

deviation allows the bridges to remain in the closed position to allow safe movement of event participants.

**DATES:** This deviation is effective from 5 a.m. on April 29, 2012 through 12:01 p.m. April 29, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2012–0281 and are available online by going to <http://www.regulations.gov>, inserting USCG–2012–0281 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 rule, call or email Randall D. Overton, Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282; email [randall.d.Overton@uscg.mil](mailto:randall.d.Overton@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 Washington State Department of Transportation (WSDOT) has requested that the SR 529 Bridge across the Snohomish River and the SR 529 Bridge across Steamboat Slough remain closed to vessel traffic to facilitate safe, uninterrupted roadway passage of participants of the Total Health Events Heros Half Marathon. The Heros Half Marathon is a benefit run for the St. Jude Children’s Research Hospital. The race course passes over both bridges. The SR 529 Bridge which crosses the Snohomish River at mile 3.6 provides 38 feet of vertical clearance above mean high water elevation while in the closed position. The SR 529 Bridge which crosses Steamboat Slough at mile 1.1 provides 10 feet of vertical clearance above mean high water elevation while in the closed position. Vessels which do not require a bridge opening may continue to transit beneath the bridges during this closure period. Under normal conditions the SR 529 Bridge crossing the Snohomish River operates in accordance with 33 CFR 117.1059(c) which requires advance notification of one-hour when a bridge opening is needed. Under normal conditions the SR 529 Bridge crossing Steamboat Slough operates in accordance with 33 CFR 117.1059(g) which requires advance notification of four hours when a bridge opening is needed. This deviation period is from 5

a.m. on April 29, 2012 through 12:01 p.m. April 29, 2012. The deviation allows the SR 529 Bridge crossing the Snohomish River and the SR 529 Bridge crossing Steamboat Slough, to remain in the closed position and need not open for maritime traffic from 5 a.m. through 12:01 p.m. on April 29, 2012. The bridges shall operate in accordance to 33 CFR 117.1059 at all other times. Waterway usage on the Snohomish River and Steamboat Slough includes vessels ranging from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridges’ operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. Both bridges will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 30, 2012.

**Randall D. Overton,**  
*Bridge Administrator.*

[FR Doc. 2012–8966 Filed 4–12–12; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2012–0206]

RIN 1625–AA00

#### Safety Zone; Temporary Change for Air and Water Shows Within the Captain of the Port Lake Michigan Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement periods of three permanent safety zone regulations for recurring air and water shows that occur within the Captain of the Port Lake Michigan zone. These regulations apply to only the enforcement periods of three recurring Air and Water Shows. These safety zones are necessary to provide for the safety of life on navigable waters during these potentially dangerous events. This action is intended to notify the public about the temporary changes to the

published enforcement periods for these three events.

**DATES:** This rule is effective from July 3, 2012 through August 19, 2012.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2012–0206 and are available online by going to <http://www.regulations.gov>, inserting USCG–2012–0206 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 rule, call or email BM1 Adam Kraft, Prevention Department, Coast Guard, Sector Lake Michigan, Milwaukee, WI, telephone (414) 747–7148, email [Adam.D.Kraft@uscg.mil](mailto:Adam.D.Kraft@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:

##### 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 because publishing an NPRM is unnecessary as we previously published an NPRM (see 76 FR 30072) for the annual events listed in 33 CFR 165.929. When the NPRM was made available for comment, there were no objections to these events. This regulation represents the re-scheduling of the following events listed in § 165.929: the Gary Air and Water Show, the Chicago Air and Water Show, and the Milwaukee Air and Water Show. In addition, waiting for a comment period to run would inhibit the Coast Guard from performing its statutory function of protecting life on navigable waters from the hazards associated with air and water shows. Thus, waiting for a notice and comment

period to run would also be impractical and contrary to the public interest.

### Background and Purpose

The Gary Air and Water Show, the Chicago Air and Water Show, and the Milwaukee Air and Water are held annually on or adjacent to U.S. navigable waters within the Captain of the Port Lake Michigan zone. Because of their recurring nature, a permanent safety zone with specific enforcement periods has been established for each event in 33 CFR 165.929. The organizers for these events, however, have temporarily rescheduled these events for the summer of 2012.

The Gary Air and Water Show is normally scheduled to occur from 10 a.m. to 9 p.m. on Friday, Saturday, and Sunday during the 2nd weekend of July each year.

This year, however, the event will take place on Tuesday, Thursday, Friday, Saturday, and Sunday during the first week of July. The enforcement times this year will be from 12 p.m. to 5 p.m. on Tuesday and Thursday, from 2:30 p.m. to 9:30 p.m. on Friday, and then from 10 a.m. to 5 p.m. on Saturday and Sunday.

