

background checks of the FBI Central Records System through the National Name Check Program pursuant to the authority in Pub. L. 101-515 and in accordance with paragraphs (e)(1), (2) and (3) of this section.

Dated: April 26, 2010.

**Robert S. Mueller, III,**

*Director, Federal Bureau of Investigation.*

[FR Doc. 2010-10628 Filed 5-5-10; 8:45 am]

**BILLING CODE 4410-02-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2010-0081]

RIN 1625-AA08

#### Special Local Regulations for Marine Events; Chester River, Chestertown, MD; Correction

**ACTION:** Temporary final rule; correction.

**SUMMARY:** In the *Federal Register* published on April 23, 2010, the Coast Guard established special local regulations during the reenactment portion of the "Chestertown Tea Party Festival." The Chestertown Tea Party Festival is a marine event to be held on the waters of the Chester River, Chestertown, MD on May 29, 2010. The special local regulation published with an error in the heading, specifically, the CFR title and part in the heading should have read "33 CFR Part 100," instead of "33 CFR Part 165."

**DATES:** This correction is effective May 6, 2010.

**FOR FURTHER INFORMATION CONTACT:** For information about this correction, contact Kevin d'Eustachio, Office of Regulations and Administrative Law, (202) 372-3854

*kevin.m.deustachio@uscg.mil*. For information about the original regulation, contact Mr. Ronald Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone (410) 576-2674, e-mail *Ronald.L.Houck@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** In FR doc 2010-9496 appearing on page 21167 in the issue of Friday, April 23, 2010, the following corrections are made:

1. In the document heading on page 21167, correct the CFR citation to read "33 CFR Part 100".

Dated: April 28, 2010.

**S. Venckus,**

*Office of Regulations and Administrative Law (CG-0943), U.S. Coast Guard.*

[FR Doc. 2010-10606 Filed 5-5-10; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2010-0102]

RIN 1625-AA08

#### Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District; Correction

**ACTION:** Temporary final rule; correction.

**SUMMARY:** In the *Federal Register* published on April 19, 2010, the Coast Guard temporarily changed the enforcement period of two special local regulations for recurring marine events in the Fifth Coast Guard District, one on April 17-18, 2010, and one on May 29-30, 2010. That publication contained several errors. These errors do not impact the events scheduled for this year, but could cause confusion about future years.

**DATES:** This correction is effective May 6, 2010.

**FOR FURTHER INFORMATION CONTACT:** For information about this correction, contact Kevin d'Eustachio, Office of Regulations and Administrative Law, telephone (202) 372-3854, e-mail *kevin.m.deustachio@uscg.mil*. For information about the original regulation, contact LT Tiffany Duffy, Project Manager, Sector Hampton Roads, Waterways Management Division, United States Coast Guard; telephone (757) 668-5580, e-mail *Tiffany.A.Duffy@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** In FR doc 2010-8861 appearing on page 20294 in the issue of Monday, April 19, 2010, the following corrections are made:

1. In the summary on page 20294, in the first column, remove the words "proposes to temporarily change" and add in their place the words "temporarily changes".

2. On page 20294, in the third column, revise the "DATES" section to read as follows:

"DATES: This rule is effective in the CFR April 19, 2010, through May 31, 2010. This rule is effective with actual notice for

purposes of enforcement from April 7, 2010, through May 31, 2010."

3. On page 20296, in the third column, revise amendatory instruction number 2 to read as follows:

"2. In Sec. 100.501, suspend line No. 31 and 38 in the Table to Sec. 100.501 from April 17, 2010 through June 1, 2010."

4. On page 20296, in the third column revise amendatory instruction number 3 to read as follows:

"3. In Sec. 100.501 add lines No. 58 and 59 in Table to Sec. 100.501 to read as follows:"

Dated: April 28, 2010.

**S. Venckus,**

*Office of Regulations and Administrative Law (CG-0943), U.S. Coast Guard.*

[FR Doc. 2010-10602 Filed 5-5-10; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0277]

RIN 1625-AA00

#### Safety Zone; Tri-City Water Follies Hydroplane Races Practice Sessions, Columbia River, Kennewick, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Columbia River in Kennewick, Washington for hydroplane race practice sessions being held in preparation for the Tri-City Water Follies Hydroplane Races. The safety zone is necessary to help ensure the safety of the practice session participants as well as the maritime public and will do so by prohibiting all persons and vessels from entering or remaining in the safety zone unless authorized by the Captain of the Port or his designated representative.

