

to evacuate pedestrian traffic after the conclusion of the public event.

**DATES:** This deviation is effective from 11 p.m. on July 4, 2010, through 1 a.m. on July 5, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0536 and are available online at <http://www.regulations.gov>, inserting USCG–2010–0536 in the “Keyword” 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 rule, call or e-mail Mr. John W. McDonald, Project Officer, First Coast Guard District, [john.w.mcdonald@uscg.mil](mailto:john.w.mcdonald@uscg.mil), telephone (617) 223–8364. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The Craigie Bridge, across the Charles River at mile 1.0, at Boston, Massachusetts, has a vertical clearance in the closed position of 13.5 feet at normal pool elevation above the Charles River Dam. The existing drawbridge operation regulations are listed at 33 CFR 117.591(e).

The waterway is predominantly a recreational waterway supporting various size vessels. This yearly holiday event and the annual short term bridge closure necessary to facilitate the evacuation of the large number of pedestrians viewing the fireworks display are well known to local boating interests and no objections have been received in past years.

The owner of the bridge, the Massachusetts Department of Transportation (Mass DOT), requested a temporary deviation to facilitate public safety during this public event, the 2010 Boston Pops Fireworks Spectacular.

Under this temporary deviation, in effect from 11 p.m. on July 4, 2010 through 1 a.m. on July 5, 2010, the Craigie Bridge at mile 1.0, across the Charles River at Boston, Massachusetts, may remain in the closed position.

Vessels that can pass under the bridge without a bridge opening may do so at all times.

In accordance with 33 CFR 117.35(e), the bridge 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: June 22, 2010.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2010–16117 Filed 7–1–10; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2010–0520]

#### Drawbridge Operation Regulations; Chicago River, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** Commander, Ninth Coast Guard District, issued a temporary deviation from the regulation governing the operation of the Lake Shore Drive Bridge at Mile 0.32, Columbus Drive Bridge at mile 0.62, Michigan Avenue Bridge at Mile 0.85, State Street Bridge at Mile 1.05, LaSalle Street Bridge at Mile 1.29, and the Franklin Street Bridge at Mile 1.47 over the Main Branch of the Chicago River, Monroe Street Bridge at Mile 1.99, Adams Street Bridge at Mile 2.08, Halsted Street Bridge at Mile 4.47 over the South Branch of the Chicago River, at Chicago, IL. This deviation will temporarily change the operating schedule of the bridges to accommodate the City’s Bank of America Shamrock Shuffle 8K Run, Rock N Roll Chicago Half Marathon, Illinois Special Olympics Rubber Duck Race, Chicago Triathlon, Ready to Run Chicago Marathon, Bank of America Chicago Marathon, Men’s Health Urbanathlon, and the Magnificent Mile Lights Festival events. This temporary deviation allows the bridges to remain secured to masted navigation on the dates and times listed.

**DATES:** This deviation is effective on August 1, 2010 from 6 a.m. to 9 a.m., August 12, 2010 from noon to 1:30 p.m., August 29, 2010 from 6 a.m. to 1 p.m., September 19, 2010 from 7 a.m. to 10 a.m., September 29, 2010 from 6 a.m. to 1 p.m., October 10, 2010 from 4:30 a.m. to 11:30 a.m., October 16, 2010 from 7:30 a.m. to 9:30 a.m., and on November 20, 2010 from 6 p.m. to 8 p.m..

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0520 and are available online by going

to <http://www.regulations.gov>, inserting USCG–2010–0520 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 rule, call or e-mail Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, e-mail; [lee.d.soule@uscg.mil](mailto:lee.d.soule@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** The City of Chicago, Illinois, who owns and operates these drawbridges, requested a temporary deviation from the current operating regulations set forth in 33 CFR 117.391. The purpose of this request is to facilitate efficient management of all transportation needs and provide timely public safety services during these special events. The most updated and detailed current marine information for this event, and all bridge operations, is found in the Local Notice to Mariners and Broadcast Notice to Mariners issued by the Ninth District Commander. 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 periods. These deviations from the operating regulations are authorized under 33 CFR 117.35.

Date: June 16, 2010.

**M.N. Parks,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 2010–16114 Filed 7–1–10; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2010–0523]

**RIN 1625–AA00**

#### Safety Zone; San Diego POPS Fireworks, San Diego, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the

navigable waters of San Diego Bay in support of the San Diego POPS Fireworks. This safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

**DATES:** Effective Date: This rule is effective in the CFR on July 2, 2010 through 10 p.m. on September 5, 2010. This rule is effective with actual notice for purposes of enforcement at 8:30 p.m. on July 2, 2010. This rule will remain in effect until 10 p.m. on September 5, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0523 and are available online by going to <http://www.regulations.gov>, inserting USCG–2010–0523 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 Petty Officer Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone 619–278–7262, e-mail [Shane.E.Jackson@uscg.mil](mailto:Shane.E.Jackson@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). It would be impracticable to publish an NPRM with respect to this rule because immediate action is necessary to ensure the safety of vessels, spectators,

participants, and others in the vicinity of the marine event on the dates and times this rule will be in effect.

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** because delaying the effective date would be impracticable, since immediate action is needed to ensure the public’s safety.

