

**§ 300.9 Appeals.**

(a) An appeal can be made as a result of an initial determination that is considered by the requester to be an adverse determination (see 300.3 (b)).

(b) An appeal must be made in writing to DLA's Appellate Authority and must be postmarked within 30 calendar days from the date of the initial determination letter. The General Counsel serves as DLA's appellate authority. The appeal should include reasons for reconsideration and a copy of the initial determination letter. An appeal may be mailed, emailed to [hq-foia@dla.mil](mailto:hq-foia@dla.mil), or faxed to 703-767-6091. Appeals are to be addressed to the General Counsel, Defense Logistics Agency, ATTN: DGA, Suite 1644, 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060-6221.

**§ 300.10 Judicial actions.**

DLA adopts the DOD FOIA Program regulations codified at 32 CFR part 286, Subpart E, Release and Processing Procedures.

**Subpart D—Fees and Fee Waivers****§ 300.11 General.**

DLA adopts the rules and rates published in 32 CFR part 286, Subpart F, Fee Schedule. In addition, DLA considers fees charged by a Federal Records Center to retrieve and re-file records a part of the direct costs charged to requesters.

**APPENDIX A TO PART 300—GAINING ACCESS TO DLA RECORDS****(a) General.**

(1) The Defense Logistics Agency, established pursuant to authority vested in the Secretary of Defense, is an agency of DOD under the direction, authority, and control of the Assistant Secretary of Defense for Logistics and Materiel Readiness, and is subject to DOD policies, directives, and instructions.

(2) DLA is comprised of several Components and each DLA Component is responsible for maintaining its own records; therefore, FOIA requests should be addressed to the FOIA Requester Service Center that has custody of the record desired. (See (c) below.) DLA FOIA Officers will assist requesters in determining the correct DLA Requester Service Center to address requests. (See paragraph (c) of this appendix and DLA's public Web site at [www.dla.mil](http://www.dla.mil).)

(3) On the DLA public Web site is an index to assist in locating DLA records by category, organization, keyword search, or by contract prefix. The index is titled "Index of Information at DLA FOIA Service Centers" at [www.dla.mil/FOIA-Privacy/servindex/pages/category.aspx](http://www.dla.mil/FOIA-Privacy/servindex/pages/category.aspx).

**(b) Requester Requirements.**

(1) Requesters are responsible for submitting a perfected request as defined in 300.3(m), FOIA Request.

**(2) Addressing Requests.**

Address requests to the DLA FOIA Requester Service Center most likely to hold the records (see paragraph (c) of this appendix for mailing addresses of DLA FOIA Offices designated to receive FOIA requests). If the DLA FOIA Requester Service Center is undeterminable, address requests to DLA Headquarters FOIA Office for proper routing.

**(3) Availability of DLA Publications.**

Many unrestricted DLA regulations, manuals, and handbooks are available online. Visit the DLA FOIA/Privacy Web site for more information at <http://www.dla.mil/foia-privacy/>.

**(c) Locations of DLA FOIA Requester Service Centers.**

Refer to the FOIA/Privacy Web page at <http://www.dla.mil/FOIA-Privacy/pages/foiapocs.aspx> for current points of contact at each of the DLA FOIA Requester Service Centers.

Defense Logistics Agency Headquarters, ATTN: DGA, 8725 John J. Kingman Rd., Ste 1644, Fort Belvoir, VA 22060-6221—Responsible for broad functional areas, such as Office of the Director, General Counsel, Small Business Programs, DLA Office of Inspector General, Legislative Affairs, Equal Employment Opportunity Office, Installation Support, Human Resources, Logistics Operations, Information Operations, Acquisition, and Financial Operations. This FOIA Requester Service Center also processes FOIA requests for the following locations:

- DLA Transaction Service, Wright-Patterson AFB, Ohio—Editing/routing of logistics transactions, network interoperability and eBusiness services.

- DLA Strategic Materials, Fort Belvoir, Va.—Manages the strategic and critical raw material stockpile that supports national defense needs.

