Captain of the Port Miami in the enforcement of the regulated area. 
(c) Regulations. (1) Non-participant persons and vessels are prohibited from entering the moving zones, to include the buffer zones. Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization 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.

2:30 p.m. until 11:30 p.m. on December 15, 2012.

(2) Pompano Beach, Florida. All waters within a moving zone that will begin at Lake Santa Barbara and head north on the Intracoastal Waterway to end at the Hillsboro Bridge, which will include a buffer zone extending 50 yards ahead of the lead parade vessel and 50 yards astern of the last participating vessel and 50 yards on either side of the parade. This special local regulation will be enforced from 5:00 p.m. until 10:00 p.m. on December 9, 2012.

(3) Palm Beach, Florida. All waters within a moving zone that will begin at Lake Worth Daymark 28 in North Palm Beach and end at Loxahatchee River Daymark 7 east of the Glynn Mayo Highway Bridge in Jupiter, FL, which will include a buffer zone extending 50 yards ahead of the lead parade vessel and 50 yards astern of the last participating vessel and 50 yards on either side of the parade. The special local regulation will be enforced from 5:30 p.m. until 8:30 p.m. on December 1, 2012.

(4) Boynton Beach, Florida. All waters within a moving zone that will begin at Boynton Inlet and end at the C–15 Canal, which will include a buffer zone extending 50 yards ahead of the lead parade vessel and 50 yards astern of the last participating vessel and 50 yards on either side of the parade. The special local regulation will be enforced from 6:00 p.m. until 8:00 p.m. on December 7, 2012.

(5) Miami, Florida. All waters within a moving zone that will transit as follows: the marine parade will begin at the Miami Outboard Club on Watson Island, head west around Palm Island and Hibiscus Island, head east between Di Lido Island, south through Meloy Channel, west through Government Cut to Bicentennial Park, south to the Dodge Island Bridge, south in the Intracoastal Waterway to Clauty Island, circling back to the north in the Intracoastal Waterway to end at the Miami Outboard Club. This will include a buffer zone extending to 50 yards ahead of the lead vessel and 50 yards astern of the last participating vessel and 50 yards on either side of the parade. The special local regulation will be enforced from 7:00 p.m. until 11:00 p.m. on December 15, 2012.

(b) Definition. The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the
making this rule effective less than 30
days after publication in the Federal
Register. For the same reasons
discussed in the preceding paragraph,
waiting for a 30 day notice period to run
would be impracticable and contrary to
the public interest.

B. Basis and Purpose

The legal basis for the rule is the
Coast Guard’s authority to establish
regulated navigation areas and limited
access areas: 33 U.S.C. 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,
2064; Department of Homeland Security
Delegation No. 0170.1.

On December 1, 2012, Walsh
Construction Company will be
conducting demolition on portions of
the Cline Avenue bridge in East
Chicago, IN. The Captain of the Port,
Sector Lake Michigan, has determined
that this demolition project will pose a
significant risk to public safety and
property. Such hazards include loss of
life and property in the proximity of
explosives, and collisions among vessels
and contractors involved in the
demolition project.

The Coast Guard had established
the same safety zone for November 3 and
10, 2012. However, the Construction
Company informed the Coast Guard that
their planned demolition date must be
changed due to the discovery of
embedded steel beams found in two of
the bridge’s piers. This discovery
required a change in how the
demolition will be prepared.

Considering the delicate nature of
explosive work on a transportation
structure, this rule was written in order
to accommodate the Construction
Company’s need to properly prepare the
bridge for demolition.

C. Discussion of Rule

With the aforementioned hazards in
mind, the Captain of the Port, Sector
Lake Michigan, has determined that this
temporary safety zone is necessary to
ensure the safety of persons and vessels
during the demolition project on the
Cline Avenue bridge. This zone will be
effective from 6:00 a.m. until 9:00 a.m.
on December 1, 2012. This zone will be
enforced between 6:00 a.m. until 9:00
a.m. on December 1, 2012.

The safety zone will encompass all
waters of the Indiana Harbor Canal in
the vicinity of the Cline Avenue Bridge
at approximate position 41°39’4.3”N
and 87°27’54.3”W (NAD 83).

Entry into, transiting, or anchoring
within the safety zone is prohibited
unless authorized by the Captain of the
Port, Sector Lake Michigan, or his
designated on-scene representative. The
Captain of the Port or his designated
on-scene representative may be contacted
via VHF Channel 16.

