

Jamaica, NY 11434-4809; telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On November 28, 2006 a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E-2 airspace extending upward from the surface to the base of the overlying controlled airspace within a 4.5 mile radius of the Griffiss Airfield, Rome, NY, was published in the **Federal Register**. Interested parties were invited to participate in this rulemaking by submitting written comments on the Proposal to the FAA on or before December 29, 2006. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) provides controlled Class E-2 airspace at Griffiss AFB, Rome, NY. The opening of a tower and for the protection of Instrument Approaches makes this action necessary. Controlled airspace extending upward from the surface to the base of the overlying controlled airspace is needed to accommodate the SIAPs. That airspace would extend from the surface to the base of the overlying controlled airspace within a 4.5 mile radius of the Griffiss Airfield, Rome, NY, and within 2 miles each side of bearing 135°/315° from a point at Lat 43°14.02' N, Long 75°24.25' W, extending from the 4.5 mile radius zone, to a point 10.5 miles NW and 10.5 miles SE of the airport. The class E-2 airspace area would be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time would thereafter be continuously published in the Airport/Facility Directory. Class E-2 airspace designations for airspace areas extending upward from the surface of the earth are published in Paragraph 6002 of FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E-2 airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation, (1) is not a "significant regulatory action"

under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 6002 Class E-2 airspace areas extending upward from the surface of the earth

AEA NY (D) Griffiss Airfield [New]

Rome, NY

(Lat. 43°14'02" N., long. 75°24'25" W.)

That airspace extending upward from the surface to the base of the overlying controlled airspace with a 4.5 mile radius of the Griffiss Airfield, Rome, NY, and within 2 miles each side of bearing 135°/315° from a point at Lat. 43°14.02' N., Long. 75°24.25' W., extending from the 4.5 mile radius zone, to a point 10.5 miles NW. and 10.5 miles SE. of the airport. The Class E-2 airspace area is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time thereafter be continuously published in the Airport/Facility Directory.

Issued in Jamaica, New York, on December 21, 2006.

Mark D. Ward,

Manager, System Support Group.

[FR Doc. 07-298 Filed 1-24-07; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07-07-010]

RIN 1625-AA09 (Formerly RIN 2115-AE47)

Drawbridge Operation Regulations; Biscayne Bay, Atlantic Intracoastal Waterway, Miami River, and Miami Beach Channel, Miami-Dade County, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the regulations governing the operation of the east and west spans of the Venetian Causeway bridges across the Miami Beach Channel on the Atlantic Intracoastal Waterway, the Miami Avenue bridge and the Brickell Avenue bridge across the Miami River, Miami-Dade County. This temporary final rule allows these bridges to remain in the closed position during the running of the Miami Marathon on January 28, 2007. By doing so, this will allow the footrace to take place without runners being unnecessarily delayed.

DATES: This rule is effective from 6 a.m. until 12:25 p.m. on January 28, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [CGD07-07-010] and are available for inspection or copying at Commander (dpb), Seventh Coast Guard District, 909 SE. 1st Avenue, Suite 432, Miami, Florida 33131-3028 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gwin Tate, Bridge Branch, (305) 415-6747.

SUPPLEMENTARY 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. This is the fourth year in which this annual footrace has taken place, and each year it affects the same bridges in an identical fashion. No public comments have ever been received upon publishing an NPRM in past years.

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 event for which the rule is necessary is scheduled to occur less

than 30 days from the date of publication. Therefore, waiting an additional 30 days from the date of publication to make this rule effective is both unnecessary and impracticable.

Background and Purpose

As in previous years, the Miami Marathon Director requested that the Coast Guard temporarily change the existing regulations governing the operation of the east and west spans of the Venetian Causeway bridges, the Miami Avenue bridge and the Brickell Avenue bridge to allow them to remain in the closed position during the Miami Marathon on January 28, 2007. Closure times range from 6 a.m. through 12:25 p.m. Each closure is timed to match the expected pace and location of event participants. Each bridge will remain in the closed position for a limited period of time. The east and west spans of the Venetian Causeway bridges are located between Miami and Miami Beach. The current regulation governing the operation of the east span of the Venetian Causeway is published in 33 CFR 117.269 and requires the bridge to open on signal; except that, from November 1 through April 30 from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m. Monday through Friday, the draw need not be opened. However, the draw shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m., and 5:45 p.m. if any vessels are waiting to pass. The draw shall open on signal on Thanksgiving Day, Christmas Day, New Year's Day, and Washington's Birthday. The draw shall open at any time for public vessels of the United States, tugs with tows, regularly scheduled cruise vessels and vessels in distress.

The current regulation governing the operation of the west span of the Venetian Causeway, Atlantic Intracoastal Waterway mile 1088.6, at Miami, is published in 33 CFR 117.5 and requires the draw to open promptly and fully for the passage of vessels when a request to open is given.

The regulation governing the Miami Avenue bridge, mile 0.3, at Miami, is published in 33 CFR 117.305 (c) and requires that the bridge open on signal; except that, from 7:35 a.m. to 8:59 a.m., 12:05 p.m. to 12:59 p.m. and 4:35 p.m. to 5:59 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels.

The regulation governing the Brickell Avenue bridge, mile 0.1, at Miami, is published in 33 CFR 117.305 (d) and requires that the bridge shall open on signal; except that, from 7 a.m. to 7 p.m., Monday through Friday except Federal holidays, the draw need open only on the hour and half-hour. From

7:35 a.m. to 8:59 a.m., 12:05 p.m. to 12:59 p.m. and 4:35 p.m. to 5:59 p.m., Monday through Friday except Federal holidays, the draw need not open for the passage of vessels.

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. Based on previous years experience with this footrace, we expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation is unnecessary. The short duration of time during which the bridges will remain in the closed position on January 28, 2007, will have little, if any, economic impact.

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 the following entities, some of which might be small entities: the owners or operators of vessels that will require passage through these bridges during the morning hours of January 28, 2007. These vessels will not be able to pass through these bridges during the effective times of this rule. However, this rule will be in effect for a limited amount of time on a Sunday morning when traffic is extremely low. No public comments were received regarding previous years' races.

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); 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.

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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.