

other officers operating Coast Guard vessels, and Federal, state and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Miami by telephone at (305) 535-4472, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement date.* This rule will be enforced from 9 a.m. until 1 p.m. on January 13, 2013.

Dated: December 6, 2012.

**C.P. Scraba,**

*Captain, U.S. Coast Guard, Captain of the Port Miami.*

[FR Doc. 2012-30768 Filed 12-20-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-1063]

#### Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Biscayne Bay, and Miami River, Miami, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviations from regulations.

**SUMMARY:** The Coast Guard has issued temporary deviations from the regulations governing the operation of the following four bridges in Miami, Florida: The Venetian Causeway Bridge (West), mile 1088.6, across the Atlantic Intracoastal Waterway; the Venetian Causeway Bridge (East), across Biscayne

Bay; the Miami Avenue Bridge, mile 0.3, across the Miami River; and the Brickell Avenue Bridge, mile 0.1, across the Miami River. The deviations are necessary to allow for race participants to traverse the bridges during the ING Marathon. This deviation will result in the bridges remaining in the closed position during the ING Marathon. Tugs and tugs with tows are not exempt from this deviation.

**DATES:** These deviations are effective from 6 a.m. through 1 p.m. on January 27, 2013.

**ADDRESSES:** The docket for this temporary deviation, USCG-2012-1063, is available online by going to <http://www.regulations.gov>, inserting USCG-2012-1063 in the "Search" box and then clicking "Search". The docket 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 temporary deviation, call or email Michael Lieberum, Seventh District Bridge Branch, Coast Guard; telephone (305) 415-6744, email [Michael.B.Lieberum@uscg.mil](mailto:Michael.B.Lieberum@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The ING Marathon Director has requested temporary modifications to the operating schedules of the Venetian Causeway Bridge (West), the Venetian Causeway Bridge (East), the Brickell Avenue Bridge, and the Miami Avenue Bridge in Miami, Florida. These deviations will result in the bridges remaining in the closed position during the ING Marathon on January 27, 2013. The ING Marathon route passes over these four bridges. Any bridge opening would disrupt the race. The temporary deviations will be in effect from 6 a.m. through 1 p.m. on January 27, 2013.

The vertical clearance, regular operating schedule, and deviation period for each bridge are set forth below.

1. *Venetian Causeway Bridge (West), mile 1088.6.* The vertical clearance of the Venetian Causeway Bridge (West), across the Atlantic Intracoastal Waterway, is 12 feet. The normal operating schedule for the Venetian Causeway Bridge (West) is set forth in 33 CFR 117.261(nn), which requires the bridge to open on signal, except that

from 7 a.m. to 7 p.m., Monday through Friday, except Federal holidays, the bridge need only open on the hour and half-hour. As a result of this temporary deviation, the Venetian Causeway Bridge (West) will remain closed to navigation from 6:10 a.m. to 9:56 a.m. on January 27, 2013.

2. *Venetian Causeway Bridge (East).* The vertical clearance of the Venetian Causeway Bridge (East), across Biscayne Bay, is 5 feet. The normal operating schedule for the Venetian Causeway Bridge (East) is set forth in 33 CFR 117.269, which requires the bridge to open on signal, except that from 7 a.m. to 7 p.m., Monday through Friday, except Federal holidays, the bridge need only open on the hour and half-hour. As a result of this temporary deviation, the Venetian Causeway Bridge (East) will remain closed to navigation from 6 a.m. to 9:15 a.m. on January 27, 2013.

3. *Miami Avenue Bridge, mile 0.3.* The vertical clearance of the Miami Avenue Bridge, across the Miami River, is 21 feet. The normal operating schedule for the Miami Avenue Bridge is set forth in 33 CFR 117.305(c), which requires the bridge to 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 bridge need not open for the passage of vessels. As a result of this temporary deviation, the Miami Avenue Bridge will remain closed to navigation from 6:25 a.m. to 10:35 a.m. on January 27, 2013.

4. *Brickell Avenue Bridge, mile 0.1.* The vertical clearance of the Brickell Avenue Bridge, across the Miami River, is 23 feet. The normal operating schedule for the Brickell Avenue Bridge is set forth in 33 CFR 117.305(d), which requires the bridge to open on signal; except that from 7 a.m. to 7 p.m., Monday through Friday, except Federal holidays, the bridge 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 bridge need not open for the passage of vessels. As a result of this temporary deviation, the Brickell Avenue Bridge will remain closed to navigation from 6:25 a.m. to 1 p.m. on January 27, 2013.

