

*Comment:* As someone who deploys, leaving my spouse to contend with TRICARE issues, it is important that this rule is adopted.

*Response:* We agree and are pleased to promulgate the rule.

### III. Regulatory Procedures

*Executive Order 12866, "Regulatory Planning and Review" and Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)*

Executive Order 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one that would result in an annual effect of \$100 million or more on the national economy or which would have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each Federal Agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. This final rule is not a significant regulatory action and will not have a significant impact on a substantial number of small entities for purposes of the RFA. Thus this final rule is not subject to any of these requirements.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3511)*

This rule will not impose additional information collection requirements on the public.

*Executive Order 13132, "Federalism"*

We have examined the impacts of the rule under Executive Order 13132 and it does not have policies that have federalism implications that would 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, therefore, consultation with State and local officials is not required.

*Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"*

This rule does not contain unfunded mandates. It does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any 1 year.

#### List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

■ Accordingly, 32 CFR part 199 is amended as follows:

#### PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55

■ 2. Section 199.17 (o)(4) is revised to read as follows:

#### § 199.17 TRICARE program.

\* \* \* \* \*

(o) \* \* \*

(4) *Voluntary disenrollment.* Any non-active duty beneficiary may disenroll at any time. Disenrollment will take effect in accordance with administrative procedures established by the Assistant Secretary of Defense (Health Affairs). Retired beneficiaries and their family members who disenroll prior to their annual enrollment renewal date will not be eligible to reenroll in Prime for a 1-year period from the effective date of the disenrollment. Active Duty family members may change their enrollment status twice in an enrollment year. Any additional disenrollment changes will result in an enrollment lock out for a 1-year period from the effective date of the disenrollment. Enrollment rules may be waived by the Assistant Secretary of Defense (Health Affairs) based on extraordinary circumstances.

\* \* \* \* \*

Dated: July 26, 2010.

**Patricia L. Toppings,**  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 2010-19309 Filed 8-6-10; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0931]

RIN 1625-AA11

#### Regulated Navigation Area; Galveston Channel, TX

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is establishing a regulated navigation area (RNA) across the entire width of the Galveston Channel in the vicinity of Sector Field Office (SFO) Galveston, Texas. This RNA will require vessels to navigate at no wake speeds within this area. Vessel transits at greater than

minimum safe speed and causing wake in this area will be prohibited unless specifically authorized by the Captain of the Port Houston-Galveston or a designated representative. This RNA is needed to protect the Coast Guard SFO Galveston assets, break wall, and piers from further damage associated with excessive wake and to protect ongoing base construction.

**DATES:** This rule is effective September 8, 2010.

**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-2009-0931 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0931 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 Lieutenant junior grade Margaret Brown, Coast Guard Sector Houston-Galveston, telephone (713) 678-9001, or e-mail [margaret.a.brown@uscg.mil](mailto:margaret.a.brown@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

On April 13, 2010, we published a notice of proposed rulemaking (NPRM) entitled "Regulated Navigation Area; Galveston Channel" in the **Federal Register** (75 FR 18766). We received no comments on the proposed rule and are issuing the final rule without change from the NPRM.

##### Basis and Purpose

The basis for this rulemaking is the Coast Guard's authority to establish regulated navigation areas, under 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, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1. A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established, to control vessel traffic in a place determined to have hazardous conditions. 33 CFR 165.10;

U.S.C.G. Commandant Instruction Manual M16704.3A, 1–6.

The purpose of this final rule is to establish a regulated navigation area in Galveston Channel, to protect the surrounding areas from the harmful effects of excessive wake. This RNA will require vessels to navigate at minimum safe speeds which produce no wake within the area of the Coast Guard SFO Galveston, Texas. Vessel transits at greater than minimum safe speed and causing wake in this area will be prohibited unless specifically authorized by the Captain of the Port Houston-Galveston or a designated representative. This RNA is intended to protect the Coast Guard assets, break wall, and piers from further damage associated with excessive wake and to protect ongoing base construction.

#### Discussion of Comments and Changes

No comments were received regarding this rule. No changes have been made in the text we proposed in the NPRM.

