

space launch and reentry by the private sector. 51 U.S.C. 50905, 50903.

The Commercial Space Launch Amendments Act of 2004 (CSLAA) assigned the FAA responsibility for regulating commercial human space flight. In December 2006, the FAA issued human space flight regulations in accordance with its authority to protect public health and safety. The CSLAA prohibits the FAA from proposing regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants until December 23, 2012, or until a design feature or operating practice has resulted in a serious or fatal injury, or contributed to an event that posed a high risk of causing a death or serious injury, to crew or space flight participants during a licensed or permitted commercial human space flight. 51 U.S.C. 50905(c)(2) and (3). Until such time, the CSLAA only requires that a space flight participant be informed of the risks of taking a ride on a rocket. 51 U.S.C. 50905(b)(5). The FAA may also issue regulations setting reasonable requirements for space flight participants, including medical and training requirements. 51 U.S.C. 50905(b)(6).

Because of recent changes in U.S. policy and the effect they have had on the commercial space transportation industry, the FAA is planning to propose regulations to protect the health and safety of crew and space flight participants for orbital human spaceflight as soon as circumstances require after December 23, 2012. This initiative is driven by the fact that the National Aeronautics and Space Administration (NASA) is planning to contract with the private sector to transport NASA astronauts to the International Space Station within a few years, and is in the process of developing requirements for its procurement of such services. The FAA's role in these flights is still in work, but the transport of private individuals to Earth orbit, which would require an FAA license, is expected to use the same space transportation systems.

The FAA believes it is important to establish a regulatory foundation as early as possible to provide industry assurance that systems built to support NASA's missions will be compatible with future FAA regulations. The CSLAA mandates that any regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants must take into consideration the evolving standards of

safety in the commercial space flight industry. 51 U.S.C. 50905(c)(3). We fully concur. When developed, the proposed regulations are planned to be a starting point for a regulatory regime that will evolve over time as the industry matures. Moreover, in order to facilitate the development of a successful commercial human space transportation industry, the FAA and NASA must develop complementary safety regimes for orbital human space flight. As noted above, NASA has already begun to develop requirements for its procurement of orbital transport services.

The public meeting will allow a large cross-section of the interested public to share views with each other and the FAA, and assist the FAA in redefining the regulatory framework for orbital human spaceflight. The FAA will share its current philosophy, but is most interested in the public's view on a number of regulatory issues such as—

- What the appropriate regulatory scope and breadth should be,
- What the appropriate mix of performance-based, process-based, and prescriptive requirements should be,
- What the appropriate level of safety the FAA should target with its regulations,
- What, if any, should be the medical requirements for space flight participants,
- How best to incorporate government and industry standards into the licensing process,
- How much flight testing should be required, and
- How much control over a spacecraft ground personnel and flight crew should have.

Any member of the public may present oral statements at the meeting. For planning purposes please inform a person listed in the **FOR FURTHER INFORMATION CONTACT** section by May 20, 2011, although we will accommodate uncoordinated statements.

Written comments are also welcome during or after the meeting, but must be submitted to the docket by June 9, 2011.

**Privacy:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of the docket web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the

**Federal Register** published on April 11, 2000, (65 FR 19477–78), or you may visit <http://DocketsInfo.dot.gov>.

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on April 26, 2011.

**George C. Nield,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 2011–10638 Filed 5–2–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2011–0044]

RIN 1625–AA11

#### Regulated Navigation Area; Columbus Day Weekend, Biscayne Bay, Miami, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent regulated navigation area (RNA) on Biscayne Bay in Miami, Florida. The RNA would be enforced annually on the Saturday and Sunday of the second week in October (Columbus Day weekend). It would include all waters within one nautical mile of the center of the Intracoastal Waterway between Featherbed Bank and the Rickenbacker Causeway Bridge. All vessels within the RNA would be: Required to transit the regulated navigation area at no more than 15 knots; subject to control by the Coast Guard; and required to follow the instructions of all law enforcement vessels in the area. This RNA is necessary to ensure the safe transit of vessels and to protect the marine environment.

**DATES:** Comments and related material must be received by the Coast Guard on or before July 14, 2011. Requests for public meetings must be received by the Coast Guard on or before June 14, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG–2011–0044 using any one of the following methods:

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

(2) *Fax*: 202–493–2251.

(3) *Mail*: 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.

(4) *Hand delivery*: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Lieutenant Paul A. Steiner, Sector Miami Prevention Department, Coast Guard; telephone 305–535–8724, e-mail

[Paul.A.Steiner@uscg.mil](mailto:Paul.A.Steiner@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:**

#### **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.

#### **Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0044), 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 (via <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 via <http://www.regulations.gov>, 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 e-mail 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>, click on the “submit a comment” box, which will then become highlighted in blue. In the “Document Type” drop down menu select “Proposed Rule” and insert “USCG–2011–0044” in the “Keyword” box. Click “Search” then click on the balloon shape in the “Actions” column. 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.

#### **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>, click on the “read comments” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG–2011–0044” and click “Search.” Click the “Open Docket Folder” in the “Actions” column. 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

#### **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).

#### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a public meeting on or before June 14, 2011 using one of the four 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**.

