

**DEPARTMENT OF THE INTERIOR****Bureau of Ocean Energy Management, Regulation and Enforcement****30 CFR Part 250**

[Docket ID: BOEM-2010-0034]

RIN 1010-AD68

**Increased Safety Measures for Energy Development on the Outer Continental Shelf; Availability, Initial Regulatory Flexibility Analysis****AGENCY:** Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.**ACTION:** Availability of an Initial Regulatory Flexibility Analysis.

**SUMMARY:** In the *Federal Register* of October 14, 2010, BOEM published an interim final rule implementing certain safety measures recommended in the report entitled, "Increased Safety Measures for Energy Development on the Outer Continental Shelf" (Safety Measures Report). The President directed the Department of the Interior to develop the Safety Measures Report to identify measures necessary to improve the safety of oil and gas exploration and development on the Outer Continental Shelf in light of the Deepwater Horizon event on April 20, 2010, and resulting oil spill. To implement the practices recommended in the Safety Measures Report, the Bureau of Ocean Energy Management, Regulation and Enforcement is amending drilling regulations related to well control, including: subsea and surface blowout preventers, well casing and cementing, secondary intervention, unplanned disconnects, recordkeeping, well completion, and well plugging.

This document provides the official BOEMRE notice of availability for the Initial Regulatory Flexibility Analysis (IRFA) for that interim rule and provides opportunity for comment.

**DATES:** Submit comments by January 24, 2011. BOEMRE may not fully consider comments received after this date.

**ADDRESSES:** You may submit comments on the IRFA by any of the following methods. Please use the Regulation Identifier Number (RIN) "1010-AD68 IRFA" as an identifier in your message.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter BOEM-2010-0034 then click search. Follow the instructions to submit public comments and view other supporting and related materials available for this Notice. BOEMRE will post all comments for this IRFA.

- Mail or hand-carry comments to the Department of the Interior; Bureau of Ocean Energy Management, Regulation and Enforcement; Attention: Regulations and Standards Branch (RSB); 381 Elden Street, MS-4024, Herndon, Virginia 20170-4817. Please reference "Increased Safety Measures for Energy Development on the Outer Continental Shelf, 1010-AD68, IRFA" in your comments and include your name and return address.

**FOR FURTHER INFORMATION CONTACT:**

Amy C. White, Bureau of Ocean Energy Management, Regulation and Enforcement, Office of Offshore Regulatory Programs, Regulations and Standards Branch, 703-787-1665, [amy.white@boemre.gov](mailto:amy.white@boemre.gov).

**SUPPLEMENTARY INFORMATION:** This Notice is published pursuant to Regulatory Flexibility Act (5 U.S.C. 603) as a matter of information to the public and to solicit comments on the analysis for the Interim Final Rule, Increased Safety Measures for Energy Development on the Outer Continental Shelf (OCS). The preparation of this IRFA is an important step in the process for compliance with the Regulatory Flexibility Act (RFA). The RFA requires agencies to consider the impact of their regulatory proposals on small entities, analyze alternatives, and make the analysis available for public comment.

BOEMRE has updated the estimated compliance costs and small business impacts from the projections reported in the Regulatory Flexibility Analysis of the Safety Measures Rule. These changes are minor and mostly result from updated categorization of companies operating on the OCS and analysis of the number of wells drilled by small and large companies rather than only by lease ownership.

Our updated analysis shows there are currently about 140 Operators of Federal oil and gas OCS leases. Small entities that operate under the requirements of the Safety Measures Rule are coded under the Small Business NAICS codes 211111, Crude Petroleum and Natural Gas Extraction and 213111, Drilling Oil and Gas Wells. For these NAICS code classifications, a small company is one with fewer than 500 employees. Based on this criterion applied to the NAICS codes, approximately 90 (64 percent) of the companies operating on the OCS are considered small companies and 50 (36 percent) are considered large companies.

We estimate that about 90 percent of the regulatory costs will be imposed on deepwater lessees where small businesses only hold 8 percent of the leases and drill 12 percent of the wells.

About 10 percent of the total costs will apply to shallow water leases where small companies hold 45 percent of OCS leases and also drill 45 percent of the wells. As a share of fiscal year 2009 revenues, this interim final rule is estimated to cost approximately 0.57 (\$0.156/\$27.2) percent of OCS revenue for large companies and 0.66 (\$0.027/\$4.1) percent for small companies.

The analysis can be obtained through the Federal eRulemaking Portal: <http://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter BOEM-2010-0034 then click search. You may also request a copy through Amy C. White, Bureau of Ocean Energy Management, Regulation and Enforcement, Office of Offshore Regulatory Programs, Regulations and Standards Branch, 703-787-1665, [amy.white@boemre.gov](mailto:amy.white@boemre.gov).