- DLA Europe & Africa, Kaiserslautern, Germany—Focal point for U.S. European Command's and U.S. Africa Command's theater of operations.

- DLA Pacific, Camp Smith, Hawaii—Focal point for U.S. Pacific Command's theater of operations.

- DLA Central, MacDill AFB, Fla.—Focal point for U.S. Central Command's theater of operations.

DLA Energy, 8725 John J. Kingman Rd., Ste 3729, Fort Belvoir, VA 22060-6222—Fuel, energy support and services, and bulk petroleum.

DLA Land and Maritime, ATTN: GC, 3990 E. Broad Street, Columbus, OH 43218-3990—Maritime and land weapons system supply chains.

DLA Aviation, 8000 Jefferson Davis Highway, Richmond, VA 23297-5000—Aviation supply chain.

DLA Troop Support, 700 Robbins Avenue, Bldg 36, Philadelphia, PA 19111-5096—Subsistence, clothing, and textiles, medical, and construction and equipment supply chains.

DLA Distribution, ATTN: DDC-GC, Mission Drive, Bldg 81, New Cumberland, PA 17070-5000—Worldwide network of 25 distribution depots and nine map support offices.

DLA Disposition Services and DLA Logistics Information Service, 74 Washington Avenue North, Battle Creek, MI 49017-3084.

- Disposition Services: Reutilization, transfer, demilitarization, and environmental disposal and reuse.

- Logistics Information Service: Manages a wide range of logistics information and identification systems.

DLA Document Services, 5450 Carlisle Pike, Bldg 9, P.O. Box 2020, Mechanicsburg, PA 17055-0788—Automated document production, printing services, digital conversion and document storage.

Dated: September 24, 2012.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2012-24425 Filed 10-12-12; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG-0212-0903]

**RIN 1625-AA00**

**Safety Zone, Seafair Blue Angels Air Show Performance, Seattle, WA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The U.S. Coast Guard is proposing to amend the Seafair Blue Angels Air Show Performance safety zone on the waters of Lake Washington, Seattle, WA. This action is necessary to safeguard participants and spectators from the safety hazards associated with the Seafair Blue Angels Air Show Performance, which include low flying high speed aircraft, and will do so by prohibiting entry into the safety zone unless authorized by the Captain of the Port (COTP), Puget Sound or a Designated Representative.

**DATES:** Comments and related material must be received by the Coast Guard on or before December 14, 2012.

**ADDRESSES:** You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail or Delivery:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

See the "Public Participation and Request for Comments" portion of the

**SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email ENS Nathaniel P. Clinger; Waterways Management Division, Coast Guard Sector Puget Sound; Coast Guard; telephone 206–217–6045, email [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@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:**

#### **Table of Acronyms**

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

#### **A. Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

##### *1. Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at <http://www.regulations.gov>, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG–0212–0903 in the “SEARCH” box and click “SEARCH.” Click on “Submit a Comment” on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by

11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

##### *2. Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number USCG–0212–0903 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.

##### *3. Privacy Act*

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

##### *4. Public Meeting*

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### **B. Regulatory History and Information**

The Coast Guard is amending this rule because the current regulation associated with the Seafair Blue Angels Air Show performance (33 CFR 165.1319) is not large enough to safeguard participants and spectators from the safety hazards associated with the Seafair Blue Angels Air Show Performance, which include low flying high speed aircraft.

#### **C. Basis and Purpose**

The Coast Guard proposes to amend this safety zone to ensure the safety of the maritime public during the Seattle

Blue Angels Air Show. The size of the safety zone in 33 CFR 165.1319 has been determined to be inadequate to accommodate the anticipated flight pattern of the Blue Angels, and the current regulation is not large enough to safeguard participants and spectators from the safety hazards associated with the Seafair Blue Angels Air Show Performance, which include low flying high speed aircraft. This proposed rule would extend the northern boundary line of the existing regulation northward by 500 yards, and updates coordinates to provide a zone of adequate size.

