

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 Terrance Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at telephone 757-398-6587, e-mail [Terrance.A.Knowles@uscg.mil](mailto:Terrance.A.Knowles@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 Burlington County Bridge Commission, who owns and operates this vertical-lift drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5 and 117.716(b) to facilitate the replacement of the counterweight cables.

The Burlington-Bristol Bridge (Route 413) at mile 117.8, across the Delaware River, between PA and NJ, has a vertical clearance in the closed position to vessels of 62 feet above mean high water.

Under this temporary deviation, the cable repairs will restrict the operation of the draw span on the following dates and times: Closed-to-navigation, each day from 7 p.m. to 7 a.m., from July 6, 2010 to July 11, 2010.

Vessels that can pass under the bridge without an opening may do so at all times. There are no alternate routes for vessels transiting this section of the Delaware River.

Due to the limited number and types of vessels that require bridge openings, the Coast Guard has coordinated this project with the Delaware River Pilots, and will inform the other users of the waterway through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation. An emergency opening may require up to twelve hours prior notice.

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 period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 26, 2010.

**Waverly W. Gregory, Jr.,**

*Bridge Administrator, Fifth Coast Guard District.*

[FR Doc. 2010-13910 Filed 6-9-10; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0475]

RIN 1625-AA00

#### Safety Zone; Pierce County, WA, Department of Emergency Management, Regional Water Exercise

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Pierce County, Washington, Department of Emergency Management is sponsoring a Regional Water Rescue Exercise in the waters of East Passage near Browns Point. A safety zone is necessary to ensure the safety of participating vessels and participants in the water by restricting traffic from passing within 900 yards of the exercise area, and restricting deep draft vessels from creating a wake near the exercise.

**DATES:** This rule is effective from 7 a.m. until 8 p.m. on June 10, 2010 unless cancelled sooner by the Captain of the Port (COTP).

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0475 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0475 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 Ian Hanna, Sector Seattle Waterways Management, Coast Guard; telephone 206-217-6045, 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 5 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 immediate action is necessary to ensure safety of participants in the Pierce County Regional Water Rescue Exercise.

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 Pierce County Regional Water Rescue Exercise, and enhancing public and maritime safety.

##### Basis and Purpose

The Pierce County, Washington, Department of Emergency Management is sponsoring a Regional Water Rescue Exercise in the waters of East Passage near Browns Point. The exercise will involve many small response craft training and practicing search and rescue techniques with people in the water. The exercise takes place in an unsheltered area in the vicinity of vessel traffic, which poses hazards to participating vessels and participants. A safety zone will mitigate these hazards by restricting traffic from passing too close to the exercise area, and from creating large wakes near the exercise.

##### Discussion of Rule

This rule establishes a temporary safety zone on all waters of East Passage encompassed within 900 yards of Browns Point, Washington in position 47°18.354' N, 122°27.654' W (NAD 83). The Regional Water Rescue Exercise will include nineteen various government agencies with over two hundred personnel practicing water rescue, search and rescue, dive rescue, law enforcement searches, dewatering exercises and will involve persons in the water. Vessel operators are prohibited from entering or remaining in the safety zone unless authorized by the COTP, Puget Sound, or Designated Representative. The COTP will be assisted in the enforcement of the zone by other federal, state, and/or local agencies. Any vessel not participating in the Water Rescue Exercise wishing to transit the area during the effective time of this Safety Zone must coordinate

with an on scene Patrol Commander. Additionally, any vessel traffic transiting the area shall do so at a speed that minimizes wake in the exercise area.

### 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.

The Coast Guard bases this finding on the fact that the safety zone will be in place for a limited period of time and maritime traffic will still be able to transit around the zone. Maritime traffic may request permission to transit through the zone from the Captain of the Port, Puget Sound or Designated 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 may be small entities: The owners and operators of vessels intending to operate near Browns Point, Washington between 7 a.m. and 8 p.m. on June 10, 2010. This rule will not have a significant economic impact on a substantial number of small entities, because the safety zone is short in duration and maritime traffic will be able to transit around the safety zone. Maritime traffic may also request permission to transit through the zone from the Captain of the Port, Puget Sound or Designated Representative.

