

are not required for this rule. This rule is categorically excluded from further review under paragraph 34 (h) 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**. 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR 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 § 100.35T08-0312 to read as follows:

#### § 100.35T08-0312 Special Local Regulation; Upper Mississippi River, Mile 842.0 to 840.0.

(a) *Regulated area.* The following area is a regulated area: a portion of the Upper Mississippi River, from mile 842.0 to 840.0, extending the entire width of the river near Saint Paul, MN.

(b) *Enforcement dates.* This rule will be enforced from 7:00 a.m. until 11:00 a.m. on July 22, 2012.

(c) *Special Local Regulations.* (1) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander with assistance from local authorities. The Patrol Commander may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign "PATCOM".

(2) "Official patrol vessels" are defined as any Coast Guard, state or local law enforcement, and sponsor provided vessels assigned or approved by the Captain of the Port Upper Mississippi River to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer and will be operated at a minimum safe navigation speed in a manner which will not endanger participants or any other vessels.

(4) No vessel shall transit through the regulated area, unless cleared for entry by or through an official patrol vessel.

(5) The patrol commander may forbid and control the movement of all vessels

in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(6) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(7) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The Patrol Commander will terminate enforcement of the special local regulations at the conclusion of the event.

(d) *Informational Broadcasts.* The Captain of the Port or a designated representative will inform the public through broadcast notice to mariners of changes to the enforcement period for the regulated area.

Dated: June 8, 2012.

**B.L. Black,**

*Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.*

[FR Doc. 2012-16297 Filed 7-2-12; 8:45 am]

**BILLING CODE 9110-04-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2012-0073]

RIN 1625-AA08

#### Special Local Regulations; Ocean State Tall Ships Festival 2012, Narragansett Bay, RI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations on the navigable waters of Narragansett Bay and Newport Harbor, Rhode Island, for the Ocean State Tall Ships Festival 2012.

**DATES:** This rule is effective from July 6, 2012 until July 10, 2012.

**ADDRESSES:** Documents mentioned in this preamble are part of docket

USCG-2012-0073. 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 Mr. Edward G. LeBlanc, Waterways Management Division at Coast Guard Sector Southeastern New England, telephone 401-435-2351, email [Edward.G.LeBlanc@uscg.mil](mailto:Edward.G.LeBlanc@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

#### Table of Acronyms

COTP Captain Of The Port  
DHS Department of Homeland Security  
FR Federal Register  
LLNR Light List Number  
NEPA National Environmental Policy Act  
NPRM Notice of Proposed Rulemaking

#### A. Regulatory History and Information

On March 23, 2012, we published a notice of proposed rulemaking (NPRM) entitled "Special Local Regulations: Ocean State Tall Ships Festival 2012, Narragansett Bay, RI" in the **Federal Register** (77 FR 16974). We received no comments on the proposed rule.

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 Ocean State Tall Ships Festival 2012 begins on July 6, 2012. Delaying the effective date of this rule beyond July 6, 2012, would be contrary to the public interest in seeing the festival conducted according to schedule, and would make it more difficult for the Coast Guard to ensure the safety of vessels and spectators from hazards associated with this event.

#### B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1233, which authorizes the Coast Guard to define Special Local Regulations.

These temporary special local regulations are necessary to ensure the safety of vessels and spectators from

hazards associated with the Ocean State Tall Ships Festival 2012.

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

No comments were received, and no changes were made to the language contained in the NPRM.

### D. 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.

#### 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, 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 that Order.

We expect the economic impact of this rule to be minimal. These regulations involve only the southern portion of Narragansett Bay and will close the East Passage to commercial traffic only for several hours during the actual Parade of Sail on July 9, 2012. The West Passage will remain open to vessel traffic at all times. The impact of these regulations will not be significant because the majority of these regulations will be in effect for only a portion of one day centered on the Parade of Sail, and most vessel traffic can pass safely around affected areas of the East Passage by transiting through the West Passage, Narragansett Bay.

Notice of these special local regulations will be provided prior to the event through the Local Notice to Mariners and Broadcast Notice to Mariners. In addition, the sponsoring organization, Ocean State Tall Ships, Inc., will publish information of the event in local newspapers, pamphlets, internet sites, television and radio broadcasts.

Mariners will be able to adjust their plans accordingly based on the extensive advance information.

Moreover, the Areas created by these special local regulations have been narrowly tailored to impose the least impact on maritime interests yet provide the level of safety and protection deemed necessary.

#### 2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612), as amended,

requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard received no comments from the Small Business Administration on this rule. 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 may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Narragansett Bay between July 6 and July 9, 2012, particularly during the Parade of Sail on July 9, 2012, when the navigation channel in the East Passage, Narragansett Bay, will be closed for a period of time to all traffic except vessels participating in the Parade of Sail.