#### **D. Discussion of Proposed Rule**

As described in the June 24, 2004 final rule (69 FR 35249), the Coast Guard established a safety zone for the annual Blue Angels Air Show Performance. The purpose of this rule was to protect the public from dangers including excessive noise and falling objects from any potential accidents caused by these low-flying military aircraft. The regulation contained in 33 CFR 165.1319 encompasses “all waters of Lake Washington, Washington State, enclosed by the following points: Near the termination of Roanoke Way 47°35′44″ N, 122°14′47″ W; thence to 47°35′48″ N, 122°15′45″ W; thence to 47°36′02.1″ N, 122°15′50.2″ W; thence to 47°35′56.6″ N, 122°16′29.2″ W; thence to 47°35′42″ N, 122°16′24″ W; thence to the east side of the entrance to the west highrise of the Interstate 90 bridge; thence westerly along the south side of the bridge to the shoreline on the western terminus of the bridge; thence southerly along the shoreline to Andrews Bay at 47°33′06″ N, 122°15′32″ W; thence northeast along the shoreline of Bailey Peninsula to its northeast point at 47°33′44″ N, 122°15′04″ W; thence easterly along the east-west line drawn tangent to Bailey Peninsula; thence northerly along the shore of Mercer Island to the point of origin. [Datum: NAD 1983]”

However, the participating aircraft have a flight pattern that will extend past the northern boundary of the regulation in 33 CFR 156.1319. As such, an extension is necessary in order to protect the spectating public.

This rule amends the Seafair Blue Angels Air Show Performance Safety Zone, extending the northern boundary starting at point 47°36′17.28″ N, 122°16′49.44″ W; thence west to point 47°36′17.28″ N, 122°16′58.56″ W; thence south along the shoreline to point 47°35′25.44″ N, 122°17′9.48″ W; thence east along the I–90 bridge to point 47°35′23.16″ N, 122°15′17.1″ W; thence north east along the shoreline to point

47°35'45.3" N, 122°14'49.44" W; thence north back to the point of origin.

### E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

#### 1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard bases this finding on the fact that the safety zone will be in place for a limited period of time and vessel traffic will be able to transit around the safety zone. Maritime traffic may also request permission to transit through the zone from the (COTP), Puget Sound or a Designated Representative.

#### 2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which may be small entities; the owners and operators of vessels intending to operate in the waters covered by the safety zone while it is in effect. The rule would not have a significant economic impact on a substantial number of small entities because the safety zone would be in place for limited periods of time and maritime traffic would still be able to transit around the safety zone. Maritime traffic may also request permission to transit through the zone from the COTP, Puget Sound or a Designated Representative.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### 4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect 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. We have analyzed this proposed rule under that Order and determined that this rule does not have implications for federalism.

#### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### 7. 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 8. Taking of Private Property

This proposed rule would 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.

#### 9. Civil Justice Reform

This proposed 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.

#### 10. Protection of Children From Environmental Health Risks

We have analyzed this proposed 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.

#### 11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

#### 12. Energy Effects

This proposed rule is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the amendment of a safety zone. This rule is categorically excluded from further review under paragraph

34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### 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 proposes to amend 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

2. Amend § 165.1319 by revising paragraph (b) to read as follows:

#### § 165.1319 Safety Zone Regulations; Seafair Blue Angels Air Show Performance, Seattle, WA.

\* \* \* \* \*

(b) *Location*. The following is a safety zone: All waters of Lake Washington encompassed by the following points: 47°36'17.28" N, 122°14'49.44" W; thence west to point 47°36'17.28" N, 122°16'58.56" W; thence south along the shoreline to Andrews Bay at point 47°33'04.62" N, 122°15'32.46" W; thence northeast along the shoreline of Bailey Peninsula to its northeast point at 47°33'44.98" N, 122°15'03.48" W; thence easterly to point 47°33'43.98" N, 122°13'51.36" W on Mercer Island; thence northerly along the shore of Mercer Island to point 47°35'45.12" N, 122°14'49.44" W; thence north back to the point of origin.