In accordance with 33 CFR 117.35(e), these four drawbridges must return to their regular operating schedules immediately at the end of the effective period of this temporary deviation. These deviations from the operating regulations are authorized under 33 CFR 117.35.

Dated: December 11, 2012.

**B.L. Dragon,**

*Bridge Program Director, Seventh Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

[Docket No. USCG-2012-0470]

RIN 1625-AA09

### Drawbridge Operation Regulation; Apalachicola River, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the regulation that governs the operating schedules for two bridges that cross the Apalachicola River in Florida. These changes are being made in response to two requests to the Coast Guard. First, the CSX Railroad requested to modify the operating schedule of their swing bridge at mile 105.9, at River Junction to require eight hours advanced notice at all times. Second, the Apalachicola and Northern Railroad (ANRR) requested to maintain the swing bridge at mile 4.5 (GIWW mile 347.0 East of Harvey Lock (EHL)), at Apalachicola, untended and in the open-to-navigation position at all times.

**DATES:** This rule is effective January 22, 2013.

**ADDRESSES:** The docket for this rulemaking, USCG-2012-0470, is available online by going to <http://www.regulations.gov>, inserting USCG-2012-0470 in the "Search" box, and then clicking "Search." The docket 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 final rule, call or email David Frank, Bridge Administration Branch; telephone 504-671-2128, email

[David.M.Frank@uscg.mil](mailto:David.M.Frank@uscg.mil). 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:

### Table of Acronyms

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking  
§ Section  
U.S.C. United States Code

### A. Regulatory History and Information

On July 30, 2012, we published a notice of proposed rulemaking (NPRM) entitled "Drawbridge Operation Regulation; Apalachicola River, FL" in the **Federal Register** (77 FR 44525). We received no comments on the proposed rule. No public meeting was requested, and none was held.

### B. Basis and Purpose

The CSX swing bridge across the Apalachicola River, mile 105.9, presently opens on signal for the passage of vessels Monday through Friday from 8 a.m. until 4 p.m. At all other times, the bridge opens on signal if at least four hours advanced notice is given. The bridge owner has requested to change the operation regulations to reflect usage of the bridge by mariners. The request was made based upon a documented decrease in the number of requests for openings in the last three years. In 2010, the bridge opened 12 times for the passage of vessels. Eight of those openings were for either a United States Coast Guard (USCG) vessel or for a United States Army Corps of Engineers (USACE) vessel. In 2011, the bridge opened four times for the passage of vessels. Three of those openings were for either a USCG vessel or for a USACE vessel. Thus far in 2012, the bridge has only opened one time for a USACE vessel. It should be noted that all of the openings in the past three years have occurred between 8 a.m. and 4 p.m.; therefore, the bridge opened on signal for their passages. Information gathered regarding the decrease in vessel movements indicates that the lack of commercial facilities and the lack of maintenance on the waterway have contributed to the decline in traffic. While water elevations may return to their pre-drought levels, there is presently no evidence that the number of requests for bridge openings will increase in the future due to limited industrial development along the waterway. Accordingly, the bridge owner requested to change the operation regulations so that the bridge is allowed to open on signal at all times if at least eight hours advanced notification is given. USACE and USCG units using the waterway indicated that the proposed change to the operation of the bridge will not affect their ability to maintain

the waterway and they have no objections to the proposed change.

The ANRR swing span bridge crosses the Apalachicola River at mile 4.5 (GIWW mile 347.0 EHL) and is required to open on signal for the passage of vessels. Since the bridge owner applied for and received an embargo for the suspension of train traffic on the line, the operation of the bridge is unnecessary and the operator of the bridge requested permission to leave the bridge in the open-to-navigation position and have the bridge untended. The bridge provides unlimited vertical clearance and 119 feet of horizontal clearance in the open-to-navigation position. Transit times for mariners should not be impeded with the bridge left in the open-to-navigation position. The bridge owner/operator will be required to maintain all bridge navigation lights in proper working order and will be required to periodically check the lights to see that they are working.

### C. Discussion of Comments, Changes, and the Final Rule

The Coast Guard provided a 60-day comment period on the notice of proposed rulemaking. No comments were received and no changes were made to the rule as proposed.

### D. Regulatory Analyses

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

#### 1. Regulatory Planning and Review

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, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. Very few vessels will be impacted by the proposed changes and those few vessels should be able to provide adequate advanced notification of their arrivals as is already done for the CSX Railroad bridge and vessels may transit through the ANRR bridge without delay as it will be maintained in the open-to-navigation position.