The Milwaukee Air and Water show is normally scheduled to occur from 10 a.m. to 5 p.m. on the first Thursday, Friday, Saturday, and Sunday of each August. This year, however, the event will take place on the second Friday, Saturday, and Sunday of August. The enforcement times will be from 8 a.m. to 4 p.m. each day.

The Chicago Air and Water Show is normally scheduled to occur from 9 a.m. to 6 p.m. on the third Thursday, Friday, Saturday, and Sunday of August each year. This year, however, the event will take place on the third Wednesday, Friday, Saturday, and Sunday of August. The enforcement times will be from 12 p.m. to 3 p.m. on Wednesday and from 9 a.m. to 4 p.m. on Friday through Sunday.

### Discussion of Rule

This rule temporarily amends the regulations found in 33 CFR 165.929, Annual Events requiring safety zones in the Captain of the Port Lake Michigan zone. Specifically, this rule will temporarily suspend § 165.929 (a)(42), (a)(43), and (a)(64) and temporarily add § 165.929 (a)(76), (a)(77), and (a)(78). The amendments will temporarily modify the enforcement dates and times of the three aforementioned events. These modifications are necessary to protect vessels and people from the hazards associated with large scale air and water shows.

The safety zone located at 33 CFR 165.929(a)(42) for the Gary Air and Water Show will be enforced on July 3 and 5, 2012 from 12 p.m. to 5 p.m., on July 6, 2012 from 2:30 p.m. to 9:30 p.m., and on July 7–8, 2012, from 10 a.m. to 5 p.m.

The safety zone located at 33 CFR § 165.929(a)(43) for the Milwaukee Air and Water show will be enforced on August 15, 2012 from 12 p.m. to 3 p.m. and on August 17–19, 2012, from 9 a.m. to 4 p.m.

The safety zone located at 33 CFR § 165.929(a)(64) for the Chicago Air and Water Show will be enforced on August 10–12, 2012 from 8 a.m. to 4 p.m.

Entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited without the authority of the Captain of the Port, Sector Lake Michigan, or his or her designated representative. The Captain of the Port, Sector Lake Michigan, or his or her designated representative may be contacted via VHF Channel 16. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, Sector Lake Michigan, or his or her designated representative.

The Captain of the Port Lake Michigan will notify the public when the zones in this rule will be enforced by all appropriate means, in keeping with 33 CFR 165.7(a). In addition to publishing this rule in the **Federal Register**, such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is cancelled.

### 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.

### 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 that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders. We conclude that this rule is not a significant regulatory action

because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zones discussed in this rule will be relatively small and enforced for relatively short time. Also, each safety zone is designed to minimize its impact on navigable waters. Furthermore, each safety zone has been designed to allow vessels to transit unrestricted to portions of the waterways not affected by the safety zones. Thus, restrictions on vessel movement within any particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through a safety zone when permitted by the Captain of the Port, Sector Lake Michigan. On the whole, the Coast Guard expects insignificant adverse impact to mariners from the enforcement of these safety zones.

### 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 would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities: The owners or operators of vessels intending to transit or anchor in any one of the below established safety zones while the safety zone is being enforced. These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: Each safety zone in this rule will be enforced for only a few hours within any given 24 hour period and only for a few days. Furthermore, these safety zones have been designed to allow traffic to pass safely around each zone. Moreover, vessels will be allowed to pass through each zone at the discretion of the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

### 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 could 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 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.

#### 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 (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.

#### Taking of Private Property

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

#### 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 concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule establishes a safety zone, and thus, paragraph (34)(g) of the Instruction. 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, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From July 3, 2012 through August 19, 2012, amend § 165.929 as follows:

■ a. Suspend paragraphs (pp), (qq), and (ll); and

■ b. Add paragraphs (sss), (ttt), and (uuu) to read as follows:

#### § 165.929 Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone.

\* \* \* \* \*

(sss) Gary Air and Water Show; Gary, IN.

(i) *Location.* All waters of Lake Michigan bounded by a line drawn from 41°37'42" N, 087°16'38" W; then east to 41°37'54" N, 087°14'00" W; then south to 41°37'30" N, 087°13'56" W; then west to 41°37'17" N, 087°16'36" W; then north returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* July 3 and 5, 2012 from 12 p.m. to 5 p.m.; July 6, 2012 from 2:30 p.m. to 9:30 p.m.; and on July 7-8, 2012, from 10 a.m. to 5 p.m.