Comments on this IRFA will be considered and any changes to the regulation as a result of these comments will be included in the RIN 1010-AD68, Increased Safety Measures for Energy Development on the Outer Continental Shelf when the final regulation is published. The Safety Measures Rule was published in the *Federal Register* on October 14, 2010 (75 FR 63346) and comments are being accepted on the rule until December 13, 2010.

Dated: December 6, 2010.

**Robert P. LaBelle,***Acting Associate Director for Offshore Energy and Minerals Management.*

[FR Doc. 2010-32173 Filed 12-22-10; 8:45 am]

BILLING CODE 4310-MR-P

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG-2010-1079]

RIN 1625-AA00

**Safety Zone; Sacramento New Year's Eve, Fireworks Display, Sacramento, CA****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in support of the Sacramento New Year's Eve Fireworks Display. From 8:45 p.m. on December 31, 2010 until 12:25 a.m. on January 1, 2011, pyrotechnics will be launched from shore over the Sacramento River and from the center of the Tower Lift Bridge on the Sacramento River. The fireworks displays will occur

from 8:45 p.m. to 9:25 p.m. on December 31, 2010 and from 11:45 p.m. on December 31, 2010 until 12:25 a.m. on January 1, 2011. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or her designated representative.

**DATES:** This rule is effective from 6 p.m. on December 31, 2010 until 12:25 a.m. on January 1, 2011.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–1079 and are available online by going to <http://www.regulations.gov>, inserting USCG–2010–1079 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 Lieutenant Junior Grade Allison Natcher at 415–399–7442, or e-mail [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@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 the event would occur before the rulemaking process would be completed. Because of the dangers posed by the pyrotechnics used in these fireworks displays, the safety zones are necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For the safety concerns

noted, it is in the public interest to have these regulations in effect during the event.

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**. Any delay in the effective date of this rule would expose mariners to the dangers posed by the pyrotechnics used in the fireworks display.

##### **Background and Purpose**

The Sacramento Convention and Visitors Bureau will sponsor the Sacramento New Year’s Eve Fireworks Displays from 8:45 p.m. until 9:25 p.m. on December 31, 2010 and 11:45 p.m. on December 31, 2010 through 12:25 a.m. on January 1, 2011. The fireworks displays are for entertainment purposes. A safety zone is necessary to protect spectators, vessels, and other property from the hazards associated with pyrotechnics. The Coast Guard has granted the event sponsor a marine event permit for the fireworks displays.

##### **Discussion of Rule**

The Coast Guard is establishing a temporary safety zone in order to protect spectators, vessels, and other property from the hazards associated with the planned pyrotechnics. From 6 p.m. until 8:45 p.m. on December 31, 2010, the temporary safety zone will extend 100 feet from the center of the Tower Lift Bridge at position 38°34′48.26″ N, 121°30′38.52″ W over the Sacramento River. During the fireworks displays from 8:45 p.m. until 9:25 p.m. on December 31, 2010 and from 11:45 on December 31, 2010 until 12:25 a.m. on January 1, 2011, the area to which the temporary safety zone applies will increase in size to encompass the navigable waters around the fireworks launch sites located 600 feet from the launch sites at positions 38°34′48.26″ N, 121°30′38.52″ W and 38°34′49.84″ N, 121°30′29.59″ W. At 12:25 a.m., January 1, 2011, the safety zone shall terminate.

The effect of the temporary safety zones will be to restrict navigation in the vicinity of the fireworks sites while the fireworks are set up, and until the conclusion of the scheduled displays. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep spectators and vessels a safe distance away from the fireworks barges to ensure the safety of participants, spectators, and transiting vessels.

##### **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 restricts access to the waters encompassed by the safety zones, the effect of this rule will not be significant. The entities most likely to be affected are pleasure craft engaged in recreational activities. In addition, the rule will only restrict access for a limited time. Finally, the Public Broadcast Notice to Mariners will notify the users of local waterway to ensure that the safety zone will result in minimum 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.

