

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 guides 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 which do not individually or cumulatively have a significant effect on the human environment. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (32)(e) of the Instruction.

Under figure 2-1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

#### § 117.727 [Amended]

■ 2. Section 117.727 is removed.

Dated: June 15, 2009.

**Fred M. Rosa, Jr.,**

*Rear Admiral, United States Coast Guard  
Commander, Fifth Coast Guard District.*  
[FR Doc. E9-16833 Filed 7-14-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2007-0129]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Ernest Lyons (SR A1A), Stuart FL, and Memorial Clearwater Causeway (SR 60), Clearwater, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing the regulations governing the operation of the Ernest Lyons (SR A1A) Bridge across the Atlantic Intracoastal Waterway, mile 984.9 at Stuart, Florida, and the Memorial Clearwater Causeway (SR 60) Bridge across the Gulf Intracoastal Waterway, mile 136.0, at Clearwater, Florida. The bascule bridges have been removed, and fixed replacement bridges have been constructed. The regulations controlling the opening and closing of the drawbridges are no longer necessary.

**DATES:** This rule is effective July 15, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2007-0129, and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2007-0129 in the Docket ID box, pressing ENTER, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M-31), 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. Gwin Tate, Bridge Branch, Seventh Coast Guard District, at 305-415-6747. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

The Coast Guard is issuing this 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) because public comment is unnecessary since the drawbridges that the regulations governed have been removed.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. There is no need to delay the implementation of this rule because this rule seeks to remove 33 CFR 117.261(p) and 33 CFR 117.287(j) from the Code of Federal Regulations since they govern drawbridges that have been removed and no longer affect navigation.

#### Background and Purpose

The former drawbridges across the Atlantic Intracoastal Waterway, mile 984.9, and the Gulf Intracoastal Waterway, mile 136.0, which had previously serviced the area were removed. They no longer affect navigation. The regulation governing the operation of the drawbridges is found in 33 CFR 117.261(p) and CFR 117.287(j). The purpose of this rule is to remove 33 CFR 117.261(p) and CFR 117.287(j) from the Code of Federal Regulations. This final rule removes the regulations regarding the Ernest Lyons (SR A1A) and Memorial Clearwater (SR 60) drawbridges.

#### Regulatory Evaluation

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. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This rule removes the operating regulations for two bridges that have already been removed.

#### 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. Since the bridges governed by these operating regulations has been removed have been removed, the regulations controlling the opening and closing of the bridges are no longer necessary. Hence this action removing the operating regulations of the bridges will have no economic impact on small entities.

#### 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 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 affect 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 would not create an environmental risk to health or risk to safety that might 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this is one of a category of actions which, individually or cumulatively, is not likely to have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 32(e) of the Instruction and neither an environmental assessment nor an environmental statement is required. This rule involves the removal of the operating regulations for two drawbridges that have been removed and replaced with fixed bridges.

#### List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

§ 117.261(p) [Amended]

■ 2. Remove § 117.261(p).

§ 117.287(j) [Amended]

■ 3. Remove § 117.287(j).

Dated: June 17, 2009.

**D.W. Kunkel,**

*Rear Admiral, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.*

[FR Doc. E9-16836 Filed 7-14-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

**RIN 1625-AA00**

[Docket No. USCG-2009-0532]

#### Safety Zones; Fireworks Displays Within the Captain of the Port Puget Sound Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The U.S. Coast Guard is establishing safety zones on the waters of the Puget Sound located in the Captain of the Port Puget Sound Zone during multiple firework displays. This action is necessary for the safety of life and property on navigable waters during these events. Entry into, transit through, mooring, or anchoring within these zones is prohibited unless authorized by the Captain of the Port, Puget Sound or a designated representative.

**DATES:** This rule is effective from 8 a.m. on July 2, 2009 through 8 a.m. on August 2, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0532 and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0532 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. 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 Ensign Ashley M. Wanzer, USCG Sector Seattle Waterways Management Division, Coast Guard; telephone 206-217-6175, e-mail [Ashley.M.Wanzer@uscg.mil](mailto:Ashley.M.Wanzer@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 creation of a safety zone is necessary to protect the public from the hazards associated with these fireworks events. These events involve the launching of projectiles over a marine environment and falling hot debris and flammable materials in the vicinity of public marine traffic and spectators.

Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reasons.

##### Background and Purpose

The U.S. Coast Guard is establishing temporary safety zones to allow for safe fireworks displays. All events occur within the Captain of the Port Puget Sound area of responsibility. These events may result in a number of vessels congregating near fireworks launching barges and sites. The safety zones are needed to protect watercraft and their occupants from safety hazards associated with fireworks displays. The Captain of the Port Puget Sound may be assisted by other federal and local agencies in the enforcement of this safety zone.

##### Discussion of Rule

This rule will control the movement of all vessels and persons in safety zones surrounding the following fireworks events:

- (1) Alderbrook Resort & Spa 4th of July, Hood Canal, WA, 9:45 p.m. to 11:30 p.m. on July 2, 2009.
- (2) Langlie's Old Fashioned Independence Celebration, Indianola, WA, 9:30 p.m. to 11:30 p.m. on July 3, 2009.
- (3) Independence Day Firework Show, Liberty Bay Poulsbo, WA, 7:30 p.m. to 11:30 p.m. on July 3, 2009.
- (4) Deer Harbor Annual Fireworks Display, Deer Harbor, WA, 11:30 a.m. on July 3, 2009 to 01 a.m. on July 4, 2009.

(5) Tacoma Freedom Fair, Commencement Bay, WA, 9 p.m. to 11:30 p.m. on July 4, 2009.

(6) Blast Over Bellingham Bay, Bellingham Bay, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(7) Bainbridge Island 4th of July, Eagle Harbor, WA, 9 p.m. to 11:30 p.m. on July 4, 2009.

(8) Sheridan Beach Community, Lake Forest Park, WA, 9 p.m. to 11:30 p.m. on July 4, 2009.

(9) City of Kenmore 4th of July, Lake Forest Park, WA, 9 p.m. to 11:30 p.m. on July 4, 2009.

(10) Vashon Island 4th of July, Quartermaster Harbor, WA, 9 p.m. to 11:30 p.m. on July 4, 2009.

(11) Three Tree Point Community, Three Tree Point, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(12) Medina Days, Medina Park, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(13) Orcas Island, Rock Island, Orcas Island, WA, 9 p.m. to 11:59 p.m. on July 4, 2009.

(14) Kingston Fireworks, Appletree Cove, WA, 9:30 p.m. to 11 p.m. on July 4, 2009.

(15) Port Townsend Sunrise Rotary, Port Townsend, WA, 9:30 p.m. to 11 p.m. on July 4, 2009.

(16) City of Mount Vernon 4th of July, Edgewater Park, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(17) Kirkland 4th of July, Kirkland, Lake Washington, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(18) Lake Forest Park 4th of July, Lake Forest Park, WA, 9:30 p.m. to 11 p.m. on July 4, 2009.

(19) City of Renton, Renton, Lake Washington, WA, 9:30 p.m. to 11 p.m. on July 4, 2009.

(20) Yarrow Point Community, Yarrow Point, WA, 9:30 p.m. to 11 p.m. on July 4, 2009.

(21) Fireworks Display, Henderson Bay, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(22) Chase Family Fourth at Lake Union, Lake Union, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(23) Port Orchard 4th of July Fireworks, Port Orchard, WA, 8:30 p.m. to 11:59 p.m. on July 4, 2009.

(24) Steilicoom Annual 4th of July Fireworks, Steilicoom, WA, 7:30 p.m. to 11:30 p.m. on July 4, 2009.

(25) Friday Harbor Independence, Friday Harbor, WA, 8:30 p.m. to 11:59 p.m. on July 4, 2009.

(26) City of Anacortes, Fidalgo Bay, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(27) Port Angeles, Port Angeles Harbor, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.

(28) 4th of July, Roche Harbor, WA, 9:30 p.m. to 11:30 p.m. on July 4, 2009.