

## History

On December 21, 2009, the FAA published in the **Federal Register** a Notice of proposed rulemaking to modify controlled airspace at West Yellowstone, MT (74 FR 67836). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E surface airspace extending upward from 700 feet above the surface, at West Yellowstone Airport, to accommodate IFR aircraft executing new RNAV (GPS) SIAP's at the airport. This rule also makes minor changes to the legal description of the airspace to coincide with the National Aeronautical Charting Office. This action is necessary for the safety and management of IFR operations. With the exception of editorial changes and the changes described above, this rule is the same as that proposed in the NPRM.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 will only affect air traffic procedures and air navigation, it is certified this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at West Yellowstone Airport, West Yellowstone, MT.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## Adoption of the Amendment

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

### PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 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 the Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

*Paragraph 6005. Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ANM MT E5 West Yellowstone, MT

West Yellowstone, Yellowstone Airport, MT (Lat. 44°41'18" N., long. 111°07'04" W.)

That airspace extending upward from 700 feet above the surface within 4.3 miles west and 8.3 miles east of the 026° and 206° bearings of the Yellowstone Airport extending from 8.3 miles northeast to 23.3 miles southwest of the Yellowstone Airport; that airspace extending upward from 1,200 feet above the surface within 4.3 miles each side of the 209° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to 36.2 miles southwest, and within 5 miles north and 4.3 miles south of the 304° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to the east edge of V–343; that airspace extending upward from 10,700 feet MSL within a 25.3-mile radius of lat. 44°34'32" N., long. 111°11'51" W. extending clockwise from the 081° bearing from lat. 44°34'32" N., long. 111°11'51" W. to 4.3 miles east of the 236° bearing from lat. 44°34'32" N., long. 111°11'51" W., and within 4.3 miles each side of the 236° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to 43.5 miles southwest; that airspace extending upward from 10,700 feet MSL within 9 miles south and 5 miles north of the

304° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to the east edge of V–343; that airspace extending upward from 12,000 feet MSL within a 30.5-mile radius of lat. 44°34'32" N., long. 111°11'51" W. extending clockwise from the 026° bearing from lat. 44°34'32" N., long. 111°11'51" W. to the 081° bearing from lat. 44°34'32" N., long. 111°11'51" W.; that airspace extending upward from 12,500 feet MSL within 4.3 miles each side of the 293°, 329° and 043° bearing from lat. 45°00'19" N., long. 110°53'49" W. extending to 25.16 miles west to 30.57 miles northwest to 54.24 miles north, and within 4.3 miles each side of the 312° bearing from lat. 44°31'10" N., long. 111°14'03" W. extending to 25.20 miles northwest, excluding that portion that overlies the east edge of V–343 and south edge of V–2 and V–86; that airspace extending upward from 13,000 feet MSL, within a 30.5-mile radius of lat. 44°34'32" N., long. 111°11'51" W. extending clockwise from the 313° bearing to the 026° bearing from lat. 44°34'32" N., long. 111°11'51" W. excluding that portion that overlies V–298 and V–343. This Class E airspace area shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Seattle, Washington, on May 14, 2010.

**Clark Desing,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2010–12908 Filed 5–28–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2010–0113]

RIN 1625–AA08

### Special Local Regulation for Marine Event; Maryland Swim for Life, Chester River, Chestertown, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement period of special local regulations for a recurring marine event involving a swimming competition. This action is intended to restrict vessel traffic in a portion of the Chester River, near Chestertown, MD during the *Maryland Swim for Life*. Special local regulations are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** This rule is effective from 5:30 a.m. to 2:30 p.m. on July 10, 2010.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0113 and are available online by going to <http://www.regulations.gov>, inserting USCG–2010–0113 in the “Keyword” box, and then clicking “Search.” This material 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 rule, call or e-mail Mr. Ronald L. Houck, Project Manager, Coast Guard Sector Baltimore Waterways Management Division, telephone 410–576–2674, e-mail [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@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**

On April 5, 2010, we published a notice of proposed rulemaking (NPRM) entitled “Special Local Regulation for Marine Event; Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District” in the *Federal Register* (75 FR 17103). We received no comments on the proposed rule. No public meeting was requested, and none was held.

##### **Basis and Purpose**

This regulation temporarily changes the enforcement period of special local regulations for a recurring marine event in 33 CFR 100.501 and 33 CFR Table to § 100.501, line No. 21. On July 10, 2010, the District of Columbia Aquatics Club will sponsor the “Maryland Swim for Life” on the waters of the Chester River near Chestertown, MD. The event is an open water swimming competition held on the waters of the Chester River, near Chestertown, Maryland. Approximately 150 swimmers will start from Rolph’s Wharf and swim up-river 2.5 miles then swim down-river returning back to Rolph’s Wharf. A large fleet of support vessels accompany the swimmers.

