

The term does not include geophysical scientific research.

\* \* \* \* \*

*Geophysical information* means geophysical data that have been processed or interpreted.

\* \* \* \* \*

*Processed geological or geophysical information* means data collected under a permit and later processed or reprocessed. Processing involves changing the form of data so as to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements. Reprocessing is the additional processing other than ordinary

processing used in the general course of evaluation. Reprocessing operations may include varying identified parameters for the detailed study of a specific problem area. Reprocessing may occur several years after the original processing date. Reprocessing is determined to be completed on the date that the reprocessed information is first available in a useable format for in-house interpretation by MMS or the permittee, or becomes first available to third parties via sale, trade, license agreement, or other means.

\* \* \* \* \*

■ 3. Amend § 251.14 as set forth below:

■ A. Revise the introductory text in paragraph (b);

■ B. Revise the table in paragraph (b)(1);

■ C. Redesignate paragraphs (b)(2) and (b)(3) as (b)(7) and (b)(8), respectively; and

■ D. Add new paragraphs (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6) to read as follows:

**§ 251.14 Protecting and disclosing data and information submitted to MMS under a permit.**

\* \* \* \* \*

(b) *Timetable for release of G&G data and information related to oil, gas, and sulphur that MMS acquires.* Except for high-resolution data and information released under 30 CFR 250.197(b)(2), MMS will release or disclose acquired data and information in accordance with paragraphs (b)(1) through (b)(7) of this section.

(1) \* \* \*

If you or a third party submit and MMS retains * * *	The Regional Director will release them to the public * * *
(i) Geological data and information, .....	10 years after MMS issued the permit.
(ii) Geophysical data, .....	50 years after MMS issued the permit.
(iii) Geophysical information processed or reprocessed less than 20 years after MMS issued the germane permit,	25 years after MMS issued the permit.
(iv) Geophysical information processed or reprocessed 20 or more years after MMS issued the germane permit,	25 years after MMS issued the permit; or, if you or a third party applied for an extension of the proprietary term, 5 years after MMS approved the application for an extension. In any case MMS will release the information no later than 50 years after MMS issued the permit.

(2) Permittees and third parties may apply to MMS for an extension of the 25-year proprietary term for geophysical information reprocessed 20 or more years after MMS issued the germane permit. You must submit the application to MMS within 90 days after completion of the reprocessing, except during the initial 1-year grace period as provided in paragraph (b)(5) below. Filing locations are listed in § 251.5(d). Your application must include:

- (i) Name and address of the permittee or third party;
- (ii) Product name;
- (iii) Identification of the geophysical information area;
- (iv) Identification of originating permit number and date;
- (v) Description of reprocessing performed;
- (vi) Identification of the date of completion of reprocessing the geophysical information;
- (vii) Certification that the product meets the definition of processed geophysical information and that all other information in the application is accurate; and
- (viii) Signature and date.

(3) With each new reprocessing of permitted data, you may apply for an extension of up to 5 years. However, the maximum proprietary term for geophysical information is 50 years after MMS issued the permit. Once the

maximum term is reached, the MMS Regional Director will release the information to the public.

(4) Geophysical information processed or reprocessed 20 or more years after MMS issued the germane permit and granted the extension will be subject to submission, inspection, and selection criteria under 30 CFR 251.12 and reimbursement criteria identified under 30 CFR 251.13.

(5) There will be a 1-year grace period, starting September 14, 2009, to allow permittees and third parties sufficient time to meet the above requirements and to apply for all eligible extensions. During this time, MMS will not release geophysical information which was reprocessed 20 or more years after the date that MMS issued the germane permit.

(6) After September 14, 2010 MMS will resume releasing eligible reprocessed information. If an application for extension is not filed, not filed on time, or not approved by MMS, the original 25-year proprietary term applies to the release date of the reprocessed geophysical information.

\* \* \* \* \*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2009-0460]

RIN 1625-AA08

#### Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations during the Mattaponi Madness Drag Boat Races, a series of power boat races to be held on the waters of the Mattaponi River, near Wakema, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic during the power boat races in a segment of the Mattaponi River that flows along the border of King William County and King and Queen County near Wakema, Virginia.

**DATES:** This rule is effective from August 15 through August 16, 2009.

**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–2009–0460 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–2009–0460 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 temporary rule, call or e-mail Dennis Sens, Project Manager, Fifth Coast Guard District Prevention Division, Portsmouth, VA, telephone (757) 398–6204, e-mail [Dennis.M.Sens@uscg.mil](mailto:Dennis.M.Sens@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 June 25, 2009, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA in the **Federal Register** (74 FR 30256). We received no comments on the proposed rule. No public meeting was requested, and none was held.

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**. The potential dangers posed by high speed power boat races in a restricted waterway and in close proximity to other vessel traffic make special local regulations necessary. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, support vessels, spectator craft and other vessels transiting the event area. However, the Coast Guard will provide advance notifications to users of the affected waterways via marine information broadcasts, local notice to mariners, commercial radio stations and area newspapers.

