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Vincent K. Snowbarger,

Acting Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2009-0562]

Regattas and Marine Parades; Great Lakes Annual Marine Events

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the local regulations for annual regattas and marine parades in the Captain of the Port Detroit zone from 7 a.m. on July 9, 2009 through 6 p.m. on August 2, 2009. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after regattas or marine parades. This rule will establish restrictions upon, and control movement of, vessels in specified areas immediately prior to, during, and immediately after regattas or marine parades. During the enforcement periods, no person or vessel may enter the regulated areas without permission of the Captain of the Port.

DATES: The regulations in 33 CFR 100 will be enforced as listed in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: CDR Joseph Snowden, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit, MI 48207; (313) 568-9508.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the following regulated areas which were published in the July 18, 2008 issue of the **Federal Register**. (73 FR 41261):

§ 100.918 Detroit APBA Gold Cup, Detroit, MI. This regulation is effective from 7 a.m. on July 9, 2009 until 7 p.m. on July 12, 2009. This regulation will be enforced daily from 7 a.m. to 7 p.m. on July 9, 10, 11, and 12, 2009.

§ 100.920 Tug Across the River, Detroit, MI. This regulation is effective from 5:30 p.m. to 7 p.m. on July 17, 2009.

§ 100.914 Trenton Rotary Roar on the River, Trenton, MI. This regulation is effective from 2 p.m. on July 24, 2009

until 8 p.m. on July 26, 2009. This regulation will be enforced from 2 p.m. to 6 p.m. on July 24, 2009, from 8 a.m. to 8 p.m. on July 25, 2009 and from 8 a.m. to 8 p.m. on July 26, 2009.

§ 100.915 St. Clair River Classic Offshore Race, St. Clair, MI. This regulation is effective from 10 a.m. on July 31, 2009 until 6 p.m. on August 2, 2009. This regulation will be enforced daily from 10 a.m. to 6 p.m. on July 31, August 1, and August 2, 2009.

In accordance with the general regulations in section 100.901 of this part, entry into, transiting, or anchoring within these regulated areas is prohibited unless authorized by the Captain of the Port Detroit or the Patrol Commander.

These regulated areas are closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or the Patrol Commander.

Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the Captain of the Port or the Patrol Commander.

Dated: June 24, 2009.

F.M. Midgette,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. E9-16684 Filed 7-14-09; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG-2009-0233]

RIN 1625-AA09

Drawbridge Operation Regulation; Manasquan River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Route 70 Bridge, mile 3.4, across Manasquan River at Riviera Beach, NJ. The existing bridge has been modified by permit from a movable bridge to a fixed bridge. Since the bridge is no longer a movable bridge, the regulation controlling the opening and closing of the bridge is 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-2009-

0233 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-2009-0233 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-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 Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222. 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: 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) with respect to this rule because the bridge that the regulation governed has been modified from a movable bridge to a fixed bridge and does not open for the passage of vessels.

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** because this rule removes the regulation used for the operation of a movable bridge that has been modified to become a fixed bridge. The modification has already taken place and the removal of the regulation will not affect mariners.

Background and Purpose

On September 23, 2005, a Coast Guard Bridge Permit (2-05-5) was issued to the New Jersey Department of Transportation (NJDOT) to replace the existing single-leaf bascule bridge, which carries Route 70 over Manasquan River at Riviera Beach, NJ, with a new fixed bridge. NJDOT completed construction for a new fixed bridge in December 2008.

Since the bridge has been modified to a fixed bridge, a special operating regulation for a movable bridge is unnecessary. This final rule removes the operating regulation regarding the Route 70 Bridge.

Discussion of Rule

The Coast Guard is changing the regulation in 33 CFR 117 without publishing an NPRM. The change removes the regulation governing a movable bridge that was modified to a fixed bridge that does not open for the passage of vessels.

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. This rule 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 merely removes an operating regulation for a movable bridge that was modified to a fixed bridge and no longer opens for the passage of vessels. Therefore, the operating regulation is unnecessary and its removal will not have a *de minimis* economic impact.

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 bridge is no longer a movable bridge, the regulation controlling the opening and closing of the bridge is no

longer necessary. Hence this action removing the operating regulation of the bridge 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 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 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, eliminates 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 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.

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 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