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

The San Diego Symphony Orchestra and Copley Symphony Hall are sponsoring the San Diego POPS Fireworks, which will include fireworks presentations conducted from a barge in San Diego Bay. The barge will be located near the navigational channel in the vicinity of North Embarcadero.

This safety zone is necessary to provide for the safety of the crew, spectators, and other vessels and users of the waterway.

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

The Coast Guard is establishing a safety zone to protect vessels and persons during the fireworks presentations. The safety zone will be enforced from 8:30 p.m. to 10 p.m. on the following days: July 2–3, July 9–11, July 16–17, July 23–24, July 30–31, August 6–7, August 13–14, August 20–21, August 27–28, and September 3–5, 2010. The limits of the safety zone will be a 400 foot radius around the anchored firing barge in approximate position 32°42’12” N, 117°10’01” W.

The safety zone is necessary to provide for the safety of the crews, spectators, and other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port, or his designated representative. Additionally, the sponsor will provide a chase boat to patrol the safety zone and inform vessels of 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 and 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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to pass safely around the safety zone. Furthermore, the zone will be enforced only during certain periods of the effective period. Before the periods of enforcement, the Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via marine channel 16 VHF.

##### **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 not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic can pass safely around the safety zone. The Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via marine channel 16 VHF before the safety zone is enforced.

##### **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 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. 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–338 to read as follows:

#### § 165.T11–338 Safety Zone; San Diego POPS Fireworks, San Diego, CA

(a) *Location.* The limits of the safety zone will be a 400 foot radius around the anchored firing barge in approximate position 32°42'13" N., 117°10'01" W.

(b) *Enforcement Period.* This section will be enforced from 8:30 p.m. to 10 p.m. on July 2–3, July 9–11, July 16–17, July 23–24, July 30–31, August 6–7, August 13–14, August 20–21, August 27–28, and September 3–5, 2010.

(c) *Definitions.* The following definition applies to this section: *designated representative* means any commissioned, warrant, or petty officer of the Coast Guard on board a Coast Guard, Coast Guard Auxiliary, or local, state, or federal law enforcement vessel who has been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative on scene.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Sector San Diego Command Center. The Command Center may be contacted on VHF–FM Channel 16.

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

Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: June 22, 2010.

**T.H. Farris,**

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

[FR Doc. 2010-16116 Filed 7-1-10; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0591]

RIN 1625-AA00

#### Safety Zones; Multiple Firework Displays in Captain of the Port, Puget Sound Area of Responsibility, WA

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing multiple temporary safety zones restricting vessel movement in the proximity of firework discharge sites being held in the Captain of the Port, Puget Sound area of responsibility (AOR). This action is necessary to help protect the maritime public from the inherent dangers associated with fireworks displays and will do so by prohibiting entry into, transit through, or mooring within the safety zones unless authorized by the Captain of the Port or Designated Representative.

**DATES:** This rule is effective from 5 p.m. on July 3, 2010 until 1 a.m. on August 7, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0591 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0591 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 LTJG Wanzer, Coast Guard Sector Seattle, Waterways Management Division; telephone 206-217-6175, e-mail [SectorSeattleWWM@uscg.mil](mailto:SectorSeattleWWM@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 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 the 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 objective since immediate action is needed to protect persons and vessels against the hazards associated with fireworks displays on navigable waters. Such hazards include premature detonations, dangerous detonations, dangerous projectiles and falling or burning debris. Additionally, the zone should have negligible impact on vessel transits due to the fact that vessels will be limited from the area for a short time and vessels can still transit in the majority of Puget Sound during the event. Accordingly, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM.

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

The U.S. Coast Guard is proposing to establish three temporary safety zones to ensure public safety during firework shows occurring within the Captain of the Port, Puget Sound AOR. These events may result in a number of vessels congregating near fireworks launching barges and sites. These safety zones are necessary to protect watercraft and their occupants from the hazards associated with fireworks displays. The Captain of the Port, Puget Sound may be assisted by other Federal, State and local

agencies in the enforcement of this safety zone.

Due to the inherent dangers associated with such displays, the Coast Guard is taking this action to help protect the maritime public by prohibiting entry into, transit through, or mooring within the safety zones unless authorized by the Captain of the Port or his Designated Representative. This temporary final rule is necessary to protect the safety of life and property on navigable waters during these firework events and provide the marine community information on safety zone locations, size and length of time the zones will be active.

#### Discussion of Rule

This rule establishes three safety zones for the following firework displays: The first will encompass waters of Boston Harbor within a 200 yard radius around position 47°08.5' N, 122°54.2' W and will be enforced from 5 p.m. on July 3, 2010 until 1 a.m. on July 4, 2010; the second will encompass waters of Boston Harbor within a 200 yard radius around position 47°08.5' N, 122°54.2' W and will be enforced from 5 p.m. on July 24, 2010 until 1 a.m. on July 25, 2010; and the third will encompass waters near Stuart Island within a 700 yard radius around position 48°37.5' N, 121°12.0' W and will be enforced from 5 p.m. on August 6, 2010 until 1 a.m. on August 7, 2010.

#### 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 will restrict access to the area, the effect of the rule will not be significant because it creates safety zones that are minimal in size and short in duration.

#### 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