

073°23'46" W; thence to latitude 44°46'29" N, longitude 073°23'46" W; and thence to the beginning.

(2) For the "Greater Burlington YMCA Lake Swim": All navigable waters of the Lake Champlain within a 200-foot radius of the participants swimming in the vicinity of North Hero Island, Burlington, Vermont in an area enclosed by a line starting at latitude 44°46'55" N, longitude 073°22'14" W; thence to latitude 44°47'08" N, longitude 073°19'05" W; thence to latitude 44°46'48" N, longitude 073°17'13" W; thence to latitude 44°46'09" N, longitude 073°16'39" W; thence to latitude 44°41'08" N, longitude 073°20'58" W; and thence to latitude 44°41'36" N, longitude 073°23'01" W.

(3) For the "Tri for a Cure Triathlon": All navigable waters of Casco Bay within a 200-foot radius of the participants swimming in the vicinity of Spring Point Light House in South Portland, Maine within an area enclosed by a line starting at latitude 43°39'01" N, longitude 070°13'32" W; thence to latitude 43°39'07" N, longitude 070°13'29" W; thence to latitude 43°39'06" N, longitude 070°13'41" W; and thence to latitude 43°39'01" N, longitude 070°13'36" W.

(4) For the "Rockland Breakwater Swim": All navigable waters of Rockland Harbor within 200-foot radius of the participants swimming in the vicinity of Rockland Breakwater, Rockland, Maine within an area enclosed by a line starting at latitude 44°06'16" N, longitude 069°04'39" W; thence to latitude 44°06'13" N, longitude 069°04'36" W; thence to latitude 44°06'12" N, longitude 069°04'43" W; thence to latitude 44°06'17" N, longitude 069°04'44" W; and thence to latitude 44°06'18" N, longitude 69°04'41" W.

(5) For the "Cabbage Island Swim": All navigable waters of Linekin Bay within a 200-foot radius of the participants swimming in the vicinity of Cabbage Island and Sprucewold Beach in Boothbay Harbor, Maine within an area enclosed by a line starting at latitude 43°50'37" N, longitude 069°36'23" W; thence to latitude 43°50'37" N, longitude 069°36'59" W; thence to latitude 43°50'16" N, longitude 069°36'46" W; and thence to latitude 43°50'22" N, longitude 069°36'21" W.

(b) *Enforcement Period.* The temporary safety zones noted above will be enforced during the following dates and times:

(1) For the "Y-Tri Triathlon": August 08, 2009, between 9 a.m. to 10 p.m.

(2) For the "Greater Burlington YMCA Lake Swim": August 08, 2009, between 8 a.m. to 6 p.m.

(3) For the "Tri for a Cure Triathlon": August 09, 2009, between 7:30 a.m. to 11 a.m.

(4) For the "Rockland Breakwater Swim" August 29, 2009, between 8:30 a.m. to 12:30 p.m.

(5) For the "Cabbage Island Swim": August 08, 2009, between 1 p.m. to 6 p.m.

(c) *Regulations.*

(1) In accordance with the general regulations in 33 CFR 165.23, during the enforcement period, entry into, transiting, remaining within or anchoring in these safety zones is prohibited unless authorized by the Captain of the Port Sector Northern New England or his designated representatives.

(2) The "designated representative" is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Sector Northern New England to act on his behalf. The designated representative will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(3) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port Sector Northern New England or his designated representative via VHF Channel 16 to obtain permission to do so.

(4) Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port Sector Northern New England or his designated representatives.

Dated: August 4, 2009.

J.B. McPherson,

Captain, U.S. Coast Guard, Captain of the Port, Sector Northern New England.

[FR Doc. E9-19548 Filed 8-13-09; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0594]

RIN 1625-AA00

Safety Zone; Missouri River, Mile 366.3 to 369.8

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

all waters of the Missouri River, Mile 366.3 to 369.8, extending the entire width of the river. This safety zone is needed to protect persons and vessels from safety hazards associated with an aerial display occurring over a portion of the Missouri River. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Upper Mississippi River or a designated representative.

