

## 12. Energy Effects

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

## 14. 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 determined 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 rule involves restricting vessel movement within a regulated navigation area. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist and a categorical exclusion determination supporting this 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 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 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. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0174 to read as follows:

#### § 165.T01–0174 Regulated Navigation Area-Tappan Zee Bridge Construction Project, Hudson River; South Nyack and Tarrytown, NY.

(a) *Boundaries*. The following is a regulated navigation area; all waters

north of a line drawn from the following approximate positions: 41°04′17.37″ N, 073°55′13.16″ W on the western shoreline; thence to 41°04′10.97″ N, 073°55′05.05″ W; thence to 41°04′10.03″ N, 073°55′03.42″ W; thence to 41°04′07.14″ N, 073°54′54.48″ W; thence to 41°04′05.30″ N, 073°54′43.18″ W; thence to 41°04′04.72″ N, 073°52′22.52″ W; thence to 41°04′02.52″ N, 073°52′16.13″ W; thence to 41°03′59.74″ N, 073°52′10.83″ W; thence to a point on the eastern shoreline at 41°03′54.39″ N, 073°52′03.26″ W; and all waters south of a line drawn from the following approximate positions: 41°04′34.79″ N, 073°55′03.26″ W on the western shoreline; thence to 41°04′33.62″ N, 073°55′01.52″ W; thence to 41°04′26.14″ N, 073°54′53.96″ W; thence to 41°04′23.76″ N, 073°54′50.57″ W; thence to 41°04′21.58″ N, 073°54′43.77″ W; thence to 41°04′20.96″ N, 073°52′20.17″ W; thence to 41°04′20.31″ N, 073°52′15.83″ W; thence to 41°04′16.76″ N, 073°52′04.52″ W; thence to a point on the eastern shoreline at 41°04′13.84″ N, 073°51′59.44″ W.

(b) *Regulations*. (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA.

(2) In accordance with the general regulations, entry into, anchoring, or movement within the RNA, during periods of enforcement, is prohibited unless authorized by the Captain of the Port New York (COTP) or his on-scene representative. The “on-scene representative” of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP’s behalf. The on-scene representative may be on a Coast Guard vessel; New York State Police, or other designated craft; or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3) During periods of enforcement, entry and movement within the RNA is subject to a “Slow-No Wake” speed limit. Vessels may not produce a wake and may not attain speeds greater than five knots unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. All vessels must proceed through the area with caution and operate in such a manner as to produce no wake.

(4) During periods of enforcement, all persons and vessels must comply with all orders and directions from the COTP or the COTP’s on-scene representative.

(5) During periods of enforcement, upon being hailed by a Coast Guard

vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(6) Vessel operators desiring to enter or operate within the regulated area when it is closed shall contact the COTP or the on-scene representative via VHF channel 16 or 718–354–4353 (Sector New York Command Center) to obtain permission.

(7) Notwithstanding anything contained in this section, the Rules of the Road (33 CFR part 84—Subchapter E, inland navigational rules) are still in effect and must be strictly adhered to at all times.

(c) *Enforcement Periods*. This regulation is enforceable 24 hours a day from 5:00 a.m. on September 15, 2013 until 11:59 p.m. on December 31, 2018.

(1) Notice of suspension of enforcement: If enforcement is suspended, the COTP will cause a notice of the suspension of enforcement by all appropriate means to be given the widest publicity among the affected segments of the public. Such means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. Such notification will include the date and time that enforcement is suspended as well as the date and time that enforcement will resume.

(2) Violations of this RNA may be reported to the COTP at 718–354–4353 or on VHF–Channel 16.

Dated: September 6, 2013.

**V.B. Gifford,**

*Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.*

[FR Doc. 2013–22902 Filed 9–25–13; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2013–0064]

RIN 1625–AA11

#### Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a Regulated Navigation Area (RNA) in the Mississippi Canyon Block 20 in the Gulf of Mexico. This RNA is needed to protect the subsurface monitoring and collection dome system above a leaking wellhead from the

potential hazards of vessels anchoring, mooring, fishing or loitering in or near the oil and gas discharge area. Deviation from this rule is prohibited unless specifically authorized by the Captain of the Port New Orleans, or his designated representative.

**DATES:** This rule is effective September 26, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG–2013–0064. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Commander (LCDR) Brandon Sullivan, Coast Guard Sector New Orleans; telephone 504–365–2281, email [Brandon.J.Sullivan@uscg.mil](mailto:Brandon.J.Sullivan@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, 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. Regulatory History and Information**

On September 16, 2004, a mudslide resulted from Hurricane Ivan’s storm surge that toppled the Mississippi Canyon (MC) 20 Platform A. The platform’s wells were covered by more than 100-feet of mud and sediment. As a result of structural damage, plumes containing crude oil and gas have been discharging into the Gulf of Mexico, creating a sheen on the surface of the water.

