

# Rules and Regulations

Federal Register

Vol. 77, No. 126

Friday, June 29, 2012

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

### 5 CFR Part 9303

RIN 3460-AA01

#### Supplemental Standards of Ethical Conduct for Employees

**AGENCY:** Special Inspector General for Afghanistan Reconstruction.

**ACTION:** Final rule.

**SUMMARY:** The Special Inspector General for Afghanistan Reconstruction (SIGAR), with the concurrence of the Office of Government Ethics (OGE), is adopting as final, without changes, an interim rule for SIGAR employees that will supplement the executive branch-wide Standards of Ethical Conduct (Standards) issued by OGE. The final supplemental regulation includes a requirement that SIGAR employees obtain prior approval for certain types of outside activities. The interim final rule was published in the **Federal Register** on April 6, 2012.

**DATES:** Effective Date: June 29, 2012.

#### FOR FURTHER INFORMATION CONTACT:

**Technical information:** Christina Beach, Ethics Compliance Officer, 703-545-5994, email:

[christina.k.beach.civ@mail.mil](mailto:christina.k.beach.civ@mail.mil).

**Legal information:** Patricia Papas, Associate General Counsel, 703-545-5992, email:

[patricia.p.papas.civ@mail.mil](mailto:patricia.p.papas.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** On April 6, 2012, SIGAR published, with OGE concurrence, in the **Federal Register** (77 FR 20697) an interim final rule that requires SIGAR employees to obtain prior approval for certain types of outside activities.

SIGAR provided a 60-day comment period that ended on June 5, 2012. SIGAR received no comments and will not be making any changes to the interim final rule. Based on the rationale

set forth in the interim final rule, SIGAR has determined, with OGE concurrence, to adopt the interim final rule without change as a final rule.

For a detailed analysis of this final rule, see the preamble of the interim final rule as published in 77 FR 20697.

#### I. Matters of Regulatory Procedure

##### *Administrative Procedure Act*

This document affirms as final, without change, the interim final rule that is already in effect. In accordance with 5 U.S.C. 1103(b)(1) and 1105, these regulations are not subject to the rulemaking requirements of the Administrative Procedure Act, at 5 U.S.C. 553 (b), (c), and (d), because they apply solely to SIGAR or its employees.

##### *Regulatory Flexibility Act*

As Acting Inspector General of SIGAR, I have determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rule will not have a significant economic impact on a substantial number of small entities because it will primarily affect SIGAR employees.

##### *Paperwork Reduction Act*

As Acting Inspector General of SIGAR, I have determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this rule, because it does not contain any information collection requirements that would require the approval of the Office of Management and Budget.

##### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this rule would not significantly or uniquely affect small governments and would not result in increased expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

##### *Congressional Review Act*

I have determined that this rule is not a rule as defined in 5 U.S.C. 804 and, thus, does not require review by Congress.

##### *Executive Order 12866*

In promulgating this rule, SIGAR has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of

Executive Order 12866, Regulatory Planning and Review. This rule has not been reviewed by the Office of Management and Budget under that Executive Order, since it deals with agency organization, management, and personnel matters and is not in any way event deemed "significant" thereunder.

##### *Executive Order 12988*

As Acting Inspector General of SIGAR, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

#### List of Subjects in 5 CFR Part 9303

Conflict of interests, Government employees.

#### Authority and Issuance

For the reasons stated above, the Special Inspector General for Afghanistan Reconstruction, with the concurrence of the Office of Government Ethics, is submitting the document to the Office of the Federal Register for publication as an official document of the Special Inspector General for Afghanistan Reconstruction.

Accordingly, the interim final rule amending 5 CFR part 9303, which was published at 77 FR 20697 on April 6, 2012, is adopted as a final rule without change.

Dated: June 19, 2012.

**Steven J. Trent,**

*Acting Inspector General, Special Inspector General for Afghanistan Reconstruction.*

Approved: June 25, 2012.

**Don W. Fox,**

*Acting Director, Office of Government Ethics.*

[FR Doc. 2012-16023 Filed 6-28-12; 8:45 am]

**BILLING CODE 3710-L9-P**

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### 29 CFR Parts 531 and 553

#### Updating Regulations Issued Under the Fair Labor Standards Act

##### *CFR Correction*

In Title 29 of the Code of Federal Regulations, Parts 500 to 899, revised as of July 1, 2011, the following corrections are made:

**§ 531.56 [CORRECTED]**

■ On page 192, in § 531.56, in the second sentence of paragraph (c), “\$20” is corrected to read “\$30”.