**DATES:** This rule is effective from 7 a.m. May 7, 2010 through 5:30 p.m. May 8, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0277 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0277 in the "Keyword" box, and then clicking "Search." They are 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 rule, call or e-mail MST1 Jaime Sayers, Waterways Management Division, U.S. Coast Guard Sector Portland; telephone 503-240-9319, e-mail [Jaime.A.Sayers@uscg.mil](mailto:Jaime.A.Sayers@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

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because to do otherwise would be contrary to the public interest because immediate action is necessary to provide for the safety of life and property on navigable waters.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to public interest because hazards associated with the hydroplane practice sessions could lead to severe injury, fatalities, and/or destruction of public property. Therefore, immediate action is needed to ensure the public's safety.

##### Basis and Purpose

The Tri-City Water Follies Association hosts annual hydroplane races on the Columbia River in Kennewick, Washington. The Association is planning to hold practice sessions prior to the event for race participants. The practice sessions will be conducted daily on May 7 and May 8, 2010 from 7 a.m. through 5:30 p.m. Due to the safety hazards inherent with such events, a safety zone is necessary to help ensure the safety of the practice session participants as well as the maritime public.

##### Discussion of Rule

The safety zone created by this rule encompasses all waters bounded by two lines drawn from shore to shore on the Columbia River, and is approximately 2 miles in length beginning at the Pioneer Memorial Bridge at the point where U.S. Route 395 crosses the Columbia River; the first line running between position 46°14'07" N, 119°10'42" W and position 46°13'42" N, 119°10'51" W and the second line running between position 46°13'35" N, 119°07'34" W and position 46°13'10" N, 119°07'47" W.

The safety zone will be in effect daily from 7 a.m. until 5:30 p.m. on May 7, 2010 and May 8, 2010. All persons and vessels will be prohibited from entering or remaining in the safety zone unless authorized by the Captain of the Port or his designated representative.

##### 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.

##### Regulatory Planning and Review

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 this regulation will restrict access to the area, the effect of this rule will not be significant because: The safety zone will only be in effect for a limited time and maritime traffic will be able to transit the safety zone at designated intervals throughout that time period and as otherwise authorized by the Captain of the Port or his designated representative.

##### 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 may affect the following entities some of which may be small

entities: The owners and operators of vessels intending to operate in the area covered by the safety zone. The rule will not have a significant economic impact on a substantial number of small entities, however, because the safety zone will only be in effect for a limited time and maritime traffic will be able to transit the safety zone at designated intervals throughout that time period and as otherwise authorized by the Captain of the Port or his designated representative.

##### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offer to assist small entities in understanding the rule so that they can 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 (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, 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 does not create an environmental risk to health or risk to safety that may 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 guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13-139 to read as follows:

#### § 165.T13-139 Safety Zone; Tri-City Water Follies Hydroplane Races Practice Sessions, Columbia River, Kennewick, WA

(a) *Location.* The following area is a safety zone: All waters encompassed within the area approximately two miles

in length bounded by two lines drawn from shore to shore on the Columbia River; the first line running between position 46° 14' 07" N, 119° 10' 42" W and position 46° 13' 42" N, 119° 10' 51" W and the second line running between position 46° 13' 35" N, 119° 07' 34" W and position 46° 13' 10" N, 119° 07' 47" W.

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart C, no person may enter or remain in the safety zone detailed in paragraph (a) of this section or bring, cause to be brought, or allow to remain in the safety zone detailed in paragraph (a) of this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative. See 33 CFR Part 165, Subpart C, for additional information and requirements.

(c) *Enforcement Period.* The safety zone detailed in paragraph (a) of this section will be in effect daily from 7 a.m. through 5:30 p.m. on May 7, 2010 and May 8, 2010.

Dated: April 22, 2010.

F.G. Myer,

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

[FR Doc. 2010-10613 Filed 5-5-10; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 251

#### Special Uses

**AGENCY:** Forest Service, USDA.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to the final rule governing the Forest Service's Special Use Program that was published in the *Federal Register* on March 26, 2010 (75 FR 14495).

**DATES:** Effective on May 6, 2010.

**FOR FURTHER INFORMATION CONTACT:** Julett Denton, Lands Special Uses Program Manager, (202) 205-1256.

#### SUPPLEMENTARY INFORMATION:

This correction adds paragraphs (A), (B), (C), and (D) to § 251.60 (a)(2)(i) which were inadvertently removed from the final rule and which are necessary to reflect properly the Forest Service's authority to revoke or suspend special use authorizations under the Federal Land Policy and Management Act.

#### List of Subjects in 36 CFR Part 251

Administrative practice and procedure, Electric power, National