via the Coast Guard Broadcast Notice to Mariners System.

Navigation on the waterway consists of commercial tugs with tows. There is an alternate waterway route available via the Gulf Intracoastal Waterway (Morgan City to Port Allen Alternate Route). Based on experience and coordination with waterway users, it has been determined that this closure will not have a significant effect on vessels that use the waterway.

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: August 11, 2010.

David M. Frank,
Bridge Administrator.

[FR Doc. 2010–20925 Filed 8–23–10; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2010–0448]

RIN 1625–AA00

Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; change of effective period.

SUMMARY: The Coast Guard is extending the effective period for the temporary safety zone around the riser for the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), at Mississippi Canyon 252, in the Outer Continental Shelf. The safety zone in place at 33 CFR 147.T08–494 terminates on August 26, 2010. Extending the effective period for this safety zone provides continued and uninterrupted protection of personnel involved in ongoing response efforts. Continuing the safety zone around the riser will significantly reduce the threat of collisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment. Response efforts continue at the water’s surface and subsurface.


ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0448 and are available online by going to http://www.regulations.gov, inserting USCG–2010–0448 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 about this notice, call or e-mail Dr. Madeleine McNamara, U.S. Coast Guard, District Eight Waterways Management Coordinator; telephone 504–671–2103, madeleine.w.mcnamara@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 an NPRM. This rule extends the existing temporary safety zone around the riser for the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), which is currently set to expire on August 26, 2010. This extension is necessary to continue protecting the responders and to prevent entry into the area where both response and relief efforts are still ongoing and are expected to continue after the spill is stopped. Failing to delay the effective day of this extension pending completion of notice and comment rulemaking is impracticable and contrary to the public interest because it would cause a gap in the ability to enforce the needed safety zone for protection of all responders, the response efforts, and the environment.

The safety zone in place pursuant to the Temporary Final Rule at docket USCG–2010–0448 extended the safety zone initially enforced for the DEEPWATER HORIZON riser from April 26, 2010 through May 26, 2010. The safety zone was enforced through actual notice from May 26, 2010 until June 8, 2010 to ensure seamless protection of those involved in the response efforts. On June 8, 2010, the Coast Guard established a safety zone in the deepwater area of the Gulf of Mexico in response to the sinking of the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), near Mississippi Canyon 252 with a center point at 28–44–18N and 088–21–54W. See 75 FR 32273. This temporary safety zone is set to expire on August 26, 2010. The temporary safety zone created by this rule ensures that there is no gap in authority to protect all responders, the response efforts, and the environment.

Discussion of Rule

The Coast Guard is extending the effective date of a safety zone encompassing all areas within 500 meters around the position 28–44–18N latitude and 088–21–54W longitude.

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.

This rule is not a significant regulatory action due to the location of the riser for the MODU DEEPWATER HORIZON—on the Outer Continental Shelf—and its distance from both land and safety fairways. Vessels traversing waters near the proposed safety zone will be able to safely travel around the zone without incurring additional costs.

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
Mississippi Canyon block 252.

This safety zone will not have a
significant economic impact or a
substantial number of small entities for
the following reasons: This rule will
enforce a safety zone around a MODU
that is in an area of the Gulf of Mexico
not frequented by vessel traffic and is
not in close proximity to a safety
fairway. Further, vessel traffic can pass
safely around the safety zone without
incurring additional costs.

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
correction 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
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
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)(g), of the Instruction, from further
environmental documentation since
implementation of this action will not
result in any significant cumulative
impacts on the human environment;
does not involve a substantial change to
existing environmental conditions; and
is consistent with Federal, State, and/or
local laws or administrative
determinations relating to the
environment. This rule involves
establishing a safety zone.

Pursuant to paragraph (34)(g) of the
Instruction, an environmental checklist
and a categorical exclusion checklist are
available in the docket indicated under
ADDRESSES.

List of Subjects in 33 CFR Part 147
Continental shelf, Marine safety,
Navigation (water).

