

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part 50 of Title 28 of the Code of Federal Regulations is amended as follows:

## **PART 50—STATEMENTS OF POLICY [AMENDED]**

■ 1. The authority citation for part 50 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 1921 *et seq.*, 1973c; and Pub. L. 107-273, 116 Stat. 1758, 1824.

■ 2. In § 50.21, paragraph (d)(4)(iv) is revised to read as follows:

### **§ 50.21 Procedures governing the destruction of contraband drug evidence in the custody of Federal law enforcement authorities.**

\* \* \* \* \*

(d) \* \* \*  
(4) \* \* \*

(iv) Two hundred grams of powdered phencyclidine (PCP) or two kilograms of a powdered mixture or substance containing a detectable amount of phencyclidine (PCP) or 28.35 grams of a liquid containing a detectable amount of phencyclidine (PCP);

\* \* \* \* \*

Dated: November 30, 2007.

**Michael B. Mukasey,**  
*Attorney General.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

### **33 CFR Part 117**

[Docket No. CGD07-07-252]

RIN 1625-AA09

### **Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Mile 1134, Key Largo, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is temporarily changing the operating regulations governing the Jewfish Creek Bridge, Atlantic Intracoastal Waterway mile 1134, Key Largo, Monroe County, Florida. This rule will allow the Drawbridge to open on signal, except that from 7 a.m. until sunset this bridge will open on the hour and half-hour. This action is necessary for workers' safety.

**DATES:** This rule is effective 7 a.m. December 7, 2007 to April 30, 2008.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of the docket [Docket No. CGD07-07-252] and are available for inspection or copying at Commander (dpb), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 432, Miami, Florida 33131-3028 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Lieberum, Seventh Coast Guard District, Bridge Administration Branch, telephone number 305-415-6744.

### **SUPPLEMENTARY INFORMATION:**

#### **Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. An NPRM would be impracticable and contrary to the public interest as a delay in the effective date poses a risk to the construction workers and increases the risk of traffic accidents.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge owner had informed the Coast Guard that there have been more vehicle accidents, resulting in an increased risk to workers during normal operation of this bridge then during the half-hour closure periods. Therefore, it is in the best interest of safety to implement this regulation as soon as possible.

#### **Background and Purpose**

The existing regulation of the draw requires that the Jewfish Creek Bridge, mile 1134 at Key Largo, shall open on signal; except that, from 10 a.m. to Sunset, Thursday through Sunday and Federal holidays, the draw need open only on the hour and half hour.

The owner of the bridge notified the Coast Guard that there is a noticeable difference in the vehicular delays and safety because of the vehicles backed up due to the on-demand openings. This has created additional accidents within the work zone and increases the potential of serious injuries to construction workers in the work zone. For these reasons the bridge owner has requested that the Coast Guard change the current operation of the Jewfish Creek Bridge. The drawbridge will be required to open twice an hour from 7 a.m. to sunset.

In cases of emergency, the drawbridge will be opened as soon as possible. This

regulation is necessary for workers' safety.

#### **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.

Although bridge openings will be restricted, vessel traffic will still be able to transit the Atlantic Intracoastal Waterway pursuant to the revised opening schedule.

#### **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 Atlantic Intracoastal Waterway in the vicinity of the Jewfish Creek Bridge, persons intending to drive over the bridge, and nearby business owners. The revision to the openings schedule would not have a significant impact on a substantial number of small entities, although bridge openings will be restricted, vessel traffic will still be able to transit the Atlantic Intracoastal Waterway pursuant to the revised opening schedule.

#### **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 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 the 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 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. 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.

■ 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(g); Department of Homeland Security Delegation No. 0170.1

■ 2. From 7 a.m. on December 7, 2007, through sunset on April 30, 2008, § 117.261(qq) is suspended and § 117.261(uu) is added to read as follows:

#### § 117.261 Atlantic Intracoastal Waterway.

\* \* \* \* \*

(uu) Jewfish Creek Bridge, mile 1134, Key Largo. The draw shall open on signal, except that from 7 a.m. to sunset, the bridge shall open on the hour and half-hour.

\* \* \* \* \*

Dated: November 23, 2007.

**William Lee,**

*Capt. USCG, District Commander, Seventh Coast Guard District, Acting.*

[FR Doc. E7-23600 Filed 12-6-07; 8:45 am]

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#### DEPARTMENT OF EDUCATION

#### 34 CFR Part 75

**RIN 1890-AA15**

**[Docket ID ED-2007-OCFO-0132]**

#### Direct Grant Programs

**AGENCY:** Office of the Chief Financial Officer, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the Department's regulations governing the determination and recovery of indirect costs by grantees. These amendments address procedural aspects related to the establishment of temporary indirect cost rates, specify the temporary rate that will apply to grants generally, and clarify how indirect costs are determined for a group of applicants that apply for a single training grant.

**DATES:** These regulations are effective January 7, 2008.

**FOR FURTHER INFORMATION CONTACT:** Richard Mueller, U.S. Department of Education, 830 First Street, NE., room