#### **Basis and Purpose**

The legal basis for the proposed rule is the Coast Guard’s authority to establish regulated navigation areas (RNAs) and limited access areas: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to ensure the safe transit of vessels in the area and to protect all persons, vessels, and the marine environment.

#### **Discussion of Proposed Rule**

The proposed rule would designate an RNA encompassing all waters within one nautical mile of the center of the Intracoastal Waterway from Featherbed Bank extending 14 nautical miles north to the Rickenbacker Causeway Bridge. The RNA would be enforced daily from 12:01 p.m. until 11:59 p.m. on the Saturday and Sunday of the second week in October (Columbus Day weekend) each year. All vessels within the regulated navigation area would be: (1) Required to transit the area at no more than 15 knots; (2) subject to control by the Coast Guard; and (3) required to follow the instructions of all law enforcement vessels in the area.

The RNA is necessary to ensure the safety of the public. The close proximity of numerous vessels transiting that portion of the Intracoastal Waterway encompassed within the proposed RNA during Columbus Day weekend poses a hazardous condition. The RNA would result in the transiting of vessels at a safer speed, thereby significantly reducing the threat of vessel collisions. Requiring vessels within the RNA to transit at no more than 15 knots would also enable law enforcement officials to identify, respond to, query, and stop operators who may pose a hazard to other vessels in the area. Nothing in this regulation would alleviate vessels or operators from complying with all other Federal, state, and local laws in the area, including manatee slow speed zones.

#### **Regulatory Analyses**

We developed this proposed 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.

**Executive Order 12866 and Executive Order 13563**

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, 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 rule is not significant for the following reasons: (1) The proposed RNA would be in effect for only two days each year; (2) although during the enforcement period vessels would be required to transit the area at no more than 15 knots, be subject to control by the Coast Guard, and be required to follow the instructions of all law enforcement vessels in the area, the RNA does not prohibit vessels from transiting the area; (3) vessels could still operate in surrounding waters that are not encompassed within the RNA without the restrictions imposed by the RNA; and (4) advance notification of the RNA's enforcement would be made to the local maritime community via Local Notice to Mariners and Broadcast Notice to Mariners.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the RNA on the Saturday and Sunday of the second week in October (Columbus Day weekend). For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule would not have a significant economic impact on a substantial number of small entities.

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.

**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 so that they can better evaluate its effects on them and participate in the rulemaking. 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 Lieutenant Paul A. Steiner, Sector Miami Prevention Department, Coast Guard; telephone 305–535–8724, e-mail [Paul.A.Steiner@uscg.mil](mailto:Paul.A.Steiner@uscg.mil). 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.

**Collection of Information**

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

**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.

**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.

**Protection of Children**

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.

**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.

**Energy Effects**

We have analyzed this proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 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. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishing an RNA, as described in paragraph 34(g) of the Instruction. 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. Add 33 CFR 165.779 to read as follows:

#### § 165.779 Regulated Navigation Area; Columbus Day Weekend, Biscayne Bay, Miami, FL.

(a) *Regulated Area.* The regulated navigation area encompasses all waters in Biscayne Bay between Featherbed Bank and the Rickenbacker Causeway Bridge contained within an imaginary line connecting the following points: beginning at Point 1 in position 25° 44'49" N, 80° 12'02" W; thence southwest to Point 2 in position 25° 31'21" N, 80° 15'28" W; thence southeast to Point 3 in position 25° 30'53" N, 80° 13'20" W; thence northeast to Point 4 in

position 25° 43'57" N, 80° 10'01" W; thence back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term "designated representative" means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated area.

(c) *Regulations.* (1) During each enforcement period, all vessels within the regulated area are required to transit at no more than 15 knots, are subject to control by the Coast Guard, and must follow the instructions of designated representatives.

(2) At least 48 hours prior to each enforcement period, the Coast Guard will provide notice of the regulated area through advanced notice via Local Notice to Mariners and Broadcast Notice to Mariners.

(d) *Enforcement Period.* This rule will be enforced daily from 12:01 p.m. until 11:59 p.m. on the Saturday and Sunday of the second week in October (Columbus Day weekend) each year.

Dated: April 7, 2011.

**William D. Baumgartner,**

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

[FR Doc. 2011-10665 Filed 5-2-11; 8:45 am]

**BILLING CODE 9110-04-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2011-0195]

**RIN 1625-AA00**

#### Safety Zone; 2011 Rohto Ironman 70.3 Miami, Biscayne Bay, Miami, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone on Biscayne Bay, east of Bayfront Park, in Miami, Florida during the 2011 Rohto Ironman 70.3 Miami, a triathlon. The Rohto Ironman 70.3 Miami is scheduled to take place on Sunday, October 30, 2011. The temporary safety zone is necessary for the safety of race participants, participant vessels, and the general public during the 1.2 mile swim portion of this competition. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless

authorized by the Captain of the Port Miami or a designated representative.

**DATES:** Comments and related material must be received by the Coast Guard on or before July 19, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG-2011-0195 using any one of the following methods:

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

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

(3) *Mail:* 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.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Lieutenant Paul A. Steiner, Sector Miami Prevention Department, Coast Guard; telephone 305-535-8724, e-mail

[Paul.A.Steiner@uscg.mil](mailto:Paul.A.Steiner@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:

##### 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.

##### Submitting comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2011-0195), 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 (via <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 via <http://www.regulations.gov>