

(2) Zone 2: Encompasses all waters of Cleveland Harbor (near the Rock and Roll Hall of Fame and Museum) starting shoreline at position 41°31'07" N., 081°41'17" W. (near the Southwest corner of the Burke Lakefront Airport); then extending approximately 2,100 feet northwest to position 41°31'26" N., 081°41'28" W.; then extending approximately 1 nm southwest to position 41°30'47" N., 081°42'35" W. (about 900 feet past the west break wall); then extending to the shoreline at position 41°30'24" N., 081°42'19" W. (Southwest of the Rock and Roll Hall of Fame and Museum); then following the shoreline back to the point of origin.

(3) Zone 3: Encompasses all waters of Cleveland Harbor (from about 2,000 feet southwest of the Rock and Roll Hall of Fame throughout the Cuyahoga river) starting at 41°30'24" N., 081°42'19" W. (Southwest of the Rock and Roll Hall of Fame); then extending approximately 2,600 feet northwest to position 41°30'47" N., 081°42'35" W.; then extending approximately 4,000 feet southwest to position 41°30'26" N., 081°43'17" W. (about 1,200 feet southwest of Cleveland Harbor West Pierhead Lighthouse); then extending shoreline to position 41°29'59" N. and 081°43'01" W. (just east of the eastern entrance to the Whiskey Island Marina), then following the west bank up the Cuyahoga River, not including the Old River, to position 41°29'40" N., 081°41'55" W. and extending in a straight line across the river to 41°29'38" N. and 081°41'53" W. (the West side of Carter Road Bridge); then following the east bank of the Cuyahoga River and shoreline back to the point of origin.

(4) Zone 4: Encompasses all waters of the Cuyahoga River (near collision bend) starting near the Carter Road Bridge at position 41°29'40" N., 081°41'55" W. then extending in a straight line across the river to position 41°29'38" N., 081°41'53" W.; then continuing along the shoreline of the river to a point just east of the George V. Voinovich Bridge at position 41°29'11" N., 081°41'23" W.; then extending in a straight line across the river to 41°29'09" N., 081°41'23" W.; then following the shoreline back to the point of origin.

(5) Zone 5: Voluntary First Amendment Safety Zone: Encompasses all waters of Lake Erie, Cleveland Harbor; Cleveland, OH (in the west basin) starting at position 41°30'30" N., 081°42'27" W.; then extending approximately 650 feet northwest to position 41°30'36" N., 081°42'31" W.; then extending approximately 1,200 feet southwest to position 41°30'29" N., 081°42'44" W.; then extending to

approximately 650 feet to position 41°30'23" N. and 081°42'40" W.; then following a straight line back to the point of origin.

(6) Zone 6: Voluntary First Amendment Safety Zone: Encompasses all waters of Lake Erie, Cleveland Harbor; Cleveland, OH (near Whiskey Island Marina) starting at position 41°30'06" N., 081°43'14" W.; then extending approximately 600 feet northwest to position 41°30'11" N., 081°43'17" W.; then extending approximately 1,200 feet southwest to position 41°30'04" N., 081°43'30" W.; then extending to position 41°29'59" N. and 081°43'26" W.; then following back to the point of origin.

(b) *Definitions.* 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, and local officer designated by or assisting the Captain of the Port (COTP) Buffalo.

(c) *Regulations.* (1) Under the general security zone regulations in § 165.33 of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter the security zones, contact the COTP Buffalo or the COTP's representative. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Entrance into the safety zones, zones 5–6, do not require notification to the COTP or the COTP's designated representative; however persons or vessels operating within the safety zones shall travel at the minimum speed necessary to maintain a safe course. Under the general safety zone regulations in § 165.23(d) of this part, each person in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Vessels wishing to enter the safety zones will not be allowed to cross an active security zone and should make alternative arrangements if necessary.

(d) *Enforcement Period.* Zones 1–4 will be enforced intermittently from 8 a.m. July 15, 2016 through 11:59 p.m. July 22, 2016. Zone 5 will be enforced from 2 p.m. through 11:59 p.m. on July 17, 2016. Zone 6 will be enforced from 9 a.m. on July 17, 2016 through 8 p.m. on July 21, 2016. Public notice of enforcement periods will be made via Broadcast Notice to Mariners over VHF channel 16.

