Guard docket number USCG-2008-0256 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(3) *Hand delivery:* Room W12-140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* 202-493-2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Austin Pratt, Chief, Bridge Section, Waterways Management Branch, 13th Coast Guard District, telephone 206-220-7282. 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:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking USCG-2008-0256, indicate the specific section of this document to which each comment applies, and give

the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time. Enter the docket number for this rulemaking (USCG-2008-0256) in the search box, and click "Go>>." You may also visit either the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays or the 13th Coast Guard District Waterways Management Branch at 915 Second Avenue, Seattle, WA 98174-1067 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://DocketsInfo.dot.gov>.

Public Meeting

We do not now plan to hold a public meeting, but you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place

announced by a later notice in the **Federal Register**.

Background and Purpose

The proposed rule would enable the Seattle Department of Transportation (SDOT), the owner of the Spokane Street Bridge, to keep the draws of that bridge in the closed position in order to help alleviate roadway traffic Monday through Friday from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., with the proviso that openings shall be provided at any time for vessels of 5000 gross tons or more.

The operating regulations currently in effect for the Spokane Street Bridge are found at 33 CFR 117. The drawspan currently operates under the general requirements of 33 CFR 117.1041 such that it must open on signal for the passage of vessels at any time. The bridge was constructed in 1991 and has never been subject to any special operating regulations.

The bridge provides a minimum of 44 feet of vertical clearance above mean high water (elevation 10.47) in the closed position, but 55 feet for the central 130 feet of span width. The horizontal clearance is 250 feet. In the fully open position the bridge allows unlimited vertical clearance over the channel.

For a 12-month period in 2007 and 2008 the draw opened for vessels an average of about 10 times per month in each of the morning and afternoon periods proposed for closure. The draw opens approximately 2 or 3 times per week in each of the periods proposed for closure. Openings for vessels occur around the clock at this bridge with no frequency pattern apparent to particular times. Since 1996 the total monthly openings have ranged from 103 to 360. The traffic transiting through the bridge opening includes oceangoing ships, container barges, derrick barges and other large vessels that require the drawspan to open. Most openings are for commercial vessels. Single openings sometimes accommodate several vessels. Based on drawspan records, this proposed rule will reduce the current number of openings up to 60 percent in the periods proposed for closure. Vessels of 5000 gross tons or more would still be accommodated during the periods proposed for closure.

The draw is open for periods of 10 to 17 minutes for the above cited operations. Roadway traffic then takes several minutes to regain the flow that existed prior to the draw opening. SDOT studied a period from July through September of 2007 during which the average weekday daily traffic ranged from 10,900 to 11,400 vehicles. Of this

number, 500 to 1500 vehicles or more are passing over the bridge in each period proposed for closure. Halted vehicle counts are not available.

Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.1041 by renumbering the current paragraphs (a)(1) and (2) to (a)(2) and (3), respectively, and adding a new paragraph (a)(1) establishing that “the draw of the Spokane Street Bridge, mile 0.3, need not open for vessels of less than 5000 gross tons from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday.” The periods of closure will help alleviate road traffic by preventing traffic stoppages on either side of the bridge during high volume traffic periods.

Regulatory Evaluation

This proposed 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 under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the fact that most vessel operators can plan their passage in accordance with the closed periods to minimize any impact on their activities.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels needing to transit under the Spokane Street Bridge between 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday. The economic impact on these entities will not be significant, however, because the closures are limited to two, two-hour periods each day, Monday through

Friday, most vessel operators can plan their passage in accordance with the closed periods to minimize impact on their activities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how, and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Austin Pratt, Chief, Bridge Section, Waterways Management Branch, 13th Coast Guard District, at (206) 220–7282. 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 proposed rule would call 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 proposed 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 proposed 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 proposed rule would 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 proposed 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 Information and Regulatory Affairs has not designated this 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed 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 made a preliminary determination that this action is not likely to have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Words of Issuance and Proposed Regulatory Text

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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 (§ 117.1041 redesignate paragraphs(a)(1) and (a)(2) as (a)(2) and (a)(3) and add a new paragraph (a)(1) to read as follows:

§ 117.1041 Duwamish Waterway.

(a) * * *

(1) The draw of the Spokane Street Bridge, mile 0.3, need not open for vessels of less than 5,000 gross tons from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday.

* * * * *

Dated: April 30, 2008.

J.P. Currier,
Rear Admiral, U.S. Coast Guard, Commander,
Thirteenth Coast Guard District.

[FR Doc. E8–11439 Filed 5–21–08; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2008–0218]

RIN 1625–AA00

Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishment of safety zones for annual events in the Captain of the Port Detroit zone. This proposed rule consolidates current regulations establishing safety zones for annual fireworks events in the former Captain of the Port Toledo Zone and the former Captain of the Port Detroit Zone. In addition, it adds events not previously published in Coast Guard regulations. These safety zones are necessary to protect spectators, participants, and vessels from the hazards associated with fireworks displays or other events.

DATES: Comments and related materials must reach the Coast Guard on or before June 23, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–0218 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: LT Jeff Ahlgren, Waterways Management, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit, MI 48207; (313) 568–9580.

I. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All