These regulations will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulations affecting navigation in the East Passage, Narragansett Bay, will be in effect temporarily, and only for those periods of time necessary for the safety of the Ocean State Tall Ships Festival 2012 participants and spectators in boats viewing the Parade of Sail from waters adjacent to the parade route. The East Passage will remain open to all vessel traffic for the entire Festival from July 6–8, 2012, and will only be closed to vessel traffic for several hours during the Parade of Sail on July 9, 2012. While the East Passage is closed, the West Passage will remain open and capable of being used by all recreational and most commercial vessels.

Notice of these special local regulations will be provided prior to the event by Local Notice to Mariners and Broadcast Notice to Mariners. In addition, the sponsoring organization, Ocean State Tall Ships, Inc., will publish information of the event in local newspapers, pamphlets, internet sites, television and radio broadcasts.

#### 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 will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. 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 does 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

We have analyzed this rule 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 establishes temporary special local regulations to provide for the safety of life and property on the navigable waterways of Narragansett Bay and Newport Harbor, Rhode Island, during the Ocean State Tall Ships Festival on July 6-9 2012. This rule is categorically excluded from further review under paragraph (34)(h) 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**. 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 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. 33 U.S.C. 1233

■ 2. Add § 100.T01-0073 to read as follows:

#### § 100.T01-0073 Special Local Regulations; Ocean State Tall Ships 2012, Narragansett Bay and Newport Harbor, Rhode Island.

(a) *Regulated Areas:*

(1) Area Newport Harbor: All waters of Newport Harbor within an area bounded by Aquidneck Island to the east and south; by the Goat Island Causeway to the north; and by a line extending from the southernmost tip of Goat Island due south to Aquidneck Island.

(2) Area Potter Cove: This Area is of the same coordinates as that portion of charted Anchorage A, as defined in § 110.145(a)(1) of this chapter, that lies north of the Claiborne Pell/Newport Bridge.

(3) Area Parade of Sail: Includes all waters of the East Passage, Narragansett Bay, Rhode, Island, within the following boundaries: Beginning at position 41°27'19" N, 71°23'08" W, then northward to position 41°28'18" N, 71°22'14" W, (Lighted Gong Buoy "7" (LLNR 17800)) then to position 41°28'38" N, 71°21'15" W, (Lighted Gong Buoy "9" (LLNR 17805)) then to position 41°29'00" N, 71°21'00" W, (Lighted Bell Buoy "11" (LLNR 17810)) then to position 41°29'33" N, 71°21'04" W, then to position 41°30'19", 71°21'04" W below the Claiborne Pell/Newport Bridge, then to position 41°31'07" N, 71°21'17" W, then to position 41°31'49" N, 71°21'26" W, then to position 41°32'30" N, 71°21'22" W, then to position 41°33'00" N, 71°21'17" W, then to position 41°33'38" N, 71°21'00" W, (U.S. Navy Buoy "E" (LLNR 18035)) then to position 41°33'52", 71°20'27" W, (U.S. Navy Buoy "F" (LLNR 18040)) then to position 41°33'48" N, 71°19'55" W, (the charted Halfway Rock). Area Parade of Sail will continue southward

to position 41°33'14" N, 71°19'12.5" W, then to position 41°32'28" N, 71°19'30.6" W, then to position 41°31'55" N, 71°19'42.7" W, then to position 41°31'00" N, 71°20'04" W, (Lighted Bell Buoy "14" (LLNR 17940)) then to position 41°30'28" N, 71°20'21" W, then to position 41°30'12", 71°20'30" W below the Claiborne Pell/Newport Bridge, then to position 41°29'34" N, 71°20'11" W, (Mitchell Rock Gong Buoy "3" (LLNR 17865)), then to position 41°28'55" N, 71°20'19" W, then to position 41°27'55" N, 71°21'43" W, then to position 41°27'27" N, 71°21'57" W, (Bell Buoy "6" (LLNR 17790)), then to position 41°26'57", 71°21'57" W, then returning to the starting point at 41°27'19" N, 71°23'08" W. All coordinates are NAD 1983.

(b) *Special Local Regulations—*

(1) *Definitions.*

(i) As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, or local officer designated by the Captain of the Port (COTP).

(ii) Excursion vessel, as used in this sections, refers to any vessel granted an excursion permit as such term is defined in 46 CFR 2.01-45.

(iii) Vessel carrying passengers-for-hire, as used in this section, refers to, but is not limited to, vessels subject to regulation under Subchapters H, K, and T of Title 46 of the Code of Federal Regulations.

(2) In accordance with the general regulations in § 100.35 of this part, entering into, transiting through, anchoring or remaining within the regulated areas is prohibited unless permitted by this rule or entry is authorized by the Captain of the Port (COTP) Southeastern New England or designated representative.