(ttt) Milwaukee Air and Water Show; Milwaukee, WI.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan and Bradford Beach located within a 4000-yard by 1000-yard rectangle. The rectangle will be bounded by the points beginning at points beginning at 43°02'50" N, 087°52'36" W; then northeast to 43°04'33" N, 087°51'12" W; then northwest to 43°04'40" N, 087°51'29" W; then southwest to 43°02'57" N, 087°52'53" W; the southeast returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* August 15, 2012 from 12 p.m. to 3 p.m.; August 17–19, 2012, from 9 a.m. to 4 p.m.

(uuu) Chicago Air and Water Show; Chicago, IL.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan and Chicago Harbor bounded by a line drawn from 41°55'54" N at the shoreline, then east to 41°55'54" N, 087°37'12" W, then southeast to 41°54'00" N, 087°36'00" W (NAD 83), then southwestward to the northeast corner of the Jardine Water Filtration Plant, then due west to the shore.

(ii) *Enforcement date and time.* August 10–12, 2012 from 8 a.m. to 4 p.m.

\* \* \* \* \*

Dated: March 14, 2012.

**M.W. Sibley,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Lake Michigan.*

[FR Doc. 2012–8753 Filed 4–12–12; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2012–0052]

RIN 1625–AA87

### Security Zones; North Atlantic Treaty Organization (NATO) Summit, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing four separate security zones on both the waters and waterfront area of Chicago Harbor and the Chicago River. These temporary security zones are intended to restrict vessels, regardless of the mode of propulsion, and people from certain land and water areas in Chicago Harbor and the Chicago River during the NATO Summit and associated events, which will be held in

Chicago from May 16, 2012, through May 24, 2012. These security zones are necessary to protect visiting government officials and dignitaries from the potential dangers associated with a large scale, international political event.

**DATES:** This rule is effective between 8 a.m. on May 16, 2012, and 8 a.m. on May 24, 2012.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket USCG–2012–0052 and are available online at [www.regulations.gov](http://www.regulations.gov). This material is also available for inspection or copying at two locations: 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 and the U.S. Coast Guard Sector Lake Michigan, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or email CWO Jon Grob, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7188, email at [Jon.K.Grob@uscg.mil](mailto:Jon.K.Grob@uscg.mil). If you have questions on viewing material in the docket, call Renee Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On March 6, 2012, we published a notice of proposed rulemaking (NPRM) entitled Security Zones; G8/North Atlantic Treaty Organization (NATO) Summit, Chicago, Illinois in the **Federal Register** (77 FR 13232). Although the G8 Summit is now planned to take place at Camp David rather than in Chicago, which is discussed in more detail in the following paragraph, the security zones addressed in the NPRM remain the same. Thus, the Coast Guard views the relocation as having no effect on the comment period. We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

##### Background and Purpose

Leaders from around the world will gather in Chicago this spring for what was supposed to be two diplomatic summits hosted by President Obama. Since the NPRM that preceded this temporary final rule was published, on

March 6, 2012, the G8 summit has been relocated to be held at Camp David. This relocation, however, does not change the Coast Guard security zones for this event. Rather, the NATO Summit remains a highly political event that still demands the four separate security zones that were originally detailed in the NPRM. The NATO Summit, along with certain associated events, will take place in Chicago from May 16, 2012, through May 24, 2012.

Considering the international, economical, and political objectives of NATO along with the high concentration of dignitaries and political figures, the NATO Summit is expected to draw significant domestic and international media interest and also attract a large number of protesters. Consequently, the Captain of the Port, Sector Lake Michigan, has determined that the implementation of four separate security zones is necessary to ensure the safety and security of those who attend, participate, and visit the NATO Summit and any associated events.

##### Discussion of Comments and Changes

No comments were received regarding this rule. Since the NPRM published back on March 6, 2012, the G8 Summit portion has been relocated to Camp David. The NATO portion still demands the four separate security zone structure that was originally proposed in the NPRM. As discussed above, the Coast Guard views the relocation as having no effect on the comment period. We made no changes to the regulatory text from what we proposed in the NPRM.

##### Discussion of Rule

To alleviate the safety and security concerns presented by the international, economical, and political implications of NATO; the high concentration of dignitaries and political figures; the expected interest of domestic and international media; and the anticipated presence of protesters; the Captain of the Port, Sector Lake Michigan, has determined that it is necessary to establish four separately enforceable security zones. These zones allow for the closure of four specific areas on and around the waterfront along both Chicago Harbor and the Chicago River.

The four temporary security zones will encompass:

Security Zone A—This zone encompasses all U.S. navigable waters, facilities, and shoreline within the arc of a circle with a 2000-yard radius of the Burnham park hoist ramp with its center point located in the approximate position 41°51'37" N, 087°36'44" W. [DATUM: NAD 83].