\* \* \* \* \*

Dated: September 25, 2012.

**S.J. Ferguson,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 2012–25237 Filed 10–12–12; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

[NPS–SLBE–10552; 6620–SZM]

RIN 1024–AE11

#### Special Regulations; Areas of the National Park System, Sleeping Bear Dunes National Lakeshore, Bicycling

**AGENCY:** National Park Service, Interior.  
**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service proposes to designate the Sleeping Bear Heritage Trail currently under construction within Sleeping Bear Dunes National Lakeshore as a route for bicycle use. The approximately 27-mile-long trail will generally parallel major state highways and offer visitors safe, non-motorized access to the park. National Park Service general regulations require promulgation of a special regulation to designate routes for bicycle use outside developed areas or off park roads.

**DATES:** Comments must be received by December 14, 2012.

**ADDRESSES:** You may submit your comments, identified by Regulation Identifier Number (RIN), by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail or Hand Deliver to:* Superintendent's Office, Sleeping Bear Dunes National Lakeshore, 9922 Front Street, Empire, Michigan 49630.

**FOR FURTHER INFORMATION CONTACT:** Phil Akers, Chief Ranger, Sleeping Bear Dunes National Lakeshore, 231–326–5135, or at 9922 Front Street, Empire, Michigan 49630.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sleeping Bear Dunes National Lakeshore (SLBE or Lakeshore) was established in 1970 “for the benefit, inspiration, education, recreation, and enjoyment of the public.” (16 U.S.C. 460x). SLBE’s enabling legislation requires the National Park Service (NPS) to “administer and protect [the Lakeshore] in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.” (16 U.S.C. 460x). The 71,000-acre Lakeshore is located in the northwest portion of Michigan’s Lower Peninsula and encompasses a 35-mile stretch of Lake Michigan’s eastern coastline as well as North Manitou and South

Manitou islands. The mainland portion is located within Benzie and Leelanau counties. The Manitou Islands, in Leelanau County, are located to the northwest in Lake Michigan, about seven miles from the shore. The nearest city is Traverse City, Michigan (population 15,000), located 30 miles east of the Lakeshore. Smaller communities such as Empire, Glen Arbor, and Frankfort are closer.

Named after a complex of coastal sand dunes, the Lakeshore features white sand beaches, steep bluffs reaching as high as 450 feet above Lake Michigan, thick maple and beech forests, and clear inland lakes. The Lakeshore’s most notable features—the ancient sand dunes—are products of wind, ice, and water action over thousands of years. The high, perched dunes afford spectacular views across Lake Michigan and of other glacially formed landscapes. The contrast between the open, sunny environment of the dunes and the adjacent lush beech-maple forests is striking.

The Robert H. Manning Memorial Lighthouse, three former U.S. Life-Saving Service/Coast Guard stations, several coastal villages, and picturesque farmsteads reflect the Lakeshore’s rich maritime, agricultural, and recreational history. The region surrounding the Lakeshore is a popular vacation and summer home destination. SLBE offers visitors recreational activities such as hiking, backpacking, kayaking, cross-country skiing, backcountry camping, hunting, fishing, and boating.

Over 1.1 million people visit the Lakeshore annually. SLBE’s main visitor attractions include the Dune Climb (330,000+ visitors/year), Pierce Stocking Scenic Drive (430,000 visitors/year), and the Visitor Center (130,000+ visitors/year). Traffic and parking congestion are a concern at these locations. A multi-use trail connecting the main visitor destinations would help relieve these traffic concerns while simultaneously enhancing visitor access to a variety of recreational activities.

##### History of Bicycle Use

Currently, bicycling within SLBE is allowed only on a lane shared with motor vehicles on Pierce Stocking Scenic Drive and on the road shoulders of state highways (M–22 and M–109) and county roads than run through the Lakeshore.

##### The Sleeping Bear Heritage Trail

The Sleeping Bear Heritage Trail (SBHT) will be a hard-surfaced, approximately 27-mile-long trail from the southern Leelanau County line at Manning Road to County Road 651 at