

TABLE TO § 100.501—ALL COORDINATES LISTED IN THE TABLE TO § 100.501 REFERENCE DATUM NAD 1983—
Continued

Number	Date	Event	Sponsor	Location
44a	August 6–7, 2011	Hampton Cup Regatta	City of Hampton, Hampton Cup Regatta Racing Club, and the Phoebus Civic Association.	The waters of Mill Creek, adjacent to Fort Monroe, Hampton, Virginia, enclosed by the following boundaries: to the north, a line drawn along latitude 37°01'00" N, to the east a line drawn along longitude 076°18'30" W, to the south a line parallel with the shoreline adjacent to Fort Monroe, and the west boundary is parallel with the Route 258—Mercury Boulevard Bridge.

Dated: June 13, 2011.

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

[FR Doc. 2011–15619 Filed 6–21–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0103]

RIN 1625–AA08

Special Local Regulation; Extreme Sailing Series Boston; Boston Harbor, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation in Boston Harbor, Boston, Massachusetts, within the Captain of the Port (COTP) Boston Zone. This special local regulation is necessary to provide for the safety of life on navigable waters during the Extreme Sailing Series Boston regatta. The special local regulation will temporarily restrict vessel traffic in a portion of Boston Harbor, and prohibit vessels not participating in the Extreme Sailing Series event from entering the designated race area.

DATES: This rule is effective from 1 p.m. on June 30, 2011, to 6 p.m. on July 4, 2011. This regulation will also be enforced daily from 1 p.m. until 6 p.m., June 30, 2011 through July 4, 2011.

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–2011–0103 and are

available online by going to <http://www.regulations.gov>, inserting USCG–2011–0103 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 rule, call or e-mail MST1 David Labadie of the Waterways Management Division, U.S. Coast Guard Sector Boston; telephone 617–223–3010, e-mail david.j.labadie@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:

Regulatory Information

On April 13, 2011, we published a notice of proposed rulemaking (NPRM) entitled: Special Local Regulation; Extreme Sailing Series Boston; Boston Harbor, Boston, Massachusetts, in the **Federal Register** (76 FR 20595). We received one comment on the 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**. The Coast Guard completed the public comment period for this rule and only received one comment on the rule which was positive in nature. The sponsor is unable to reschedule this event due the vast number of participants, scheduling, and to other activities being held in conjunction with the event. Establishing a special local regulation for the event will help ensure

the safety of persons and property and minimize the associated risks by controlling vessel traffic and movement.

Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1233, which authorizes the Coast Guard to define Special Local Regulations.

Establishing a special local regulation for the event will help ensure the safety of persons and property and minimize the associated risks by controlling vessel traffic and movement.

Background

This temporary special local regulation is necessary to ensure the safety of vessels, participants, and the public during the Extreme Sailing Series Boston regatta. The event will take place over the course of five days in Boston Harbor in the vicinity of Fan Pier. There will be two regulated areas associated with this event and they will be enforced immediately before, during, and after the regatta, from June 30th through July 4th, 2011, from 1 p.m. to 6 p.m. daily.

This rule is necessary to ensure the safety of vessels and spectators from the hazards associated with competitive sailing regattas. Without the rule, the combination of a large number of recreational vessels due to spectators, sailboats traveling at high speeds on the race course, and large numbers of spectators on the adjacent Fan Pier in close proximity to the water and in a small area of water, could easily result in serious injuries or fatalities.

All persons and vessels shall comply with the instructions of the COTP Boston or the designated on-scene representative. Entering into, transiting through, mooring or anchoring within the special local regulation area is prohibited unless authorized by the COTP Boston or the designated on-scene representative.

Discussion of Comments and Changes

We received one comment and no changes have been made to the proposed rule.

