

(3) Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

#### *Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on state, local, or tribal governments or the private sector. As discussed above, this rule removes provisions concerning previously disposed-of state program disapprovals and required program amendments for Wyoming that remain codified at 30 CFR 950.12 and 950.16, respectively. This rule neither imposes new regulatory requirements nor removes any existing regulatory requirements. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### *Federal Paperwork Reduction Act*

This rule does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

#### *National Environmental Policy Act*

This rule does not require an environmental assessment or environmental impact statement because section 702(d) of SMCRA, 30 U.S.C. 1292(d), provides that agency actions pertaining to approval of state regulatory programs do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

#### *Executive Order 12988 on Civil Justice Reform*

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

#### *Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy*

Executive Order 13211 requires agencies to prepare a statement of energy effects for a rule that is (1) considered significant under Executive

Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. This rule is not considered significant under Executive Order 12866, nor would it have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a statement of energy effects is not required.

#### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on federally recognized Indian tribes and have determined that the removal of previously disposed-of state program disapprovals and required program amendments for Wyoming that remain codified at 30 CFR 950.12 and 950.16 would not have substantial direct effects 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.

#### *Executive Order 12630—Takings*

Under the criteria in Executive Order 12630, this rule does not have significant takings implications; therefore, a takings implication assessment is not required. As discussed above, this rule removes provisions concerning previously disposed-of state program disapprovals and required program amendments for Wyoming that remain codified at 30 CFR 950.12 and 950.16, respectively. This rule neither imposes new regulatory requirements nor removes any existing regulatory requirements.

#### *Executive Order 13132—Federalism*

This rule does not have federalism implications. For the reasons previously stated, it will not have “substantial direct effects 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.”

#### *Data Quality Act*

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

#### **List of Subjects in 30 CFR Part 950**

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 10, 2013.

**Allen D. Klein,**

*Director, Western Region.*

For the reasons set out in the preamble, 30 CFR part 950 is amended as set forth below:

#### **PART 950—WYOMING**

- 1. The authority citation for part 950 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

- 2. Revised § 950.12 to read as follows:

#### **§ 950.12 State program provisions and amendments not approved.**

The following provisions of the Rules and Regulations of the Land Quality Division of the Wyoming Department of Environmental Quality are not approved:

- (a) [Reserved]
- (b) [Reserved]

#### **§ 950.16 [Amended]**

- 3. In § 950.16, remove and reserve paragraphs (d), (e), (h), and (i) and remove reserved paragraphs (v) through (ll).

[FR Doc. 2013–17366 Filed 7–18–13; 8:45 am]

**BILLING CODE 4310–05–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 117**

[USCG–2013–0542]

#### **Drawbridge Operation Regulations; Arthur Kill, NY**

**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 regulations governing the operation of the Arthur Kill AK Railroad Bridge across Arthur Kill, mile 11.6, between Staten Island, New York and Elizabeth, New Jersey. Under this temporary deviation the bridge may remain in the closed position for four days to facilitate scheduled maintenance. This deviation is necessary to facilitate tie and miter rail replacement on the lift span.

**DATES:** This deviation is effective from July 19, 2013 through July 31, 2013, and has been enforced with actual notice since July 17, 2013.

**ADDRESSES:** The docket for this deviation, [USCG–2013–0542] is available at <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 deviation. 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 temporary deviation, call Joe Arca, Project Officer, First Coast Guard District, at (212) 668-7165, [joe.m.arca@uscg.mil](mailto:joe.m.arca@uscg.mil). If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The AK Railroad Bridge, across Arthur Kill, mile 11.6, between Staten Island, New York and Elizabeth, New Jersey has a vertical clearance in the closed position of 31 feet at MHW and 35 feet at MLW. The existing drawbridge operation regulations are listed at 33 CFR § 117.702.

The waterway supports both commercial and recreational navigation of various vessel sizes.

The operator of the bridge, Conrail, requested a temporary deviation to facilitate scheduled maintenance, tie and miter rail replacement at the bridge.

The bridge must remain in the closed position to perform this maintenance.

Under this temporary deviation the draw may remain in the closed position as follows:

On July 17, 2013 from 6:30 a.m. to 10:40 a.m. and from 12:50 p.m. to 4:40 p.m.

On July 18, 2013 from 7:30 a.m. to 11:35 a.m. and from 2:40 p.m. to 5:44 p.m.

On July 30, 2013 from 6:30 a.m. to 10:43 and from 12:43 p.m. to 4:35 p.m.

On July 31, 2013 from 7:30 a.m. to 11:35 a.m. and from 1:40 p.m. to 5 p.m.

There are no alternate routes for vessel traffic. The bridge can be opened in an emergency.

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: July 8, 2013.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2013-17321 Filed 7-18-13; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0485]

RIN 1625-AA00

#### Safety Zone; Maritime Heritage Festival Fireworks, St. Helens, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone in St. Helens, OR. This safety zone is necessary to help ensure the safety of the maritime public during a planned fireworks display and will do so by prohibiting unauthorized persons and vessels from entering the safety zone unless authorized by the Sector Columbia River Captain of the Port or his designated representatives.

**DATES:** This rule is effective on July 27, 2013, from 9:45 p.m. until 10 p.m.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2013-0485]. 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 ENS Ian McPhillips, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone (503) 240-9319, email [msupdxwmm@uscg.mil](mailto:msupdxwmm@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

#### A. Regulatory History and 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 to do so would be impracticable considering the event will take place before the notice can be published or comments taken. Coast Guard Marine Safety Unit Portland did not receive the necessary information for this event until it was too late to issue an NPRM. Approximately 1,000 people are anticipating this event to commence as scheduled, and the event organizers are unable to reschedule the events in order to allow comment.

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** because it is impracticable and contrary to the public interest. There is insufficient time remaining to undertake a 30 day delayed effective date for this rule.

#### B. Basis and Purpose

Fireworks displays create hazardous conditions for the maritime public due to loud noises, falling debris, and explosions, combined with the heavy vessel traffic congregating near the displays. The safety zone will help ensure the safety of the maritime public by prohibiting persons and vessels from risks associated with fireworks displays. As part of the Maritime Heritage Festival Fireworks in St. Helens, OR, the festival will feature a fireworks display. The Coast Guard expects approximately 1,000 people to attend this event. Because of the aforementioned concerns, the Coast Guard is establishing a safety zone in the vicinity of the launch site.

#### C. Discussion of the Final Rule

The rule establishes a safety zone in the Sector Columbia River Captain of the Port Zone.

The safety zone will be established on the Columbia River, St. Helens, OR. The safety zone will extend 500 yards in all directions from Sand Island marine Park. This event will take place on Saturday July 27, 2013 from 9:45 p.m. to 10 p.m.

#### D. Regulatory Analyses

We developed this rule after considering numerous statutes and