D. 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.

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
Regulatory Planning and Review, and
does not require an assessment of
potential costs and benefits under
section 6(a)(3) of Executive Order 12866
or under section 1 of Executive Order
13563. The Office of Management and
Budget has not reviewed it under those
Orders. It is not “significant” under the
regulatory policies and procedures of
the Department of Homeland Security
(DHS). We conclude that this rule is not
a significant regulatory action because
we anticipate that it will have minimal
impact on the economy, will not
interfere with other agencies, will not
adversely alter the budget of any grant
or loan recipients, and will not raise any
novel legal or policy issues. The safety
zone created by this rule will be small
and enforced for only three hours on
one day. Under certain conditions,
 moreover, vessels may still transit
through the safety zone when permitted
by the Captain of the Port.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980
(RFA), 5 U.S.C. 601–612, as amended,
requires federal agencies to consider the
potential impact of regulations on small
entities during rulemaking. 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
a portion of Indiana Harbor Canal on
December 1, 2012.

This safety zone will not have a
significant economic impact on a
substantial number of small entities for
the following reasons: This safety zone
would be activated, and thus subject to
enforcement, for only three hours on
one day. Traffic may be allowed to pass
through the zone with the permission of
the Captain of the Port. The Captain of
the Port can be reached via VHF
channel 16. Before the activation of the
zone, we will issue local Broadcast
Notice to Mariners.

3. Assistance for Small Entities

Under section 213(a) of the Small
Business Regulatory Enforcement
Fairness Act of 1996 (Pub. L. 104–121),
we want to assist small entities in
understanding this rule. If the rule
would affect your small business,
organization, or governmental
jurisdiction and you have questions
concerning its provisions or options for
compliance, please contact the person
listed in the FOR FURTHER INFORMATION
CONTACT section above.

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.

4. Collection of Information

This rule will not call for a new
collection of information under the
Paperwork Reduction Act of 1995 (44

5. Federalism

A rule has implications for federalism
under Executive Order 13132,
Federalism, if it has a substantial direct
effect on the States, on the relationship
between the national government and
the States, or on the distribution of
power and responsibilities among the
various levels of government. We have
analyzed this rule under that Order and
determined that this rule does not have
implications for federalism.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

12. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

13. 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 determined that 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 involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

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 parts 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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


2. Add §165.T09–0904 to read as follows:

§165.T09–0904 Safety Zone; Bridge Demolition Project, Indiana Harbor Canal, East Chicago, Indiana.

(a) Location. The safety zone will encompass all waters of the Indiana Harbor Canal in the vicinity of the Cline Avenue Bridge at approximate position 41°39′4.3″ N and 87°27′54.3″ W (NAD 83).

(b) Effective and Enforcement Period. This rule is effective between 6:00 a.m. until 9:00 a.m. on December 1, 2012. This rule will be enforced between 6:00 a.m. until 9:00 a.m. on December 1, 2012.

(c) Regulations. (1) In accordance with the general regulations in §165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Lake Michigan or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port, Sector Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sector Lake Michigan to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sector Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port, Sector Lake Michigan or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sector Lake Michigan, or his on-scene representative.

Dated: November 15, 2012.

M.W. Sibley,
Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.

[FR Doc. 2012–28693 Filed 11–26–12; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3 and 20
RIN 2900–AO43

Rules Governing Hearings Before the Agency of Original Jurisdiction and the Board of Veterans’ Appeals; Repeal of Prior Rule Change

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; confirmation of effective date and addition of applicability date.

SUMMARY: The Department of Veterans Affairs (VA) published a direct final rule amending its hearing regulations to repeal a prior amendment that specified that the provisions regarding hearings before the Agency of Original Jurisdiction (AOJ) do not apply to hearings before the Board of Veterans’ Appeals (Board). VA received no significant adverse comment concerning this rule. This document confirms that the direct final rule became effective on June 18, 2012. Additionally, in the preamble of the direct final rule, VA did not provide an applicability date. This document provides an applicability date.

DATES: Effective Date: This final rule is effective June 18, 2012.

Applicability Date: This final rule shall apply to decisions issued by the Board on or after August 23, 2011.

FOR FURTHER INFORMATION CONTACT: Laura H. Eskenazi, Principal Deputy Vice Chairman, Board of Veterans’ Appeals (01C), Department of Veterans Affairs, 810 Vermont Avenue NW,