

Environmental Impacts: Policies and Procedures.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

§ 73.24 [Amended]

2. § 73.24 is amended as follows:

\* \* \* \* \*

R-2402 Fort Chaffee, AR [Removed]

R-2402A Fort Chaffee, AR [New]

Boundaries. Beginning at lat. 35°18'09" N., long. 94°03'01" W.; to lat. 35°17'00" N., long. 94°03'01" W.; to lat. 35°17'00" N., long. 94°01'01" W.; to lat. 35°10'20" N., long. 94°01'01" W.; thence west along Arkansas State Highway No. 10 to lat. 35°11'33" N., long. 94°12'01" W.; to lat. 35°13'50" N., long. 94°12'01" W.; to lat. 35°18'10" N., long. 94°12'01" W.; to lat. 35°18'12" N., long. 94°09'52" W.; thence east along Arkansas State Highway No. 22 to the point of beginning.

Designated altitudes. Surface to and including 30,000 feet MSL.

Time of designation. Sunrise to sunset, daily; other times by NOTAM.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Commanding General, Fort Chaffee, AR.

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R-2402B Fort Chaffee, AR [New]

Boundaries. Beginning at lat. 35°18'26" N., long. 93°55'41" W.; thence clockwise along a 7-NM radius circle centered at lat. 35°15'26" N., long. 94°03'24" W.; to lat. 35°10'55" N., long. 94°09'57" W.; thence east along Arkansas State Highway 10 to lat. 35°10'20" N., long. 94°01'01" W.; to lat. 35°17'00" N., long. 94°01'01" W.; to lat. 35°17'00" N., long. 94°03'01" W.; to lat. 35°18'09" N., long. 94°03'01" W.; thence east along Arkansas State Highway 22 to the point of beginning.

Designated altitudes. 10,000 feet MSL to, but not including, FL 220.

Time of designation. Sunrise to sunset, daily; other times by NOTAM.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Arkansas Air National Guard, 188th Fighter Wing, Fort Smith, AR.

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R-2402C Fort Chaffee, AR [New]

Boundaries. Beginning at lat. 35°21'48" N., long. 94°06'59" W.; thence clockwise along a

7-NM radius circle centered at lat. 35°15'26" N., long. 94°03'24" W.; to lat. 35°18'26" N., long. 93°55'41" W.; thence west along Arkansas State Highway 22 to lat. 35°18'12" N., long. 94°09'52" W.; to the point of beginning.

Designated altitudes. 13,000 feet MSL to, but not including, FL 220.

Time of designation. Sunrise to sunset, daily; other times by NOTAM.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Arkansas Air National Guard, 188th Fighter Wing, Fort Smith, AR.

Issued in Washington, DC, on July 21, 2010.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. 2010-18665 Filed 7-28-10; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 618

RIN 1205-AB56

Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States; Clarification for the Rulemaking Record

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule; clarification for the rulemaking record.

SUMMARY: This notice provides, for the rulemaking record, information that was inadvertently omitted from the final rule in the Federal Register on April 2, 2010 (75 FR 16988) promulgating Trade Adjustment Assistance (TAA) regulations requiring States to use merit personnel systems in their administration of the TAA program, and prescribing a formula for allocating TAA training funds to the States.

DATES: Effective July 29, 2010.

FOR FURTHER INFORMATION CONTACT: Erin Fitzgerald, 202-693-3560; (this is not a toll-free number). TDD: 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) published a final rule in the Federal Register on April 2, 2010 (75 FR 16988) promulgating Trade Adjustment Assistance (TAA) regulations requiring States to use merit personnel systems in their administration of the TAA program, and prescribing a formula for allocating TAA training funds to the States. This rule was effective May 3, 2010. This merit

personnel system requirement is a condition for States receiving TAA funds as well as for State participation in the TAA program. OPM regulations (5 CFR 900.605) provide that, "Federal agencies may adopt regulations that require the establishment of a merit personnel system as a condition for receiving Federal assistance or otherwise participating in an intergovernmental program only with the prior approval of the Office of Personnel Management." Because OPM's approval was not printed as part of the April 2, 2010 Federal Register notice, this notice clarifies for the record that OPM gave prior approval to the Department of Labor adopting these merit personnel system regulations for the TAA program.

