involves the creation of two safety zones around a submerged buoy and its
associated infrastructure. An
environmental analysis checklist and a
categorical exclusion determination will be 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, and 160.5;

2. Add § 165.T01–0542 to read as
follows:

§ 165.T01–0542 Safety Zones: Neptune
Deepwater Port, Atlantic Ocean, Boston,
MA.

(a) Location. The following areas are
safety zones: All navigable waters of the
United States within a 500-meter radius
of each of the two STL buoys of the
Neptune Deepwater Port, marked on the
surface of the water by several small,
white buoys labeled LNG with red flags
and radar-reflected buoys known as “Hi
Flyers” located at approximate positions
42°29′12.3″ N, 070°36′29.7″ W and 42°
27′20.5″ N, 070°36′07.3″ W. [NAD83].

(b) Notification. Coast Guard Sector
Boston will cause notice of the
enforcement of this temporary safety
zone to be made by all appropriate
means to affect the widest publicity
among the effected segments of the
public, including publication in the
Local Notice to Mariners and Broadcast
Notice to Mariners.

(c) Enforcement Period. This safety
zone will be enforced at 12:01 a.m.
Saturday June 12, 2010 until 11:59 p.m.
December 31, 2010.

(d) Definitions. As used in this
section:

Authorized representative means a
Coast Guard commissioned, warrant, or
petty officer or a Federal, State, or local
law enforcement officer designated by
or assisting the Captain of the Port
Boston (COTP).

Deepwater port means any facility or
structure meeting the definition of
deepwater port in 33 CFR 148.5.

Support vessel means any vessel
meeting the definition of support vessel
in 33 CFR 148.5.

(e) Regulations.

(1) The general regulations contained
in 33 CFR 165.23 apply.

(2) In accordance with the general
regulations entry into or movement
within these safety zones is prohibited
unless authorized by the Captain of the
Port Boston. Liquefied Natural Gas
Carrier vessels and related Support
Vessels calling on the Neptune
Deepwater Port are authorized to enter
and move within the safety zones of this
section in the normal course of their
operations.

(3) All persons and vessels shall
comply with the Coast Guard Captain of
the Port or authorized representative.

(4) Upon being hailed by an
authorized representative by siren,
radio, flashing light or other means, the
operator of the vessel shall proceed as
directed.

(5) Persons and vessels may contact
the Coast Guard to request permission
to enter the zone on VHF–FM Channel 16
or via phone at 617–223–5761.

Dated: June 9, 2010.

John N. Healey,
Captain, U.S. Coast Guard, Captain of the
Port Boston.

[FR Doc. 2010–14851 Filed 6–18–10; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0235]

RIN 1625–AA00

Safety Zone; Michigan City Super Boat
Grand Prix, Lake Michigan, Michigan
City, IN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is
establishing a temporary safety zone on
Lake Michigan near Michigan City,
Indiana. This zone is intended to restrict
vessels from a portion of Lake Michigan
due to a high speed boat racing event.
This temporary safety zone is necessary
to protect the surrounding public and
their vessels from the hazards associated
with a high speed boat racing event.

DATES: This regulation is effective
from 9 a.m. until 4 p.m. on August 8, 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
docket USCG–2010–0235 and are
available online by going to http://
www.regulations.gov, inserting USCG–
2010–0235 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, contact or e-mail Petty Officer
Adam Kraft, U.S. Coast Guard Sector
Lake Michigan, at (414) 747–7154 or
Adam.D.Kraft@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 28, 2010, we published a
notice of proposed rulemaking (NPRM)
titled Safety Zone; Michigan City
Super Boat Grand Prix, Lake Michigan,
Michigan City, IN in the Federal
Register (75 FR 22333). We received 0
comments on the proposed rule. No
public meeting was requested and none
was held.

Basis and Purpose

This temporary safety zone is
necessary to protect vessels from the
hazards associated with the Michigan
City Super Boat Grand Prix. The Captain
of the Port, Sector Lake Michigan, has
determined that the Michigan City
Super Boat Grand Prix presents a
significant risk to public safety and
property. The likely combination of
congested waterways and high speed
boat racing presents a significant risk of
serious injuries or fatalities.

Discussion of Comments and Changes

No comments were received
concerning this rule. No substantive
changes have been made to the rule as
proposed.

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 temporary rule restricts access to the safety zone, the effect of this rule will not be significant because of the minimal time that vessels will be restricted from the zone and the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones’ activation.

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 a portion of Lake Michigan, Michigan City, Indiana between 9 a.m. and 4 p.m. on August 8, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will only be enforced while unsafe conditions exist. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of The Port, Sector Lake Michigan, to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

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. This rule involves the establishment of a safety zone therefore paragraph (34)(g) of the Instruction applies.

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 proposes to amend 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:


2. Add § 165.T09–0235 to read as follows:

§ 165.T09–0235 Safety Zone; Michigan City Super Boat Grand Prix, Lake Michigan, Michigan City, IN

(a) Location. The following area is a temporary safety zone: offshore of Long Beach in Michigan City, Indiana, a 4500 yard by 600 yard area encompassing specified U.S. waters of Lake Michigan bound by a line drawn from 41°43′42″ N, 086°54′18″ W; then north to 41°43′49″ N, 086°54′31″ W; then east to 41°44′48″ N, 086°51′45″ W; then south to 41°44′42″ N, 086°51′31″ W; then west returning to the point of origin (NAD 83).

(b) Enforcement period. This regulation will be enforced between 9 a.m. and 4 p.m. on August 8, 2010. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may terminate this operation at anytime.

(c) Regulations. (1) In accordance with the general regulations in section 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 or her 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 or her 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 or her behalf. The on-scene representative of the Captain of the Port, Sector Lake Michigan, will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative to obtain permission to do so. The Captain of the Port, Sector Lake Michigan, or his or her 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 or her on-scene representative.

Dated: June 3, 2010.

L. Barndt,
Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.

[FR Doc. 2010–14850 Filed 6–18–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0478]

RIN 1625–AA00

Safety Zone; Fireworks for the Virginia Lake Festival, Buggs Island Lake, Clarksville, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 700-foot radius safety zone on the navigable waters of Buggs Island Lake in Clarksville, VA in support of the Fireworks for the Virginia Lake Festival event. This action is intended to restrict vessel traffic movement to protect mariners and spectators from the hazards associated with aerial fireworks displays.

DATES: This rule is effective from 9:30 p.m. to 10 p.m. on July 17, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0478 and are available online by going to http://www.regulations.gov, inserting USCG–2010–0478 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 LT Tiffany Duffy, Waterways Management Division, Coast Guard; telephone 757–668–5580, e-mail Tiffany.A.Duffy@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.