The Boston Harbor Association, a non-profit, public interest organization, stated they attended two meetings regarding the plans for the Extreme Sailing Series. Having been at both meetings, the Boston Harbor Association believes that the proposed regulation restricting access to a portion of the waterway addresses the concerns discussed at the meetings, and write in support of the regulation as drafted. The Boston Harbor Association commends all parties for working together to promote activities which allow the public to enjoy Boston Harbor and the waterfront while minimizing impacts to port commerce and commercial boat operators.

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.

Executive Order 12866 and Executive Order 13563

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, 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 determined that this rule is not a significant regulatory action for the following reasons: (1) The rule will be in effect for five hours per day for five days; (2) persons and vessels may still enter, transit through, anchor in, or remain within the regulated area if they obtain permission from the COTP or the designated representative; and (3) advance notification will be made to the maritime community via broadcast notice to mariners and Local Notice to Mariners (LNM).

Small Entities

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 enter, transit through, anchor in or remain within this regulated area during periods of enforcement.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be enforced for a short duration and the race area within the Special Local Regulation area can be quickly collapsed at the discretion of the COTP, as necessary to allow for certain vessels greater than 65 feet in length to transit, provided the vessels have given a five-hour advance notice of their intended transit to the COTP. All other vessels not required to provide advance notification may transit within the Special Local Regulation area, with the exception of the race area, at all times while following the regulations in this rule.

Additionally, the race organizers will coordinate with industry and the Boston Pilots to provide minimal interruption of commercial vessel traffic during the enforcement periods.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), in the NPRM we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking.

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 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 M16475.1D, 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. This rule involves the establishment of a special local regulation. 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—REGULATED 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. Add § 100.T01-0103 to read as follows:

§ 100.T01-0103 Special Local Regulation; Extreme Sailing Series Boston; Boston Harbor; Boston, MA.

(a) *Regulated Area.* The following is designated as the special local regulation area: All waters of Boston Harbor near Boston, MA, surface to bottom, encompassed by an area starting at position: 42°21.3' N; 071°3' W, thence crossing the Fort Point Channel along Northern Avenue to position 42°21.3' N; 071°2.9' W, continuing Southeast along the Shoreline past Fan Pier to the end of the North Jetty at position 42°20.8' N; 071°1.4' W, continuing and crossing Boston Harbor to the opposite shore near Logan Airport at position 42°21.2' N; 071°1' W, continuing Northwest in a straight line along the shoreline to Pier One at position 42°21.9' N; 071°02.5' W, thence back across Boston Harbor to the point of origin at position 42°21.3' N; 071°3' W.

(1) The following area within the special local regulation area is specified as the race area: All waters of Boston Harbor near Boston, MA, surface to bottom, encompassed by an area starting at position: 42°21.59' N; 071°02.52' W, thence to position 42°21.28' N; 071°01.83' W, thence to position 42°21.10' N; 071°01.95' W, thence to position 42°21.20' N; 071°02.26' W, thence to position 42°21.15' N; 071°02.31' W, thence to position 42°21.31' N; 071°02.72' W, thence to the point of origin at position 42°21.59' N; 071°02.52' W. This area will be clearly defined by floating buoys and will have the ability to be collapsed quickly to allow for safe passage of traffic if they have obtained permission from the COTP or the designated representative.

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 100, to enter, transit through, anchor in, or remain within the special local regulation area is prohibited unless permission has been authorized by the Captain of the Port (COTP) Boston, or the designated on-scene representative.

The "designated on-scene representative" is any Coast Guard commissioned, warrant, or petty officer who is designated by the COTP to act on his behalf. The designated on-scene representative will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The COTP or the designated on-scene representative may be contacted via VHF Channel 16 or by telephone at (617) 223-5750.

(1) The following restrictions apply to the special local regulation area identified in section (a)(1) of this regulation.

(i) Special Anchorage "A", which is a small vessel anchorage located near Rowes Wharf, is the only permitted area for anchoring. All other anchoring within this special local regulation area, including in Anchorage Area #1, is prohibited.

(ii) This special local regulation area is designed to restrict vessel traffic, including all non-motorized vessels, except as may be permitted by the COTP Boston or the designated on-scene representative.