DATES: This rule is effective from 12 p.m. until 5 p.m. CDT on August 21, 2009, and from 11:30 a.m. until 5 p.m. CDT, each day, on August 22 and 23, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0594 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0594 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 Lieutenant Commander (LCDR) Matthew Barker, Sector Upper Mississippi River Response Department at telephone (314) 269-2540, e-mail Matthew.P.Barker@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. Publishing an NPRM would be contrary to the public interest because immediate action is needed to protect vessels and mariners from the safety hazards associated with a fireworks display.

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

Background and Purpose

On August 21, 22, and 23, 2009, the U.S. Air Force Thunderbirds will be conducting a fixed wing air show between mile 366.3 and 369.8 on the Missouri River. This event presents safety hazards to the navigation of vessels between mile 366.3 and mile 369.8, extending the entire width of the river. The Captain of the Port Upper Mississippi River will inform the public of all safety zone changes through broadcast notice to mariners.

Discussion of Rule

The Coast Guard is establishing a safety zone for all waters of the Missouri River, Mile 366.3 to 369.8, extending the entire width of the river. Entry into this zone is prohibited to all vessels and persons except participants and those persons and vessels specifically authorized by the Captain of the Port Upper Mississippi River. This rule is effective from 12 p.m. until 5 p.m. CDT on August 21, 2009 and from 11:30 a.m. until 5 p.m. CDT on August 22 & 23, 2009. The Captain of the Port Upper Mississippi River will inform the public through broadcast notice to mariners of all safety zone changes and enforcement periods.

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. The economic impact of this temporary rule is expected to be minimal because of the small size and short duration of the safety zone.

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 the Missouri River, Mile 366.3 to 369.8, from 12 p.m. until 5 p.m. CDT on August 21, 2009 and from 11:30 a.m. until 5 p.m. CDT on August 22 & 23, 2009. This safety zone will not have a significant economic impact on a substantial number of small entities because it will cover a relatively small area and only be in effect for a short period of time.

If you are a small business entity and are significantly affected by this regulation, please contact LCDR Matthew Barker, Sector Upper Mississippi River at (314) 269–2540.

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 they could 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 effect 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 Directive 023-01 and Commandant Instruction M16475.ID, 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 which 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 the rule creates a safety zone.

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 amends 33 CFR part 165 as follows:

PART 165—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; Public Law 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T09-0594 to read as follows:

§ 165.T09-0594 Safety Zone; Missouri River, Mile 366.3 to 369.8.

(a) *Location.* The following area is a safety zone: all waters of the Missouri River, Mile 366.3 to 369.8 extending the entire width of the waterway.

(b) *Effective date.* This rule is effective from 12 p.m. until 5 p.m. CDT on August 21, 2009 and from 11:30 a.m. until 5 p.m. CDT, each day, on August 22 and 23, 2009.

(c) *Periods of Enforcement.* The Captain of the Port Upper Mississippi River will inform the public through broadcast notice to mariners of all safety zone changes and enforcement periods.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Upper Mississippi River or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Upper Mississippi River or a designated representative. The Captain of the Port Upper Mississippi River representative may be contacted at (314) 269-2332.

(3) All persons and vessels must comply with the instructions of the Captain of the Port Upper Mississippi River or a designated representative. Designated Captain of the Port representatives include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: June 30, 2009.

S.L. Hudson,

Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

[FR Doc. E9-19551 Filed 8-13-09; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0524]

RIN 1625-AA00

Safety Zone; MS Harborfest Tugboat Races in Casco Bay, ME

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the MS Harborfest Tugboat Races in Casco Bay, Maine. This temporary safety zone is necessary to provide for the safety of life on the navigable waters by prohibiting spectators, vessels, and other users of the waterway from entering the area surrounding the tugboat races due to the hazards associated with the tugboat races.

DATES: This rule is effective from 11 a.m. until 4 p.m. on August 16, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0524 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-2009-0524 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 Chief Petty Officer Randy Bucklin, Coast Guard Sector Northern New England, Waterways Management Division; telephone 207-741-5440, e-mail Randy.Bucklin@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 a notice and comment period would be impracticable due to the time constraints resulting from the immediacy of the upcoming event. The Coast Guard did not receive notification of the exact location or proposed date for the boating event in sufficient time