

final rule that appeared in the **Federal Register** of October 29, 2012 (77 FR 65463). In this final rule, the Commission is revising its rules and regulations relating to the filing of privileged material in keeping with the Commission's efforts to comply with the Paperwork Reduction Act, the Government Paperwork Elimination Act and the E-Government Act of 2002.

**DATES:** The effective date of this rule is December 28, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Cook (Technology/Procedural Information), Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-8102;

Richard M. Wartchow (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-8744.

**SUPPLEMENTARY INFORMATION:**

**Need for Correction**

In **Federal Register** Document 2012-26126 of October 29, 2012 (77 FR 65463); the final rule entitled "Filing of Privileged Materials and Answers to Motions" erroneously stated in the preamble that the Model Protective Order was developed by the Commission "Office of Administrative Litigation" instead of "Office of Administrative Law Judges".

**Correction**

On page 65466, footnote 25; remove the title "Office of Administrative Litigation" and add in its place "Office of Administrative Law Judges"

On page 65468, in the third sentence of paragraph 29; remove the title "Office of Administrative Litigation" and add in its place "Office of Administrative Law Judges".

On page 65468, in the second sentence of paragraph 36; remove the title "Office of Administrative Litigation" and add in its place "Office of Administrative Law Judges".

Dated: November 5, 2012.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2012-27496 Filed 11-9-12; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

**[Docket No. USCG-2012-0925]**

**Special Local Regulation; Annual Marine Events on the Colorado River, Between Davis Dam (Bullhead City, AZ) and Headgate Dam (Parker, AZ) Within the San Diego Captain of the Port Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce special local regulations during the Blue Water Resort and Casino Thanksgiving Regatta, on the waters of Lake Moovalya, Parker, Arizona, from November 23 through November 24, 2012. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels of the race, and general users of the waterway. During the enforcement period, persons and vessels are 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:** The regulations in 33 CFR 100.1102 will be enforced on November 23 through November 24, 2012 from 6:30 a.m. until 6:00 p.m. each day. If the event is delayed by inclement weather, these regulations will also be enforced on November 25, 2012, from 6:30 a.m. to 6:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Petty Officer Deborah Metzger, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278-7656, email *D11-PF-MarineEventsSanDiego@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations in 33 CFR 100.1102 in support of the annual Blue Water Resort and Casino Thanksgiving Regatta (Item 9 on Table 1 of 33 CFR 100.1102). The Coast Guard will enforce the special local regulations in that portion of Lake Moovalya, Parker, AZ between the northern and southern boundaries of La Paz County Park on November 23 through November 24, 2012 from 6:30 a.m. to 6:00 p.m. each day. If the event is delayed by inclement weather, these regulations will also be enforced on November 25, 2012, from 6:30 a.m. to 6:00 p.m. The Blue Water Resort and

Casino Thanksgiving Regatta will set up the course on November 22 and race on November 23 through November 24, 2012. Groups will be broken up into different classes and compete in designated heats. There will be 40 heats per day.

Under the provisions of 33 CFR 100.1102, persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 100.1102 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of this enforcement period via the Local Notice to Mariners, state, or local agencies.

Dated: October 18, 2012.

**S.M. Mahoney,**

*Acting, Captain of the Port San Diego, United States Coast Guard.*

[FR Doc. 2012-27537 Filed 11-9-12; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

**[Docket Number USCG-2012-0343]**

**RIN 1625-AA11**

**Regulated Navigation Area—New Haven Harbor, Quinnipiac River, Mill River, New Haven, CT; Pearl Harbor Memorial Bridge (Interstate 95) Construction**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the existing regulated navigation area in the navigable waters of New Haven Harbor, Quinnipiac River and Mill River. The current RNA pertains only to the operation of tugs and barges. The changes allow periodic, temporary closure of the area which will be needed during construction of the new Pearl Harbor Memorial Bridge, and which could be needed at other times as well. This revision allows the Coast Guard to suspend all vessel traffic through the RNA during periods of temporary closure. This rule is necessary to provide for the safety of life in the regulated area.

**DATES:** This rule is effective December 13, 2012.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2012–0343]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 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 email Petty Officer Joseph Graun, Prevention Department, U.S. Coast Guard Sector Long Island Sound, (203) 468–4544, [Joseph.L.Graun@uscg.mil](mailto:Joseph.L.Graun@uscg.mil); or Lieutenant Isaac M. Slavitt, Waterways Management Division, U.S. Coast Guard First District, (617) 223–8385, [Isaac.M.Slavitt@uscg.mil](mailto:Isaac.M.Slavitt@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

COTP Captain of the Port  
DHS Department of Homeland Security  
FR **Federal Register**  
NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

On August 8, 2012 we published a notice of proposed rulemaking (NPRM) entitled Regulated Navigation Area—New Haven Harbor, Quinnipiac River, Mill River, New Haven, CT; Pearl Harbor Memorial Bridge (Interstate 95) Construction, in the **Federal Register** (77 FR 47331).

