

## 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 M16475.1D, 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 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)(h) of the Instruction, because it involves the establishment of a special local regulation for a marine event in which an environmental analysis was conducted as part of the permit process for the marine event. 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 100

Marine Safety, Navigation (water), Reporting and Recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. A new temporary § 100.T09-0435 is added to read as follows:

#### § 100.T09-0435 Special Local Regulation; Hydroplane Exhibition; Detroit River; Detroit, MI.

(a) *Location.* The following is a temporary special local regulation area: All waters of the Detroit River, between Detroit, MI. and Belle Isle, within an area bound on the east by a point on land at position 42°20.1' N.; 083°01.1' W. extending to the international border located at position 42°19.9' N.; 083°01.0' W. and a line running along the international border to position 42°19.5' N.; 083°02.2' W. and to a point on land at position 42°19.7' N.; 083°02.4' W. (DATUM: NAD 83.)

(b) *Effective Period.* This regulation is effective from 3 p.m. on June 18, 2010 to 5 p.m. on June 20, 2010. This regulation will be enforced daily from 3 p.m. until 5 p.m. from June 18, 2010, to June 20, 2010.

#### (c) *Regulations.*

(1) In accordance with the general regulations in § 100.35 of this part, entry into, and transiting or anchoring within this special local regulation area is prohibited unless authorized by the Captain of the Port Sector Detroit, or his designated on-scene representative.

(2) This special local regulation area is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Sector Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Sector Detroit to act on his behalf. The on-scene representative of the Captain of the Port Sector Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the special local regulation area shall contact the Captain

of the Port Sector Detroit or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the special local regulation area must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: May 24, 2010.

**E.J. Marohn,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Sector Detroit.*

[FR Doc. 2010-13806 Filed 6-8-10; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2010-0406]

#### Drawbridge Operation Regulations; Newark Bay, NJ, Maintenance

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Lehigh Valley Bridge across Newark Bay, mile 4.3, at Newark, New Jersey. This deviation allows the bridge to remain in the closed position on seven nonconsecutive days to facilitate scheduled maintenance.

**DATES:** This deviation is effective from 9 a.m. on June 14, 2010 through 2 p.m. on July 26, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2010-0406 and are available online at <http://www.regulations.gov>, inserting USCG-2010-0406 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 Mr. Joe Arca, Project Officer, First Coast Guard District, telephone (212) 668-7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Lehigh Valley Bridge, across Newark Bay at mile 4.3, at Newark, New Jersey, has a vertical clearance in the closed position of 35 feet at mean high water and 39 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.735.

The owner of the bridge, Conrail, requested a temporary deviation from the regulations to facilitate scheduled bridge maintenance, lift cable replacement at the bridge.

Under this temporary deviation the Lehigh Valley Bridge may remain in the closed position on Mondays, June 14, 21, 28, July 5, 12, 19, and 26, 2010 between 9 a.m. and 2 p.m. to facilitate lift cable replacement.

Waterway users were advised of the requested bridge closures and offered no objection.

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: May 27, 2010.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2010-13818 Filed 6-8-10; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0225]

RIN 1625-AA00

#### **Safety Zone; Milwaukee Air and Water Show, Lake Michigan, Milwaukee, WI**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on Lake Michigan near Bradford Beach in Milwaukee, Wisconsin. This zone is intended to restrict vessels from a portion of Lake Michigan due to a large-scale air show and a fireworks display. This temporary safety zone is necessary to protect the surrounding public and their vessels from the hazards associated with a large-scale air show and fireworks display.

**DATES:** This regulation is effective from 12:01 a.m. on June 10, 2010 until 11:59 p.m. on June 13, 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 of docket USCG-2010-0225 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0225 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](mailto: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 14, 2010, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Milwaukee Air and Water Show, Milwaukee, Wisconsin in the **Federal Register** (75 FR 19307). The Coast Guard received 0 comments on this proposed rule. No public meeting was requested and none was held.

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**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this operation and immediate action is necessary to prevent possible loss of life or property from the dangers that are associated with a large scale air show and a fireworks display.

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

This temporary safety zone is necessary to protect vessels from the hazards associated with the Milwaukee Air and Water show. The Captain of the Port, Sector Lake Michigan, has determined that the Milwaukee Air and Water show does pose significant risks to public safety and property. The likely combination of congested waterways and a large scale air show and a fireworks display could easily result in serious injuries or fatalities.

##### **Discussion of Comments and Changes**

No comments were received concerning this event.

##### **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.

This is not a significant regulatory action because the safety zone will be in effect for a minimal amount of time. Additionally, the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation and vessels may still transit the area with the permission of the Captain of the Port, Sector Lake Michigan, or his or her designated on-scene representative.

##### **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, Milwaukee, WI between 12:01 p.m. on June 10, 2010 and 11:59 p.m. on June 13, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone will be in effect for only a few days and enforced for only a few hours. 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.