The regulation at 33 CFR 100.501 and 33 CFR Table to 100.501 is effective annually for this marine event on either the third Saturday of June or the third Saturday of July, which is June 19th and July 17th, respectively, this year. Because the date of the event this year differs from the effective date in the

CFR, this rule temporarily changes the effective date in the existing regulation. The regulation in the CFR will be enforced for the duration of the event this year on July 10th instead of June 19th or July 17th.

To ensure the safety of participants, spectators, support and transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the regulated area during the competition. Under provisions of 33 CFR 100.501, from 5:30 a.m. to 2:30 p.m. on July 10, 2010, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander. Vessel traffic may be allowed to transit the regulated area only when the Patrol Commander determines it is safe to do so.

##### **Discussion of Comments and Changes**

The Coast Guard received no comments in response to the NPRM. No public meeting was requested and none was held.

##### **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 rule prevents traffic from transiting a portion of certain waterways during specified events, the effect of this regulation will not be significant due to the limited duration the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking does not change the permanent regulated areas that have been published in 33 CFR 100.501, Table to § 100.501. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

##### **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 intending to transit or anchor in the area where the marine event is being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during marine events that have been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the areas where events are occurring when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM 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 (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 M16475.1D, 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)(h), of the Instruction. This rule involves implementation of regulations within 33 CFR Part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Effective from 5:30 a.m. to 2:30 p.m. on July 10, 2010, in § 100.501, Table to § 100.501, suspend line No. 21 and add Line No. 60 to read as follows:

#### § 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

\* \* \* \* \*

Table To § 100.501. All coordinates listed in the Table to § 100.501 reference Datum NAD 1983.

## COAST GUARD SECTOR DELAWARE BAY—COTP ZONE

| No. | Date          | Event                   | Sponsor                             | Location  |
|-----|---------------|-------------------------|-------------------------------------|---|
| 60  | July 10, 2010 | Maryland Swim for Life. | District of Columbia Aquatics Club. | The waters of the Chester River from shoreline to shoreline, bounded on the south by a line drawn at latitude 39°10'16" N, near the Chester River Channel Buoy 35 (LLN-26795) and bounded on the north at latitude 39°12'30" N by the Maryland S.R. 213 Highway Bridge. |

Dated: May 18 2010.

**Mark P. O'Malley,**

*Captain, U.S. Coast Guard, Captain of the Port Baltimore, MD*

[FR Doc. 2010-12976 Filed 5-28-10; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2010-0374]

#### Drawbridge Operation Regulations; Fox River, Green Bay, WI

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** Commander, Ninth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Main Street Bridge at Mile 1.21 over the Fox River, at Green Bay, WI. This deviation will temporarily change the operating schedule of the bridge to accommodate the 2010 Tall Ships event in the city of Green Bay, WI. This temporary deviation allows the bridge to open once an hour on the hour for recreational vessels and commercial vessels less than 300 gross tons. The bridge will open on demand at all times for public vessels, tugs, and commercial vessels 300 gross tons or greater.

**DATES:** This deviation is effective from August 13, 2010 through August 15, 2010 between the hours of 9 a.m. and 5 p.m. daily.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2010-0374 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0374 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 rule, call or e-mail Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216-902-6085, e-mail; [lee.d.soule@uscg.mil](mailto:lee.d.soule@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 City of Green Bay, Wisconsin, who owns and operates this drawbridge, has requested a temporary deviation from the current operating regulations set forth in 33 CFR 117.1087 to facilitate efficient management of all transportation needs and provide timely public safety services during this special event. In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 10, 2010.

**F.M. Midgette,**

*Acting Captain, Commander, Ninth Coast Guard District, U.S. Coast Guard.*

[FR Doc. 2010-12977 Filed 5-28-10; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2010-0355]

#### Drawbridge Operation Regulations; Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY, Maintenance

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Greenpoint Avenue

Bridge across Newtown Creek, mile 1.3, New York. This deviation allows the bridge to remain in the closed position for two six week closures to facilitate bridge rehabilitation maintenance.

**DATES:** This deviation is effective from July 5, 2010 through August 13, 2010 and from August 30, 2010 through October 8, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2010-0355 and are available online at <http://www.regulations.gov>, inserting USCG-2010-0355 in the "Keyword" 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 rule, call or e-mail Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Greenpoint Avenue Bridge, across Newtown Creek at mile 1.3, at New York, has a vertical clearance in the closed position of 26 feet at mean high water and 31 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.801.

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the regulations to facilitate scheduled bridge rehabilitation maintenance.

Under this temporary deviation the Greenpoint Avenue Bridge may remain in the closed position from July 5, 2010, through August 13, 2010, and from August 30, 2010, through October 8, 2010. Vessels that can pass under the bridge in the closed position may do so at any time.