The Responsible Party for this incident has undertaken an operation to install a containment dome over the affected area, which would catch the oil rising from the seabed. Anchoring, mooring, fishing, or otherwise loitering in the area above the containment dome could potentially cause structural damage and failure to the containment dome, wellheads, well piping system and closure valves, which would reduce

the dome’s effectiveness and potentially release oil and gas into the Gulf of Mexico. Therefore, regulating navigation in this area is necessary to protect the collection and subsurface monitoring system and to reduce the potentially negative impacts to the environment from the pluming oil.

On April 29, 2013, the Coast Guard established this regulated navigation area with an interim rule and request for comments, pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C.(b)) (78 FR 24987). This regulation was later amended on June 11, 2013 (78 FR 34894), to correct the exact location of regulated area above the containment dome. The Coast Guard received two comments on this rulemaking, discussed in more detail below. The Coast Guard did not hold a public meeting and no public meeting was requested.

**B. Basis and Purpose**

The Coast Guard’s basis for this rule includes 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3706, 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; and Department of homeland Security delegation No. 0170.1. The Purpose of the rule is to establish a regulated navigation area for the protection of oil spill containment measures in the Gulf of Mexico.

**C. Discussion of Comments, Changes and the Final Rule**

The Coast Guard received two comments regarding this rulemaking. One comment was from the Department of the Interior noting that the Department reviewed the rule and had no comment. One comment was from a private citizen generally opposed to the regulation. This comment did not contain any specific objections to the rule or recommendations for altering the rule. Despite this general objection, the Coast Guard has decided to continue with the rulemaking and permanently establish this regulated navigation area to protect the environment by limiting damage to the subsea oil containment system.

**D. Discussion of the Final Rule**

This rule creates a regulated navigation area of a 300-foot diameter centered at 28°56′12.619″ N, 088°58′10.303″ W, and extending the entire water column from the surface to the seabed. Vessels may transit freely through this area, but must not anchor, moor, fish, or otherwise loiter in the area, unless they have been granted special authorization by the Captain of

the Port New Orleans. This regulated navigation area will be in effect from the date this rule is published in the **Federal Register** until cancelled by the District Commander.

**D. Regulatory Analyses**

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

*1. Regulatory Planning and Review*

This 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. Those impacts on navigation users are expected to be minimal because the enforcement of this RNA does not prohibit vessels from transiting through the area described above. This RNA prohibits only the anchoring, mooring, fishing, or loitering of vessels within the 300-foot diameter section of the protected area.

*2. Impact on Small Entities*

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small business, 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 would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to anchor, moor, fish, or loiter in the regulated area. This regulated navigation area will not have a significant economic impact on a substantial number of small entities for the following reasons. The establishment of this RNA encompasses a limited area of the Gulf of Mexico and there will be minimal to no impact to commercial vessel traffic. This RNA only prohibits vessels from anchoring, mooring, fishing, or loitering in the area described above. Transiting through the

above described area is authorized and notification of the enforcement of this RNA will be disseminated to the marine community through broadcast notice to mariners.

### 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 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.

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.

### 4. Collection of Information

This 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### 9. 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.

### 10. 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.

### 11. 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.

### 12. Energy Effects

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

### 14. Environment

We have analyzed this rule under Department of Homeland Security

Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined 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 rule involves establishing a regulated navigation area of a 300-foot diameter, extending the entire water column from the water surface to the seabed. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination 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 measurers, 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. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Revise § 165.840 to read as follows:

#### § 165.840 Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA.

(a) *Location.* The following area is a Regulated Navigation Area: A 300-foot diameter area at the water surface centered on the following coordinates: 28°56'12.619"N, 008°58'10.303"W, and extending the entire water column from the surface to the seabed.

#### (b) *Regulations.*

(1) In accordance with the general regulations in § 165.11 of this part, all vessels are prohibited from anchoring, mooring, fishing, or otherwise loitering in the above described area except as authorized by the Captain of the Port, New Orleans.

(2) Persons or vessels requiring deviations from this rule must request permission from the Captain of the Port New Orleans. The Captain of the Port New Orleans may be contacted by telephone at (504) 365–2200.

Dated: September 16, 2013.