(iii) Within this area all vessels will transit at the minimum speed necessary to maintain headway without creating a wake.

(iv) Due to the waterway area restriction and the expected increase in recreational vessels in the area, vessel operators of all vessels 65 feet in length or greater desiring to enter or operate within the special local regulation area shall contact the COTP or the designated on-scene representative at least five hours prior to the desired transit time to obtain permission to do so. Permission to enter the special local regulation area will be considered on a case by case basis at the discretion of the COTP and vessels may be escorted through the area if the COTP deems it necessary for safe transit. Failure to provide notification of entry at least five hours prior to transit may result in a denial of entry into the regulated area during the enforcement period. Vessel operators given permission to enter the area must comply with all directions given to them by the COTP or the designated on-scene representative.

(2) The following restrictions apply to the area identified as the race area in section (a)(2) of this regulation. This area is closed to all vessel traffic, with the exception of vessels involved directly with the event such as: sailboat race participants, event safety vessels, on-scene patrol and law enforcement vessels.

(c) *Effective Period.* This regulation is effective from 1 p.m. on June 30, 2011, to 6 p.m. on July 4, 2011. This regulation will also be enforced daily

from 1 p.m. until 6 p.m., June 30, 2011 through July 4, 2011.

Dated: June 10, 2011.

John N. Healey,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2011-15584 Filed 6-21-11; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2011-0434]

RIN 1625-AA00

Safety Zone; Mile Marker 98.5 West of Harvey Lock Gulf Intracoastal Waterway to Mile Marker 108.5 West of Harvey Lock Gulf Intracoastal Waterway

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone imposing restrictions on the Gulf Intracoastal Waterway (GIWW) between West Harvey Lock Gulf West (WHL) mile marker 98.5 to 108.5. All vessels are prohibited from transiting the zone except as specifically authorized by the Captain of the Port or a designated representative. This temporary safety zone is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury due to hazards associated with rising flood water.

DATES: Effective Date: This rule is effective in the CFR from June 22, 2011 until 11:59 p.m. July 31, 2011. This rule is effective with actual notice for purposes of enforcement beginning 12:01 a.m. May 26, 2011 through 11:59 p.m. July 31, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2011-0434 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0434 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 Lieutenant (LT) Russell Pickering, Coast Guard; telephone 985-380-5334, e-mail russell.t.pickering@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 publishing a NPRM would be impracticable since immediate action is needed to protect the general public, levee system, vessels and tows from the hazards associated with rising flood water.

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**. Providing 30 days notice and delaying its effective date would be impracticable since immediate action is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury due to the hazards associated with rising flood water.

Basis and Purpose

Captain of the Port Morgan City, Louisiana has determined that there is a need to impose temporary safety restrictions for navigation on certain waterways due to unprecedented high water in conjunction with flood control and protection operations by the Army Corps of Engineers.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone imposing restrictions on the Gulf Intracoastal Waterway (GIWW) between West Harvey Lock Gulf West (WHL) mile markers (MM) 98.5 to 108.5 applicable to all commercial traffic. This will affect all East-West traffic through Morgan City on the GIWW. Vessels and tows may not enter this zone unless authorized by the Captains of the Port Morgan City.

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 will restrict access to the area, the effect of the rule will not be significant because notifications to the marine community will be made through broadcast notice to mariners, Local Notice to Mariners and Marine Safety Information Bulletins. Vessels and tows may request permission and comply with the necessary restrictions from the Captain of the Port Morgan City, or a designated representative, for passage through the temporary safety zone. Passage through the safety zone will be evaluated on a case-by-case-basis to minimize impact and protect the general public, levee system, vessels and tows from destruction, loss or injury due to the hazards associated with rising flood water.

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 through the safety zone from May 26, 2011 through July 31, 2011. This safety zone is not expected to have a significant economic impact on a substantial number of small entities because vessels and tows may request permission and the necessary restrictions from the Captain of the Port Morgan City, or a designated