One comment was received and no requests for a public meeting were received.

**B. Basis and Purpose**

Under the Ports and Waterways Safety Act, the Coast Guard has the authority to establish RNAs in defined water areas that are hazardous or in which hazardous conditions are determined to exist. See 33 U.S.C. 1231 and Department of Homeland Security Delegation No. 0170.1.

The purpose of this rulemaking is to provide for safety on the navigable waters in the regulated area, and to update some of the terminology used in describing the boundaries of the RNA.

This rule gives the Captain of the Port Sector Long Island Sound (COTP) the authority to temporarily close the RNA to vessel traffic in any circumstance, whether currently planned or unforeseen, that the COTP determines creates an imminent hazard to waterway users in the RNA. Temporary closures are currently foreseeable in connection with the reconstruction of the Pearl Harbor Memorial Bridge (sometimes referred to as the I–95 Bridge, Quinnipiac Bridge, or “Q” Bridge), which has begun and is scheduled for completion in 2015. Terminology updates reflect the current names of local landmarks to make them more easily identifiable for mariners, but do not change the location or dimensions of the RNA.

**C. Discussion of Comments, Changes and the Final Rule**

We received one comment from the National Oceanic and Atmospheric Administration. Their comment stated the Latitude and Longitudes are written in North American datum (NAD) 1927 format. They requested we reference the format in the text or convert the coordinates to NAD 1983 format. In response to the comment we converted the coordinates to NAD 1983 format and referenced the format. The converted coordinates and format reference can be found in the regulatory text. Otherwise, the final rule is unchanged from what we proposed in the NPRM.

**D. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and 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 Regulation and Regulatory 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.

The Coast Guard determined that this rulemaking will not be a significant regulatory action for the following reasons: vessel traffic will only be restricted from the RNA for limited durations and the RNA covers only a small portion of the navigable waterways. Furthermore, entry into this

RNA during a closure may be authorized by the COTP Sector Long Island Sound or designated representative.

Advanced public notifications will be made to local mariners through appropriate means, which may include but are not limited to the Local Notice to Mariners and Broadcast Notice to Mariners.

**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 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 received no comments from the Small Business Administration on this rule. 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 enter, transit, anchor or moor within the regulated areas during a vessel restriction period.

The RNA will not have a significant economic impact on a substantial number of small entities for the following reasons: the RNA will be of limited size and any waterway closures will be of short duration, and entry into this RNA during a closure is possible if the vessel has Coast Guard authorization. Additionally, before the effective period of a waterway closure, notifications will be made to local mariners through appropriate means which may include but are not limited to the Local Notice to Mariners and 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 of this preamble.

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 does not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### 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. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### 7. 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.

#### 8. 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.

#### 9. 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.

#### 10. 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.

#### 11. 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.

#### 12. 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.

#### 13. Technical Standards

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

#### 14. 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 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 restricting vessel movement within a regulated navigation area. This rule 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**.

#### 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. 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. In § 165.150 revise paragraphs (a) and (b)(8), and add new paragraph (b)(9) to read as follows:

#### § 165.150 New Haven Harbor, Quinnipiac River, Mill River.

(a) *Boundaries.* The following is a regulated navigation area: The waters surrounding the Tomlinson Bridge and Pearl Harbor Memorial Bridge (I-95 Bridge) located within a line extending from a point A at 41°17'50.35" N, 072°54'34.37" W (the southeast corner of the Magellan Pink Tanks Terminal dock) thence along a line 126°T to point B at 41°17'42.35" N, 072°54'19.37" W (the southwest corner of the Gulf facility) thence north along the shoreline to point C at 41°17'57.35" N, 072°54'04.37" W (the northwest corner of the R & H Terminal dock) thence along a line 303°T to point D at 41°18'05.35" N, 072°54'21.37" W (the west bank of the mouth of the Mill River) thence south along the shoreline to point of origin. All coordinates are North American Datum 1983.

(b) \* \* \*

(8) The Captain of the Port Sector Long Island Sound (COTP) may issue an authorization to deviate from any regulation in paragraph (b) of this section if the COTP determines that an alternate operation can be done safely.