**Kevin S. Cook,**

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

[FR Doc. 2013-23530 Filed 9-25-13; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2012-0876]

RIN 1625-AA11

#### Regulated Navigation Area— Weymouth Fore River, Fore River Bridge Construction, Weymouth and Quincy, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary regulated navigation area (RNA) on the navigable waters of Weymouth Fore River in the vicinity of the Fore River Bridge (Mile 3.5) between Weymouth and Quincy, MA. This rule will place temporary speed, wake, and entry restrictions on vessels during bridge replacement operations. This rule is necessary to provide for the safety of life in the vicinity of the Fore River Bridge during its construction.

**DATES:** This rule is effective from October 28, 2013 until December 31, 2017.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2012-0876. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" Box and click "SEARCH." Click on Open Docket Folder on the line associated with the 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this Final rule, call or email Chief Petty Officer Craig D. Lapiejko, Waterways Management Division, U.S. Coast Guard First District, 617-223-8351, email [Craig.D.Lapiejko@uscg.mil](mailto:Craig.D.Lapiejko@uscg.mil) or, Mr. Mark Cutter, Coast Guard Sector Boston Waterways Management Division, telephone 617-223-4000, email [Mark.E.Cutter@uscg.mil](mailto:Mark.E.Cutter@uscg.mil).

*uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
RNA Regulated navigation area

##### A. Regulatory History and Information

On Friday, February 22, 2013 the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Regulated Navigation Area—Weymouth Fore River, Fore River Bridge Construction, Weymouth and Quincy, MA" in the **Federal Register** (78 FR 12260). No comments were received. No public meeting was requested of the Coast Guard, and none was held.

##### B. Basis and Purpose

The Fore River Bridge carries State Road 3A over the Weymouth Fore River from Quincy to Weymouth MA. In the 1990's, the original Fore River Bridge, which was built in 1936, was found to be deteriorated beyond the point of restoration. In 2003, a temporary bridge was built, and the old Fore River Bridge was removed. This temporary bridge will reach the end of its useable life span in 2018, and thus, the Massachusetts Department of Transportation (Mass-DOT) is taking current steps to have the temporary bridge removed and a new vertical replacement bridge constructed.

The new Fore River Bridge will be located in the approximate location of the old Fore River Bridge. Bridge construction has already started and is expected to be done in 2017. As explained in the NPRM (78 FR 12260), the Coast Guard has consulted with J.F. White-Skanska Koch, the company responsible for the bridge construction project, and determined that certain aspects of the project will require closing the waterway.

Specifically, the Coast Guard anticipates that the construction project will create serious navigational hazards over a few days in the winter of 2014-2015 while the new bridge lift span system is delivered and installed via barge. Also, the Coast Guard expects that the construction project will create serious navigational hazards during two separate four to six day periods in the fall of 2015 and the winter of 2016 while portions of the temporary bridge are removed.

Because of the aforementioned navigational hazards, the Coast Guard's First District Commander has determined it necessary to establish, pursuant to his authority under the Ports and Waterways Safety Act, this RNA.

##### C. Discussion of Rule

For all of the reasons discussed above, the Coast Guard's First District Commander is establishing this RNA. This establishes speed, wake, and entry restrictions on vessels in the vicinity of the Fore River Bridge when necessary for the safety of vessels and workers during construction work in the channel.

This RNA will be effective until December 31, 2017. Although this rule will be effective continuously, the RNA will be enforced only intermittently. As discussed previously, the Coast Guard anticipates enforcing this RNA over a few days in the winter of 2014-2015 and during two separate periods in the fall of 2015 and the winter of 2016. The Coast Guard may enforce this RNA during other periods when necessary to mitigate navigational risks posed by the ongoing construction project.

The Coast Guard will advertise the specific times and dates over which this RNA will be enforced in the **Federal Register** via a Notice of Enforcement. Also, the Coast Guard expects to publicize the enforcement times and dates via Local Notice to Mariners or Broadcast Notice to Mariners.

The RNA will include all U.S. navigable waters surrounding the Weymouth Fore River bridge from surface to bottom, within the following points (NAD 83): from a line extending from 42°14'46.392" N, 070°58'2.964" W, thence along a line 120°T to 42°14'44.376" N, 070°57'52.992" W, thence south along the shoreline to 42°14'35.052" N, 070°57'59.364" W, thence along a line 291°T to 42°14'38.58" N, 070°58'15.348" W, thence north along the shoreline to the first point.

During enforcement periods, entry into, anchoring, or movement within the RNA, is prohibited without authority of the Coast Guard's First District Commander, the Captain of the Port Boston (COTP), or the COTP's designated representative. Vessel operators desiring to enter or operate within the RNA during an enforcement period shall contact the COTP or the designated on-scene representative via VHF channel 16 or 617-223-3201 (Sector Boston command Center) to obtain permission.

Any vessels allowed to enter the RNA during an enforcement period must