DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Federal Register Vol. 77, No. 69 / Tuesday, April 10, 2012 / Rules and Regulations]

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Biscayne Bay in Miami, Florida during the Volvo Ocean Racing Youth Regatta. The event is scheduled to take place on Saturday, May 12, 2012 and Sunday, May 13, 2012. The safety zone is necessary for the safety of race participants and the general public during the event. Persons and vessels are 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: This rule is effective from 9 a.m. on May 12, 2012 through 4 p.m. on May 13, 2012. This rule will be enforced daily from 9 a.m. until 4 p.m. on May 12, 2012 and May 13, 2012.

ADDRESS: Documents indicated in this preamble as being available in the docket are part of docket USCG–2012–0178 and are available online by going to http://www.regulations.gov, inserting USCG–2012–0178 in the “Keyword” box, and then clicking “Search.” They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email Lieutenant Jennifer S. Makowski, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–8724, email Jennifer.S.Makowski@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a)(1) 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 did not receive necessary information regarding the event until February 16, 2012. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential danger to race participants and the general public.

Basis and Purpose


The purpose of the rule is to protect Volvo Ocean Racing Youth Regatta participants and the general public from hazards associated with sailing vessels racing on the navigable waters of the United States.

Discussion of Rule

On May 12, 2012 and May 13, 2012, the Volvo Ocean Race Miami will be hosting the Volvo Ocean Race Youth Regatta in Miami, Florida. The event will consist of 16 to 36 sailing vessels racing in the Port of Miami Turning Basin. No spectator vessels are expected.

The safety zone encompasses certain navigable waters of Biscayne Bay in Miami, Florida. The safety zone will be enforced daily from 9 a.m. until 4 p.m. on May 12, 2012 and May 13, 2012. Persons and vessels are 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. Persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Miami by telephone at (305) 535–4472, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, on-scene designated representatives.

Public comments will not be considered in making a determination with respect to this rule because the Coast Guard has determined that it is impracticable, unnecessary, or contrary to the public interest to publish a notice of proposed rulemaking (NPRM) and invite public comments.

The economic impact of this rule is not significant for the following reasons:

1. The safety zone will be enforced for a total of 14 hours;
2. Although persons and vessels will not be able to enter,
transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Miami or a designated representative, they may operate in the surrounding area during the enforcement periods; (3) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Miami or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by 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 rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Biscayne Bay encompassed within the safety zone from 9 a.m. on May 12, 2012 through 4 p.m. on May 13, 2012. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions and makes recommendations to the agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulation anderreur, do not create an environmental risk to health or risk to safety that may disproportionately affect children.
zone that will be enforced for a total of 14 hours. An environmental analysis
checklist 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 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, 160.5; Pub. L.
107–295, 116 Stat. 2064; Department of

2. Add a temporary § 165.T07–0178 to
read as follows:

§ 165.T07–0178 Safety Zone; Volvo Ocean
Racing Youth Regatta, Biscayne Bay, Miami, FL.

(a) Regulated Area. The following
regulated area is a safety zone. All
waters of the Atlantic Ocean in the
vicinity of Miami, Florida encompassed
within an imaginary line connecting the
following points: Starting at Point 1 in
position 25°47′12″ N, 80°11′08″ W; thence
east to Point 2 in position
25°47′13″ N, 80°10′53″ W; thence south
to Point 3 in position 25°46′53″ N,
80°10′53″ W; thence southwest to Point
4 in position 25°46′47″ N, 80°10′56″ W;
thence west to Point 5 in position
25°46′49″ N, 80°11′07″ W; thence north
to Point 6 in position 25°46′56″ N,
80°11′07″ W; thence west to Point 7 in
position 25°46′56″ N, 80°11′20″ W;
thence north to Point 8 in position
25°46′59″ N, 80°11′07″ W; thence north 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) All persons and
vessels are prohibited from entering,
transiting through, anchoring in, or
remaining within the regulated area
unless authorized by the Captain of the
Port Miami or a designated
representative.