For the reasons discussed in the
preamble, the Coast Guard amends 33
CFR part 147 as follows:
PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; and Department of Homeland Security
Delegation No. 0170.1.

2. Section 147.T08–849 temporarily added at 75 FR 32273, June 8, 2010, effective from June 8, 2010 to August 26, 2010, will continue in effect through November 26, 2010.


M.E. Landry,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2010–20921 Filed 8–23–10; 8:45 am]
BILLING CODE 9110–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0719]

RIN 1625–AA00

Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone upon specified waters of the St. Mary’s River, a tributary of the Potomac River. This action is necessary to provide for the safety of life on navigable waters during military pyrotechnic flare exercises launched from a U.S. Navy helicopter located near St. Inigoes, Maryland. This safety zone is intended to protect the maritime public in a portion of the St. Mary’s River.

DATES: This rule is effective from August 24, 2010 through August 27, 2010. This rule may be enforced with actual notice starting on August 16, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0719 and are available online by going to http://www.regulations.gov, inserting USCG–2010–0719 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 Mr. Ronald L. Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, e-mail 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

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 it is contrary to public interest to delay the effective date of this rule. Delaying the effective date by first publishing an NPRM would be contrary to the safety zone’s intended objectives because immediate action is needed to protect persons and vessels against the hazards associated with a military pyrotechnic flare exercise over navigable waters.

Such hazards include premature detonations, dangerous projectiles and falling or burning debris. This rule is needed to protect persons and vessels against the hazards associated with a military pyrotechnic flare exercise over 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. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment; therefore, a 30-day notice is impracticable. Delaying the effective date would be contrary to the safety zone’s intended objectives of protecting persons and vessels involved in the event and enhancing public and maritime safety.

Basis and Purpose

Military pyrotechnic flare exercises are necessary to provide testing and demonstration of countermeasures designed for military aircraft survivability and protection. These exercises are sometimes held at locations above or near the navigable waters of the United States. The potential hazards associated with pyrotechnic flares are a safety concern during such exercises. The purpose of this rule is to promote public and maritime safety during a military pyrotechnic flare exercise, and to protect mariners transiting the area from the potential hazards associated with a pyrotechnic flare exercise, such as the accidental discharge of flares, dangerous projectiles, and falling hot embers or other debris. This rule is needed to ensure safety on the waterway during the scheduled event.

Discussion of Rule

The Naval Air Warfare Center Aircraft Division, at U.S. Naval Air Station Patuxent River, Maryland, will conduct a pyrotechnic flare exercise from an airborne CH–53D Sea Stallion helicopter hovering at a minimum of 1,000 feet above the surface of the St. Mary’s River, near St. Inigoes, Maryland. The activity is scheduled for a two hour period on a single day during the week of August 16, 2010, and if necessary due to inclement weather or availability of aircraft, for a two hour period on a single day during the week of August 23, 2010. Due to many limiting factors, including when such flights are identified by the Navy during weekly requests, the Coast Guard can only be provided a 96-hour notification of approved flare-dispensing missions.

The Coast Guard is establishing a temporary safety zone on certain waters of the St. Mary’s River, near its confluence with the Potomac River, within a one nautical mile radius of an airborne CH–53D Sea Stallion helicopter in approximate position latitude 38°06′49″ N., longitude 76°26′35″ W., located approximately 2.300 yards west-northwest of Sage Point, Maryland (NAD 1983). The temporary safety zone will be enforced for a two hour period on a single day during the week of August 16, 2010, and if necessary due to inclement weather or availability of aircraft, for a two hour period on a single day during the week of August 23, 2010. The effect of this temporary safety zone will be to restrict navigation in the regulated area during the pyrotechnic flare exercise. No person or vessel may enter or remain in the safety zone. Vessels will be allowed to transit the waters of the St. Mary’s River outside the safety zone. Notification of the temporary safety zone will be provided to the public via marine information broadcasts.

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.