(3) All persons and vessels are authorized by the COTP Southeastern New England to enter areas of these special location regulations in accordance with the following restrictions:

(i) Area Newport Harbor: Vessels transiting this Area must do so at a speed of at least three (3) knots or at no wake speed, whichever is more, while not exceeding six (6) knots. Vessels must not maneuver within 20 yards of a moored Tall Ship. Vessels must transit this Area in a counterclockwise direction, entering Newport Harbor from the west, then proceeding north along the eastern side of the harbor to a turning point south of the Goat Island causeway in approximate position 41°29'28" N and 71°19'40" N, then

proceeding south along the western side of Newport Harbor to the exit of the Area. Vessels proceeding under sail will not be allowed in Area Newport Harbor unless also propelled by machinery, due to increased difficulty in maintaining required speed of advance while sailing as well as limited maneuvering ability to proceed in a single file behind numerous other spectator craft viewing the moored Tall Ships.

(ii) Area Potter Cove: This area is a spectator anchoring area limited to excursion and passenger-for-hire vessels greater than 50 feet in length carrying passengers for the viewing of the Parade of Sail. Vessels transiting this Area must do so at a speed of at least three (3) knots or at no wake speed, whichever is more, while not exceeding six (6) knots. Vessels transiting this Area must not maneuver within 20 yards of any vessel lawfully anchored within this area for the viewing of the Parade of Sail.

(iii) Area Parade of Sail: This will be closed to all vessel traffic, except those vessels designated as participants.

(4) All persons and vessels shall comply with the instructions of the COTP Southeastern New England or designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means the operator of a vessel shall proceed as directed.

(5) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated areas must contact the COTP Southeastern New England by telephone at 508-457-3211, or designated representatives via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the COTP Southeastern New England or designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Southeastern New England or designated representative.

(6) The Coast Guard will provide notice of the regulated areas prior to the event through the Local Notice to Mariners and Broadcast Notice to Mariners. Notice will also be provided by on-scene designated representatives.

(c) *Enforcement Period:* This section will be enforced during the following times.

(1) Area Newport Harbor, from 6 a.m. on July 6, 2012, to noon on July 9, 2012.

(2) Area Potter Cove, from 9 a.m. to 4 p.m. on July 9, 2012.

(3) Area Parade of Sail, from 9 a.m. to 4 p.m. on July 9, 2012.

Dated: June 8, 2012.

**Verne B. Gifford, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port, Southeastern New England.*

[FR Doc. 2012-16307 Filed 7-2-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 100 and 165

[Docket No. USCG-2012-0405]

RIN 1625-AA00; 1625-AA08

#### Safety Zone and Special Local Regulation; 2012 Macy's 4th of July Fireworks and Spectator Viewing Areas, Hudson River, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone and temporary special local regulation (SLR) on the navigable waters of the Hudson River in the vicinity of New York, NY for the 2012 Macy's 4th of July Fireworks Display. The temporary safety zone and temporary SLR are intended to restrict certain vessels from portions of the Hudson River before, during and immediately after the fireworks event. This regulation is necessary to provide for the safety of life on the navigable waters by controlling vessel movement and to establish public viewing areas for the fireworks event.

**DATES:** This rule is effective from 6:00 p.m. on July 4, 2012 until 11:00 p.m. on July 5, 2012. This rule will be enforced from 6 p.m. until 11 p.m. on July 4, 2012, and if the fireworks display is postponed due to inclement weather, it will be enforced from 6 p.m. until 11 p.m. on July 5, 2012.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2012-0405]. 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 Ensign Kimberly Farnsworth, Coast Guard; Telephone (718) 354-4163, email [Kimberly.A.Farnsworth@uscg.mil](mailto:Kimberly.A.Farnsworth@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking  
COTP Captain of the Port

#### A. Regulatory History and Information

On November 9, 2011, we published a final rule entitled "Special Local Regulations and Safety Zones: Recurring Events in Captain of Port New York Zone" in the **Federal Register** (76 FR 69613). In that rulemaking, the Coast Guard established a permanent safety zone for the annual Macy's 4th of July Fireworks, listed in Table 1 to 33 CFR 165.160, entitled Macy's 4th of July Fireworks.

On March 23, 2012, we published a notice of proposed rulemaking (NPRM) entitled "Special Local Regulation; Macy's Fourth of July Fireworks Display Spectator Viewing Areas; Hudson River; New York, NY" in the **Federal Register** (77 FR 16978). We received no comments on the proposed rule. No public meeting was requested, and none was held.

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)(3)(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 logistics of the event for this year were not finalized and provided to the Coast Guard with sufficient time to publish a NPRM followed by a final rule before the effective date of the event. Immediate action is necessary to ensure public safety due to the inherent hazards associated with launching fireworks and the explosive nature of the fireworks display. Therefore any delay in promulgating this regulation would reduce public safety and is therefore contrary to the public interest.

On Friday, April 27, 2012 the sponsor notified the Coast Guard that it intended