#### 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. We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation was unnecessary. The basis of this finding is that the area considered in this regulated navigation area is limited in nature and would not create undue delay to vessel traffic in and around the Port of Galveston.

#### 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 for the following reason: The extent of the proposed regulated navigation area is limited in size and would not create undue delay to vessel traffic in and around the Port of Galveston.

#### Assistance for Small Entities

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

#### 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 M16475.1D, 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 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)(g), of the Instruction because this rule involves a regulation establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. 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 Recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard has amended 33 CFR part 165 as follows:

#### PART 165—SPECIFIC 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, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add new § 165.827 to read as follows:

##### **§ 165.827 Regulated Navigation Area; Galveston Channel, TX.**

(a) *Location.* The following area is a regulated navigation area: All waters of the Galveston Channel within the area from Latitude 29°20'19" N, Longitude 094°46'36" W, east to Latitude 29°20'06" N, Longitude 094°46'15" W, south to Latitude 29°19'47" N, Longitude 094°46'27" W, west to Latitude 29°19'51" N, Longitude 094°46'45" W, and north to Latitude 29°20'19" N, Longitude 094°46'36" W.

(b) *Regulations.* (1) Vessels navigating this area must do so at a minimum safe speed so as to not cause any wake.

(2) Vessels may proceed at greater than a minimum safe speed with permission of the Captain of the Port Houston-Galveston or a designated representative.

(3) To request permission as required by these regulations, contact the Sector Houston-Galveston Command Center by telephone at (713)671–5113.

Dated: July 27, 2010.

**Mary E. Landry,**

*Rear Admiral, U.S. Coast Guard, District 8 Commander.*

[FR Doc. 2010–19521 Filed 8–6–10; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2010–0208]

**RIN 1625–AA00**

#### **Safety Zone; Kanawha River Mile 56.7 to 57.6, Charleston, WV**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the waters of the Kanawha River beginning at mile 56.7 (C&O Railroad) and ending at mile 57.6 (Interstate Route 64 Bridge), extending the entire width of the river. This safety zone is needed to protect persons and vessels from the potential safety hazards associated with the Toyota Governor's Cup Jet Ski Race. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Ohio Valley or a designated representative.

**DATES:** This rule is effective from 12 p.m. on August 20, 2010, to 5:30 p.m. on August 22, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0208 and are available online by going to <http://www.regulations.gov>, inserting USCG–2010–0208 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 Petty Officer Sean Lewis, Marine Safety Unit Huntington Coast Guard; telephone 304–733–0198 extension 2135, e-mail [Sean.T.Lewis@uscg.mil](mailto:Sean.T.Lewis@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 given the short period of time before the race. Immediate action is needed to protect the race participants, vessels, and mariners from the hazards associated with this race. 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 waiting 30 days would be impracticable, as immediate action is needed to protect the race participants, vessels, and mariners from the hazards associated with this race.

## Basis and Purpose

The Upstate Watercraft Promotions, Inc. is sponsoring a jet ski race from 12 p.m. to 6 p.m. on August 20, 2010 and from 6 a.m. to 5:30 p.m. on the dates of August 21 and 22, 2010. This race will be held on the Kanawha River in Charleston, WV at mile 57.6–57.6. The Coast guard believes a safety zone is necessary because a hazardous situation could exist for vessels, mariners and spectators in the vicinity of the jet ski race. A safety zone is needed to protect those vessels, mariners and spectators from the hazards associated with this race.

## Discussion of Rule

The Captain of the Port Ohio Valley is establishing a temporary safety zone for the waters of the Kanawha River beginning at mile 56.7 (C&O Railroad) and ending at mile 57.6 (Interstate Route 64 Bridge). The term “participating vessel” includes all vessels registered with the jet ski race event officials to work in the event. With the exception of participating vessels and those mariners operating participating vessels, all vessels and persons are prohibited from transiting within this safety zone unless authorized by the Captain of the Port Ohio Valley or a designated representative. The Captain of the Port Ohio Valley may be contacted on VHF–