(9) The COTP may temporarily close the RNA for any situation the COTP determines would create an imminent hazard to waterway users in the RNA. Entry into the RNA during temporary closure is prohibited unless authorized by the COTP or the COTP's designated representative. The COTP or designated representative may order the removal of any vessel or equipment within the RNA. To assure wide advance notice of each closure among affected mariners, the COTP may use means including, but not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. The COTP will announce the dates and

times of the closure and whether exceptions will be authorized for emergency or other specific vessel traffic.

Dated: October 24, 2012.

**J.B. McPherson,**

*Captain, U.S. Coast Guard Acting Commander, First Coast Guard District.*

[FR Doc. 2012-27488 Filed 11-9-12; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2012-0623]

RIN 1625-AA11

#### Regulated Navigation Area; Thames River Degaussing Range Replacement Operations; New London, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily establishing a regulated navigation area (RNA) on the navigable waters of the Thames River in New London Harbor, New London, CT. The RNA will establish speed and wake restrictions and allow the Coast Guard to prohibit all vessel traffic through the RNA during degaussing range replacement operations, both planned and unforeseen, that could pose an imminent hazard to persons and vessels operating in the area. This rule is necessary to provide for the safety of life on the navigable waters during the replacement of the degaussing range and its supporting system.

**DATES:** This rule is effective in the Code of Federal Regulations from December 13, 2012 until October 31, 2014 and is effective with actual notice from November 1, 2012 until October 31, 2014.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2012-0623]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 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 email Petty Officer Joseph Graun, Prevention Department, U.S. Coast Guard Sector Long Island Sound, (203) 468-4544, [Joseph.L.Graun@uscg.mil](mailto:Joseph.L.Graun@uscg.mil); or Lieutenant Isaac M. Slavitt, Waterways Management, U.S. Coast Guard First District, (617) 223-8385, [Isaac.M.Slavitt@uscg.mil](mailto:Isaac.M.Slavitt@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking  
RNA Regulated Navigation Area

#### A. Regulatory History, Basis, and Purpose

The Coast Guard published a notice of proposed rulemaking (NPRM) for this temporary final rule on September 5, 2012 (77 FR 54495). We received two public comments on the NPRM, and no request for a public meeting.

Under the Ports and Waterways Safety Act, the Coast Guard has the authority to establish RNAs in defined water areas that are determined to have hazardous conditions and in which vessel traffic can be regulated in the interest of safety. See 33 U.S.C. 1231 and Department of Homeland Security Delegation No. 0170.1.

This rule establishes speed and wake restrictions and allows the Coast Guard to prohibit all vessel traffic through the RNA during degaussing range replacement operations, both planned and unforeseen, that could pose an imminent hazard to persons and vessels operating in the area. The Coast Guard is not now planning (and will actively avoid) full closures of the waterway; however, given the nature of the work it is important that this regulatory tool be available if circumstances change. This rule is necessary to provide for the safety of life on the navigable waters during the replacement of the degaussing range and its supporting system.

#### B. Discussion of Comments, Changes and the Temporary Final Rule

The Coast Guard received two public comments on the NPRM.

One comment was from the Connecticut Department of Energy and Environmental Protection. The department requested the RNA's Slow-No-Wake wording be modified slightly

to match up with the State definition of Slow-No-Wake providing consistency to mariner. The Coast Guard agrees with this comment and has modified the rule to be consistent with the State, changing the maximum speed from 5 knots to 6 knots and allowing higher minimum speed when necessary to maintain steerageway.

The other comment was from a local ferry service. First, they commented that a 5 knot speed restriction would not allow their vessels to maintain steerageway. They requested the ability to operate at a higher speed that maintains steerage and creates a minimum wake. The Coast Guard agrees with this comment and has changed the Slow-No-Wake verbiage to allow all vessels to maintain higher minimum speed when necessary to maintain steerageway. Second, they commented that the contractor should be required to make SECURITE calls during critical crane or diver operations so vessels could take further measures to ensure safety. The Coast Guard agrees with this recommendation and will instruct the contractor to make SECURITE calls during all crane and dive operations. Third, they commented that the contractor should be required to plan the project with a commitment that a portion of the waterway always be available for commercial traffic. This is not feasible, but every effort will be made to minimize closure periods. In addition they asked who will ensure the contractor has done their due diligence to prevent a need to close the waterway. The Captain of the Port (COTP) will monitor this operation. The COTP will enforce the RNA only during degaussing range replacement operations, both planned and unforeseen, that the COTP recognizes as posing an imminent hazard to persons and vessels operating in the area. The COTP will suspend enforcement of the RNA during periods in which enforcement is not necessary for the safety of life on the navigable waters.

#### C. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and 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 Regulation and Regulatory Review, and does not require an assessment of