### 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)(f), of the Instruction. This rule involves the establishment of a temporary 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 record keeping 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(g), 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.T13-146 to read as follows:

#### § 165.T13-146 Safety Zone; Pierce County, Washington, Department of Emergency Management, Regional Water Exercise.

(a) *Location.* All waters of East Passage encompassed within 900 yards of Browns Point, Washington in position 47°18.354' N., 122°27.654' W. (NAD 83).

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart C, no vessel operator may enter or remain in the safety zone without the permission of the Captain of

the Port or Designated Representative. The Captain of the Port may be assisted by other federal, state, or local agencies with the enforcement of the safety zone. Additionally, any vessel traffic transiting the area shall do so at a speed that minimizes wake in the safety zone.

(c) *Authorization.* All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting the South Sound Water Exercise Control on VHF Channel 22 or via telephone at (253) 691-1313. Vessel operators granted permission to enter the zone will be escorted by the on-scene patrol craft until they are outside of the safety zone and may not cause a wake while in the zone.

(d) *Enforcement Period.* This rule is effective from 7 a.m. until 8 p.m. on June 10, 2010, unless canceled sooner by the Captain of the Port.

Dated: May 27, 2010.

**S.W. Bornemann,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 2010-13911 Filed 6-9-10; 8:45 am]

**BILLING CODE 9110-04-P**

#### DEPARTMENT OF EDUCATION

#### 34 CFR Part 361

#### State Vocational Rehabilitation Services Program

#### CFR Correction

In Title 34 of the Code of Federal Regulations, Parts 300 to 399, revised as of July 1, 2009, on page 267, in § 361.42, in paragraph (a)(4) introductory text, in the first sentence, after the words “Any eligible”, add the words “individual, including an individual whose eligibility for vocational”.

[FR Doc. 2010-14049 Filed 6-9-10; 8:45 am]

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#### DEPARTMENT OF EDUCATION

#### 34 CFR Part 691

#### Academic Competitiveness Grant (ACG) and National Science and Mathematics Access To Retain Talent Grant (National Smart Grant) Programs

#### CFR Correction

In Title 34 of the Code of Federal Regulations, Part 400 to End, revised as

of July 1, 2009, on page 978, in § 691.15, remove paragraphs (b)(1)(ii)(C)(1) and (b)(1)(ii)(C)(2).

[FR Doc. 2010-14051 Filed 6-9-10; 8:45 am]

**BILLING CODE 1505-01-D**

#### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Part 256

#### Adjustment of Royalty Fee for Cable Compulsory License

#### CFR Correction

In Title 37 of the Code of Federal Regulations, revised as of July 1, 2009, on page 666, in § 256.2, make the following changes:

a. In paragraph (b)(2)(i), remove “\$189,800” and add “\$263,800” in its place; and

b. In paragraph (b)(2)(ii), remove “\$189,800” and add “\$263,800” in its place, and remove “\$379,600” and add “\$527,600” in its place.

[FR Doc. 2010-14060 Filed 6-9-10; 8:45 am]

**BILLING CODE 1505-01-D**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R03-OAR-2009-0599; FRL-9125-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program

#### Correction

In final rule document 2010-5105 beginning on page 11738 in the issue of March 12, 2010, make the following correction:

#### § 52.2420 [Corrected]

On page 11740, in § 52.2420, in the table titled EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES, the bold center heading that reads **29 VAC 5, Chapter 140 Regulations for Emissions Trading Programs** should read **9 VAC 5, Chapter 140 Regulations for Emissions Trading Programs**.

[FR Doc. C1-2010-5105 Filed 6-9-10; 8:45 am]

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