Although this rule may affect owners and operators of pleasure craft engaged in recreational activities and sightseeing, it will not have a significant economic impact on a substantial number of small entities for several reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time; (ii) vessel traffic can pass safely around the area; (iii) vessels engaged in recreational activities and sightseeing have ample space outside of the affected areas of Sacramento, CA to engage in these activities; and (iv) the maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

##### **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 0023.1 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 which 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 establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. 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, and 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, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–379 to read as follows:

#### § 165.T11–379 Safety Zone; Sacramento New Year's Eve, Fireworks Display, Sacramento, CA.

(a) *Location.* During the loading of the fireworks onto the Tower Lift Bridge in Sacramento, CA, on December 31, 2010 at 6 p.m. and until the start of the fireworks displays at 8:45 p.m., the temporary safety zone is established for 100 feet from the center of the Tower Lift Bridge at position 38°34'48.26" N, 121°30'38.52" W over the Sacramento River. During the fireworks displays from 8:45 p.m. to 9:25 p.m. on December 31, 2010 and from 11:45 p.m. on December 31, 2010 until 12:25 a.m. on January 1, 2011, the safety zone will extend 600 feet from fireworks launch site positions 38°34'48.26" N, 121°30'38.52" W (NAD 83) and 38°34'49.84" N, 121°30'29.59" W (NAD 83). At 12:25 a.m. on January 1, 2011, this safety zone shall terminate.

(b) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations.*

(1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP’s designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the designated representative. Persons and vessels may request permission to enter the safety zones on VHF–16 or through the 24-hour Command Center at telephone 415–399–3547.

(d) *Enforcement period.* This section will be enforced from 6 p.m. to 9:25 p.m. on December 31, 2010 and from 11:45 p.m. on December 31, 2010 until 12:25 a.m. on January 1, 2011.

Dated: December 10, 2010.

C.L. Stowe,

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. 2010–32192 Filed 12–22–10; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 74

RIN 2900–AM78

#### VA Veteran-Owned Small Business Verification Guidelines; Correction

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendment.

**SUMMARY:** VA published two documents in the **Federal Register**, an interim final rule on May 19, 2008 (73 FR 29024) and a final rule on February 8, 2010 (75 FR 6098), which implement portions of the Veterans Benefits, Health Care, and Information Technology Act of 2006. Both documents contain a typographical error in a cross reference citation. This document corrects that error.

**DATES:** *Effective Date:* This correction is effective December 23, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Dennis Foley, Deputy Assistant General Counsel (025), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–4998. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** VA published two documents in the **Federal Register**, an interim final rule on May 19, 2008 (73 FR 29024) and a final rule on February 8, 2010 (75 FR 6098), which implement portions of the Veterans Benefits, Health Care, and Information Technology Act of 2006. The regulatory text of § 74.4(c)(4) and (f)(2) contains a typographical error. This document corrects the typographical error by removing “(d)(1)” and adding, in each place, “(f)(1)”.

#### List of Subjects in 38 CFR Part 74

Administrative practice and procedures, Privacy, Reporting and recordkeeping requirements, Small business, Veteran, Veteran-owned small business, Verification.

**William F. Russo,**

*Director of Regulations Management, Office of the General Counsel, Department of Veterans Affairs.*

■ For the reason set out in the preamble, VA is correcting 38 CFR part 74 as follows.

## PART 74—VETERANS SMALL BUSINESS REGULATIONS

■ 1. The authority citation for part 74 continues to read as follows:

**Authority:** 38 U.S.C. 501, 513, and as noted in specific sections.

#### § 74.4 [Corrected]

■ 2. Amend § 74.4 as follows:

■ a. In paragraph (c)(4), remove “(d)(1)” and add, in its place, “(f)(1)”.

■ b. In paragraph (f)(2) introductory text, remove “(d)(1)” and add, in its place, “(f)(1)”.

[FR Doc. 2010–32226 Filed 12–22–10; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 100818375–0600–02]

RIN 0648–XX84

#### Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Final Rule to Implement Addenda to 17 Fishing Year (FY) 2010 Sector Operations Plans and Contracts

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements addenda to add exemptions from certain Federal fishing regulations to some or all Northeast (NE) multispecies sector operations plans that were previously approved by the final sector rule published April 9, 2010. That rule approved FY 2010 sector operations plans and contracts for, and made allocations of Annual Catch Entitlements (ACE) to, 17 sectors in the NE multispecies fishery. In addition, this action approves an exemption functionally equivalent to the Gulf of Maine (GOM) Haddock Sink Gillnet Pilot Program for FY 2010 sectors (proposed in Amendment 16 to the NE Multispecies Fishery Management Plan (FMP) for both common pool and sector vessels, but disapproved by NMFS), since this program would be more controlled for sectors and unlikely to compromise efforts to eliminate overfishing and rebuild overfished stocks. The exemptions are intended to provide additional flexibility and improve profitability for sector vessels.

**DATES:** Effective December 23, 2010, through April 30, 2011.

**ADDRESSES:** Copies of addenda to the FY 2010 sector operations plans and contracts, and the supplemental environmental assessment (EA), are available from the NMFS NE Regional Office: Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. These documents are also accessible via the Federal eRulemaking Portal: <http://www.regulations.gov>. A Final Regulatory Flexibility Analysis (FRFA) was prepared for this final rule and is comprised of the EA, the preamble, and the Classification sections of the final rule.