Dated: June 22, 2016.

**B.W. Roche,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2016–15240 Filed 6–27–16; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2016–0518]

#### Special Local Regulations; Marine Events Held in the Sector Delaware Bay Captain of the Port Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone in the Delaware River, near Philadelphia, Pennsylvania, for annual fireworks displays in the Captain of the Port Delaware Bay zone at specified times from June 15, 2016 through July 4, 2016. Enforcement of this zone is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after these fireworks events. During the enforcement period, no vessel may transit this regulated area without approval from the Captain of the Port (COTP) or a designated representative.

**DATES:** The regulation in 33 CFR 165.506 will be enforced for the safety zone listed in Section (a), Line (16) of the Table in § 165.506 from 8 p.m. until 10 p.m. on July 1, 2016, through July 4, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT Brennan Dougherty, Sector Delaware Bay Waterways Management Division, U.S. Coast Guard; telephone 215–271–4851, email [Brennan.P.Dougherty@uscg.mil](mailto:Brennan.P.Dougherty@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone for fireworks in the Delaware River in Philadelphia, PA listed in 33 CFR 165.506, in Section (a), Line (16) of the Table from 8 p.m. until 10 p.m. on June 15, 2016, and July 1, 2016, through July 4, 2016. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for Recurring Marine Events in Captain of the Port Delaware Bay Zone, § 165.506, specifies the location of the regulated area for this safety zone as all waters of

Delaware River, adjacent to Penn's Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 39°56'31.2" N, longitude 075°08'28.1" W; thence to latitude 39°56'29".1 N, longitude 075°07'56.5" W, and bounded on the north by the Benjamin Franklin Bridge.

As specified in § 165.506, during the enforcement period no vessel may transit this safety zone without approval from the Captain of the Port Delaware Bay (COTP). If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

This notice of enforcement is issued under authority of 33 CFR 165.506 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification of this enforcement period via Broadcast Notice to Mariners (BNM). If the COTP, Delaware Bay, determines that the regulated area need not be enforced for the full duration, a BNM to grant general permission to enter the safety zone will be used.

Dated: June 14, 2016.

**Benjamin A. Cooper,**

*Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2016-0538]

RIN 1625-AA00

#### **Safety Zone; Allegheny River Mile 0-0.5, Monongahela River Mile 0-0.5, Ohio River Mile 0-0.5, Pittsburgh, PA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters of the Allegheny River, Monongahela River, and Ohio River from mile 0.0-0.5 on each of the three rivers. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created from a barge-based fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Pittsburgh.

**DATES:** This rule is effective on July 9, 2016 from 8:30 p.m. until 10:30 p.m.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2016-0538 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412-221-0807, email [Jennifer.L.Haggins@uscg.mil](mailto:Jennifer.L.Haggins@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### **II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard received notice on June 8, 2016 that this fireworks display would take place. After receiving and fully reviewing the event information, circumstances, and exact location, the Coast Guard determined that a safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created from a barge-based fireworks display on the navigable waterway. It would be impracticable to complete the full NPRM process for this safety zone because it needs to be established by July 9, 2016. The fireworks display has been advertised and the local community has prepared for the event.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to public interest of ensuring the safety of spectators and vessels during the event.

Immediate action is necessary to prevent possible loss of life and property during the hazards created by a barge-based fireworks display.

##### **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Pittsburgh (COTP) has determined that a safety zone is needed on July 9, 2016. This rule is needed to protect personnel, vessels, and the marine environment from potential hazards created from a barge-based fireworks display.

##### **IV. Discussion of the Rule**

This rule establishes a safety zone on July 9, 2016 from 8:30 p.m. until 10:30 p.m. The safety zone will cover all navigable waters on the Allegheny River, Monongahela River, and Ohio River from mile 0.0-0.5 on each of the three rivers. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment from potential hazards created from a barge-based firework display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

##### **V. Regulatory Analyses**

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

###### *A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, and duration of the safety zone. This safety zone impacts a small portion of the waterway on each of the three rivers and for a limited duration of two hours. Vessel traffic will be informed about the safety zone through local notices to mariners. Moreover, the Coast Guard will issue broadcast notices to mariners