##### **Background and Purpose**

The Mattaponi Volunteer Rescue Squad will be sponsoring a series of power boat racing events entitled the “Mattaponi Madness Drag Boat Event.” The power boat races will be held on August 15, 2009 and, in the case of

inclement weather, the event will be rescheduled for August 16, 2009. The races will be held on the Mattaponi River immediately adjacent to the Rainbow Acres Campground, King and Queen County, Virginia. The power boat races will consist of approximately 40 vessels conducting high speed straight line runs along the river and parallel with the shoreline. A fleet of spectator vessels is expected to gather near the event site to view the competition. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the power boat races.

##### **Discussion of Comments and Changes**

The Coast Guard did not receive comments in response to the NPRM. Accordingly, the Coast Guard is establishing temporary special local regulations on specified waters of the Mattaponi River, near Wakema, Virginia.

##### **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 is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Mattaponi River during the events, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notification that will be made to the maritime community via marine information broadcast, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

##### **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.

*The rule will affect the following entities, some of which may be small entities:* Owners or operators of vessels intending to transit the affected section of the Mattaponi River from 9 a.m. to 7 p.m. on August 15, 2009 and August 16, 2009. This rule would not have a significant economic impact on a substantial number of small entities for the following reasons. Although the regulated area will apply to a  $\frac{3}{4}$  mile segment of the Mattaponi River, traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area during the event, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. The Patrol Commander will allow non-participating vessels to transit the area between races. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

##### **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.

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 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 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)(h), of the Instruction because it establishes special local regulations under 33 CFR Part 100. An environmental analysis checklist and a

categorical exclusion determination will be available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add temporary § 100.35–T05–0460 to read as follows:

#### § 100.35–T05–0460, Mattaponi River, Wakema, Virginia.

(a) *Regulated area.* The following is a regulated area: All waters of the Mattaponi River, from surface to bottom and shore to shore, immediately adjacent to Rainbow Acres Campground, in King and Queen County, Virginia. This area is a section of the Mattaponi River approximately ¾-mile long, bounded to the east by a line that runs parallel along longitude 076°52′43″ W near the mouth of Mitchell Hill Creek, and bounded to the west by a line that runs parallel along longitude 076°53′41″ W just north of Wakema, Virginia. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Hampton Roads.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must: (i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(d) *Enforcement period.* This section will be enforced from 9 a.m. to 7 p.m. on August 15, 2009. In the case of inclement weather, this section will be enforced from 9 a.m. to 7 p.m. on August 16, 2009.

Dated: July 29, 2009.

Wayne E. Justice,

Rear Admiral, U.S. Coast Guard, Commander,  
Fifth Coast Guard District.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket No. USCG-2009-0496]

RIN 1625-AA00

### Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the vicinity of the Hood Canal Bridge due to the ongoing Hood Canal Bridge Construction Project. The safety zone is necessary to help protect construction personnel and the maritime public from the numerous dangers associated with the Hood Canal Bridge Construction Project. All persons and vessel are prohibited from entering the zone unless authorized by the Captain of the Port, Puget Sound or her Designated Representative.

**DATES:** This rule is effective from 6 a.m. on June 15, 2009, until 6 a.m. on September 30, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0496 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0496 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 ENS Ashley Wanzer, Waterways Management, Sector Seattle, 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 publishing a NPRM would be contrary to the public interest because immediate action is necessary to ensure the safety of the construction personnel and the maritime public from the dangers associated with the Hood Canal Bridge Construction Project.

For the same reasons, 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

The Hood Canal Bridge Construction Project is a complex construction operation involving multiple construction barges and the installation of underwater cables. Due to the numerous dangers associated with such operations, the Coast Guard is establishing a temporary safety zone for the project to help protect construction personnel and the maritime public from the numerous dangers associated with it.

### Discussion of Rule

The temporary safety zone established by this rule is necessary to help protect construction personnel in the Hood Canal Bridge Construction Project and the maritime public from the numerous dangers associated with the project and will do so by prohibiting any person or vessel from entering the zones unless authorized by the Captain of the Port, Puget Sound or her Designated Representative. Persons wishing to request authorization to operate within or transit through the safety zone must contact the USCG Sector Seattle Joint Harbor Operations Center at 206-217-6001. Additional information regarding the construction work may be obtained from Kiewit-General Construction Company at 360-620-3423 or the on-scene official patrol or M/V REDWOOD CITY on VHF-FM channel 13, 14, or 16.

*The safety zone encompass:* (1) All waters within a 100 yard radius around

any construction barge participating in the project while the barge is in operation; and, (2) all waters between any barge participating in the project and the Hood Canal Bridge itself. The safety zone will be in effect from 6 a.m. on June 15, 2009, until 6 a.m. on September 30, 2009, unless cancelled or ended sooner by the Captain of the Port or her Designated Representative.

The Captain of the Port, Puget Sound may enlist the aid and cooperation of Federal, State, or local Law Enforcement Officers to enforce the rules contained in this section pursuant to 33 CFR 6.04-11.

### 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. This expectation is based on the fact that the safety zone established by this regulation will encompass small areas and be of such a short duration that the zone should not significantly impact commercial or recreational traffic.

### 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 affected waterway during the effective period.

*The safety zone will not have a significant economic impact on a*