**§ 531.57 [CORRECTED]**

■ On page 193, in § 531.57, in the last sentence, “\$20” is corrected to read “\$30”.

**§ 553.223 [CORRECTED]**

■ On page 268, in § 553.223, in the first sentence of paragraph (c), “firefighters” is corrected to read “employees in fire protection activities”.

[FR Doc. 2012-16051 Filed 6-28-12; 8:45 am]

BILLING CODE 1505-01-D

---

**DEPARTMENT OF HOMELAND SECURITY**
**Coast Guard****33 CFR Part 147**

[Docket No. USCG-2012-0024]

RIN 1625-AA00

**Safety Zone; NOBLE DISCOVERER, Outer Continental Shelf Drillship, Chukchi and/or Beaufort Seas, AK**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a 500-meter safety zone in the navigable waters, from the surface to seabed, around the DRILLSHIP NOBLE DISCOVERER, while anchored or deploying and recovering moorings on location in order to drill exploratory wells at various prospects located in the Chukchi and/or Beaufort Seas Outer Continental Shelf, Alaska, on or about July 1, 2012 through November 30, 2012. See TABLE 1. The purpose of the temporary safety zone is to protect the drillship from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the drillship will significantly reduce the threat of allisions, which could result in oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment. Lawful demonstrations may be conducted outside of the safety zone.

**DATES:** The temporary safety zone becomes effective on July 1, 2012, and terminates on December 1, 2012, unless sooner terminated by the Commander, Seventeenth Coast Guard District.

**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-2012-0024 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0024 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 email LT Jason Smilie, Seventeenth Coast Guard District (dpi); telephone 907-463-2809,

*Jason.A.Smilie@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 February 23, 2012 the Coast Guard published a notice of proposed rulemaking (NPRM) entitled “Safety Zone; NOBLE DISCOVERER, Outer Continental Shelf Drillship, Chukchi and Beaufort Seas, Alaska” in the **Federal Register** (77 FR 10707). The NPRM included a 30-day comment period. We received 3 (three) submissions with comments 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 finds that good cause exists for making this rule effective less than 30 days after publication because to do otherwise would be contrary to the public interest since immediate action is required to protect mariners, vessels, and the environment from potential harm while the NOBLE DISCOVERER is anchored or deploying and recovering moorings on location.

**Basis and Purpose**

The legal basis for the rule is 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1. Collectively they provide the authority for the Coast Guard to establish safety zones on the Outer Continental Shelf.

The Coast Guard is establishing a temporary safety zone in the navigable waters, from the surface to seabed, around the DRILLSHIP NOBLE DISCOVERER while anchored or

deploying and recovering moorings on location in order to drill exploratory wells in several prospects located in the Chukchi and/or Beaufort Seas during the 2012 drilling season.

The request for the temporary safety zone was made by Shell Exploration & Production Company due to safety concerns for both the personnel aboard the NOBLE DISCOVERER and the environment. Shell Exploration & Production Company indicated that it is highly likely that any allision or inability to identify, monitor or mitigate any risks or threats, including ice-related hazards that might be encountered, could result in a catastrophic event. Incursions into the safety zone by unapproved vessels could degrade the ability to monitor and mitigate such risks. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to: (1) The level of shipping activity around the operation; (2) safety concerns for personnel aboard the vessel; (3) concerns for the environment given the sensitivity of the environmental and subsistence importance to the indigenous population; (4) the lack of any established shipping fairways, fueling and supply storage/operations, and size of the crew increase the likelihood that an allision could result in a catastrophic event; (5) the recent and potential future maritime traffic in the vicinity of the areas; (6) the types of vessels navigating in the vicinity of the area; (7) the structural configuration of the vessel, and (8) the need to allow for lawful demonstrations without endangering the safe operation of the NOBLE DISCOVERER. For any group or individual intending to conduct lawful demonstrations in the vicinity of the NOBLE DISCOVERER, these demonstrations must be conducted outside the safety zone.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of the temporary safety zone. The regulation will significantly reduce the threat of allisions that could result in oil spills, and releases. Furthermore, the regulation will increase the safety of life, property, and the environment in the Chukchi and/or Beaufort Seas by prohibiting entry into the zone unless specifically authorized by the Commander, Seventeenth Coast Guard District, or a designated representative. Due to the remote location and the need to protect the environment, the Coast Guard may use criminal sanctions to enforce the safety zone as appropriate.