Signed at Washington, DC, this 21st day of July 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010-18603 Filed 7-28-10; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2010-0585]

RIN 1625-AA00

Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the M/V Del Monte. This safety zone will restrict vessel traffic on a portion of the James River in the vicinity of the James River Reserve Fleet within a 1500 foot radius of the M/V Del Monte. This action is intended to restrict vessel traffic movement on specified waters of the James River to protect mariners from the hazards associated with live fire and explosive training events.

DATES: This rule is effective from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0585 and are available online by going to http://www.regulations.gov, inserting USCG-2010-0585 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, Chief Waterways Management, Sector Hampton Roads, Coast Guard; telephone 757-668-5580, e-mail [tiffany.a.duffy@uscg.mil](mailto: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**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. The Coast Guard is establishing this safety zone to facilitate mission-essential training directly related to military operations and national security. Accordingly, based on the military function exception to the Administrative Procedure Act, 5 U.S.C. 553(a)(1), notice and comment rulemaking under 5 U.S.C. 553(b) and an effective date of 30 days after publication under 5 U.S.C. 553(d) are not required for this rule.

Even if the Coast Guard were required to comply with the notice and comment provisions of the Administrative Procedure Act, under 5 U.S.C. 553(b)(B), we find that good cause exists for not publishing an NPRM. This exercise is necessary to train and qualify Navy personnel in the use of weapons. This training is necessary to ensure that Navy personnel located within the Fifth Coast Guard District are properly trained and qualified before conducting military and national security operations for use in securing ports and waterways. Navy policy requires that Navy personnel meet and maintain certain qualification standards before being allowed to carry weapons on board vessels. Failure to conduct this required training at this time will result in a lapse in personnel qualification standards and, consequently, the inability of Navy personnel to carry out important national security functions at any time. It is impracticable, unnecessary, and contrary to public interest to delay the issuance of this rule.

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

Coast Guard Sector Hampton Roads was notified that the U.S. Navy will conduct a live fire and explosive

training event onboard the M/V Del Monte in the vicinity of the James River Reserve Fleet. The event is scheduled to take place from August 2, 2010 to August 6, 2010. Due to the need to protect mariners transiting on the James River in the vicinity of the exercise from the hazards associated with live fire and explosive events, the Coast Guard is establishing a safety zone bound by a 1500 foot radius around approximate position 37°06'11" N/076°38'40" W (NAD 1983). Access to this area will be temporarily restricted for public safety purposes.

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

The Coast Guard is establishing a 1500 foot radius safety zone on specified waters of James River around approximate position 37°06'11" N/076°38'40" W (NAD 1983) in the vicinity of the James River Reserve Fleet. This safety zone is being established in the interest of public safety during the live fire and explosive training exercise and will be enforced from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010. Access to the safety zone will be restricted during the specified dates and times. Except for vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the safety zone.

##### **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 regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly. For the above reasons, the Coast Guard does not anticipate any significant economic 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.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the James River from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration; (ii) before the effective period of August 2, 2010, maritime advisories will be issued allowing mariners to 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), 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 023–01 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 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 is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves a temporary safety zone that will be in effect for only five days and is intended to keep mariners safe from the hazards associated with live fire and explosive exercises. 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 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.T05–0585 to read as follows:

#### § 165.T05–0585 Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA

(a) *Location.* The following area is a safety zone: All waters in the vicinity of the James River Reserve Fleet on the James River within a 1500 foot radius of position 37°06′11″ N./076°38′40″ W. (NAD 1983).

(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, Hampton Roads, Virginia (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 the COTP’s designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP’s 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 COTP’s designated representative.

(d) *Enforcement and suspension of enforcement of certain safety zones.* (1) The safety zone in paragraph (a) of this section will be enforced only when a Coast Guard vessel or Navy asset is operating in the safety zone for the purpose of conducting gunnery exercises.

(2) A notice will be published in the **Federal Register** announcing when the safety zone in paragraph (a) of this section will be enforced.

(3) The COTP will provide notice of the enforcement of the safety zones listed in paragraph (a) of this section and notice of suspension of enforcement by the means appropriate to affect the widest publicity, including broadcast

notice to mariners and publication in the local notice to mariners.

(d) *Enforcement period.* This section is effective from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010.

Dated: July 15, 2010.

**M.S. Ogle,**

*Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.*

[FR Doc. 2010-18634 Filed 7-28-10; 8:45 am]

**BILLING CODE 9110-04-P**