(2) Persons and vessels desiring to
enter, transit through, anchor in, or
remain within the regulated area may
contact the Captain of the Port Miami by
telephone at (305) 535–4472, or a
designated representative via VHF radio
on channel 16, to request authorization.
If authorization to enter, transit through,
anchor in, or remain within the
regulated area is granted by the Captain
of the Port Miami or a designated
representative, all persons and vessels
receiving such authorization must
comply with the instructions of the
Captain of the Port Miami or a
designated representative.

(3) The Coast Guard will provide
notice of the regulated area by Local
Notice to Mariners, Broadcast Notice to
Mariners, and on-scene designated
representatives.

(d) Effective Date and Enforcement
Periods. This rule is effective from
9 a.m. on May 12, 2012 through 4 p.m.
on May 13, 2012. This rule will be
enforced daily from 9 a.m. until 4 p.m.

Dated: March 26, 2012.

C.P. Scraba,
Captain, U.S. Coast Guard, Captain of the
Port Miami.

[FR Doc. 2012–8539 Filed 4–9–12; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0146]

RIN 1625–AA87

Security Zone; 2012 Fleet Week, Port Everglades, Port Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is
establishing a temporary security zone
on the waters of Port Everglades in Port
Lauderdale, Florida during 2012 Fleet
Week. 2012 Fleet Week will take place
from Wednesday, April 25, 2012
through Monday, April 30, 2012. The
security zone will encompass the main
shipping channel into Port Everglades
Habor and the Intracoastal Waterway
through Port Everglades Harbor. The
security zone will be enforced while
U.S. Navy vessels participating in 2012
Fleet Week transit into and out of Port
Everglades. The security zone is
necessary to ensure the safety and
security of U.S. Navy vessels, the
public, and surrounding waterway from
terrorist acts, sabotage or other
subversive acts, accidents, or other
causes of a similar nature. Entering or
remaining in this security zone is
prohibited unless authorized by the
Captain of the Port Miami or a
designated representative.

DATES: This rule is effective from 6 a.m.
on April 25, 2012 through 1 p.m. on
April 30, 2012. This rule will be
enforced from 6 a.m. until 1 p.m. on

ADDRESSES: Documents indicated in
this preamble as being available in the
docket are part of docket USCG–2012–
0146 and are available online by going
to http://www.regulations.gov, inserting
USCG–2011–0146 in the “Keyword”
box, and then clicking “Search.” They are
also available for inspection or
copying at the Docket Management
Facility (M–30), U.S. Department of
Transportation, West Building Ground
Floor, Room W12–140, 1200 New Jersey
Avenue SE., Washington, DC 20590,
between 9 a.m. and 5 p.m., Monday
through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
If you have questions on this temporary
final rule, call or email Lieutenant
Jennifer S. Makowski, Sector Miami
Prevention Department, Coast Guard;
telephone (305) 535–8724, email
Jennifer.S.Makowski@uscg.mil. If you
have questions on viewing the docket,
call Renee V. Wright, Program Manager,
Docket Operations, telephone (202)
366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this
temporary final rule without prior
notice and opportunity to comment
pursuant to authority under section 4(a)
of the Administrative Procedure Act
(APA) (5 U.S.C. 553(b)). This provision
authorizes an agency to issue a rule
without prior notice and opportunity to
comment when the agency for good
cause finds that those procedures are
“impracticable, unnecessary, or contrary
to the public interest.” Under 5 U.S.C.
553(b)(B), the Coast Guard finds that
good cause exists for not publishing a
notice of proposed rulemaking (NPRM)
with respect to this rule. The Coast
Guard did not receive necessary
information regarding the event with
sufficient time to publish an NPRM and
to receive public comments in advance
of the effective date of the security zone.
Any delay in the effective date of this
rule would be contrary to the public
interest as immediate action is needed
to protect U.S. Navy vessels, the public,