

1992, and IA was tasked with making short supply determinations under these regulations. IA has determined to withdraw these regulations because they are obsolete, as the associated import restraints have not affected U.S. trade for over 19 years.

#### Classification

##### *Executive Order 12866*

It has been determined that this final rule is not significant for purposes of Executive Order 12866.

##### *Paperwork Reduction Act of 1995*

This final rule contains no new collection of information subject to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

##### *Executive Order 13132*

This final rule does not contain policies with federalism implications as that term is defined in section 1(a) of Executive Order 13132, dated August 4, 1999 (64 FR 43255) (August 10, 1999).

##### *Environmental Impact*

ITA has determined pursuant to 21 CFR 25.30 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

##### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. The Department of Commerce Chief Counsel for Regulation certified at the proposed rule stage that this rule will have no impact on small entities. This rule simply makes a technical correction by withdrawing obsolete regulations. No comments were received

on that certification. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

#### List of Subjects

##### *15 CFR Part 336*

Imports, Quotas, Reporting and recordkeeping, Tariffs, Textiles.

##### *19 CFR Part 357*

Imports, Reporting and recordkeeping requirements, Steel.

#### **PART 336—IMPORTS OF COTTON WOVEN FABRIC**

■ Accordingly, under the authority given pursuant to the Tax Relief and Health Care Act of 2006, at Division C, Title IV, Section 406(a)(1) (Pub. L. 109-432) (2006) (titled “Temporary Duty Reductions for Certain Cotton Shirting Fabric” and listing 12/31/2009 as the end date for the tariff rate quota), ITA amends 15 CFR chapter III by removing part 336.

#### **PART 357—SHORT SUPPLY PROCEDURES**

■ Accordingly, under the authority given by Section 4(b) of the Steel Trade Liberalization Program Implementation Act (Pub. L. 101-221), which by its terms was limited to imports through March 31, 1992, ITA amends 19 CFR chapter III by removing part 357.

Dated: May 21, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

#### **DEPARTMENT OF HOMELAND SECURITY**

##### **Coast Guard**

##### **33 CFR Part 165**

[Docket No. USCG-2012-0097]

**RIN 1625-AA00**

#### **Safety Zone, Temporary Change for Recurring Fireworks Display Within the Fifth Coast Guard District, Pamlico River and Tar River; Washington, NC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement period and location of safety zone regulations for a recurring fireworks display within the Fifth Coast Guard District. This regulation applies to two

recurring fireworks display events that take place at Washington, NC. Safety zone regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Pamlico River and Tar River near Washington, NC, during the event.

**DATES:** This rule will be effective from June 8, 2012 until July 5, 2012 and enforced on June 8, 2012 and July 4, 2012 from 7:30 p.m. to 10:30 p.m.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2012-0097 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0097 in the “Search” box, and then clicking “Search.” This material is 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 proposed rule, call or email Chief Warrant Officer Joseph Edge, Prevention Department, Coast Guard Sector North Carolina, Atlantic Beach, NC; telephone 252-247-4525, email [Joseph.M.Edge@uscg.mil](mailto:Joseph.M.Edge@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**

On March 13, 2012, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone, Temporary Change for Recurring Fireworks Display within the Fifth Coast Guard District, Pamlico River and Tar River; Washington, NC in the **Federal Register** (77 FR 14703). We received no comments on the proposed rule. No public meeting was requested, and none was held.

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**. Given the timing of the event, it would be impracticable to allow 30 days after publication before enforcing this safety zone.

##### **Background and Purpose**

Fireworks display events are frequently held on or adjacent to navigable waters within the boundary of

the Fifth Coast Guard District. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25.

This regulation temporarily changes the enforcement period and geographic location for a safety zone for two annually recurring fireworks events, described at (d)(7) of the Table to 33 CFR 165.506, that are normally scheduled to occur each year on the second Saturday in June and on the first Saturday after July 4th. This regulation applies to only the fireworks events listed in the Table to § 165.506, section (d)7.

On June 8, 2012 and July 4, 2012, the Town of Washington, NC will sponsor their annual fireworks events. These events will take place in Washington, NC on the waters of the Pamlico River. The regulation at 33 CFR 165.506 is enforced annually for this event. Also, a fleet of spectator vessels is expected to gather near the event site to view the fireworks. To provide for the safety of participants, spectators, and transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area from 7:30 p.m. to 10:30 p.m. on June 8, 2012 and July 4, 2012. The regulation at 33 CFR 165.506 will be enforced for the duration of the event. Vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

The Table to § 165.506, event (d)(7) establishes the enforcement date and geographic location for the fireworks events held in Washington, North Carolina. This regulation temporarily changes the enforcement location to latitude 35°32'25" N, longitude 077°03'42" W. The temporary safety zone will be enforced from 7:30 p.m. to 10:30 p.m. on June 8, 2012 and July 4, 2012, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

#### 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, 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.

Although this regulation will restrict access to the area, the effect of this rule will not be significant because: (i) The safety zone will only be in effect from 7:30 p.m. to 10:30 p.m. on June 08, 2012 and July 4, 2012; (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly; (iii) although the safety zone will apply to the section of the Pamlico River and Tar River, vessel traffic will be able to transit safely around the safety zone.

#### 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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the specified portion of Pamlico River and Tar River from 7:30 p.m. to 10:30 p.m. on June 8, 2012 and July 4, 2012.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect for three hours each day from 7:30 p.m. to 10:30 p.m. Although the safety zone will apply to a section of the Pamlico River, vessel traffic will be able to transit safely around the safety zone. Before the effective period, the Coast Guard will issue maritime advisories widely available to the users of the waterway.

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), in the NPRM we offered 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.

#### 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 (adjusted for inflation) 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 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 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 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 this instruction. This rule establishes a temporary safety zone to

protect the public from fireworks fallout. 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, and 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. 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. At § 165.506, in the Table to § 165.506, make the following amendments:

■ a. Under “(d) Coast Guard Sector North Carolina—COTP Zone,” suspend entry 7, from June 7, 2012 through June 9, 2012, and from July 3, 2012 through July 8, 2012.

■ b. Under “(d) Coast Guard Sector North Carolina—COTP Zone,” add entry 14, which will be enforced from 7:30 p.m. to 10:30 p.m. on June 8, 2012 and from 7:30 p.m. to 10:30 p.m. on July 4, 2012, to read as follows:

**§ 165.506–T05–0097 Safety Zones; Fifth Coast Guard District Fireworks Displays.**

\* \* \* \* \*

TABLE TO § 165.506

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

No.	Date	Location	Regulated area
*	*	*	*
<b>(d.) Coast Guard Sector North Carolina—COTP Zone</b>			
*	*	*	*
14 .....	June 8, 2012, July 4, 2012 .....	Pamlico River and Tar River, Washington, NC, Safety Zone.	All waters of Pamlico River and Tar River within a 300 yard radius of latitude 35°32'25" N, longitude 077°03'42" W, a position located on the southwest shore of the Pamlico River, Washington, NC.

\* \* \* \* \*

Dated: May 5, 2012.

**Anthony Popiel,***Captain, U.S. Coast Guard, Captain of the Port North Carolina.*

[FR Doc. 2012-12727 Filed 5-24-12; 8:45 am]

BILLING CODE 9110-04-P

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG-2012-0333]

RIN 1625-AA87

**Security Zone; USS MISSISSIPPI Commissioning; Pascagoula Harbor & Pascagoula River; Pascagoula, MS****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone for the arrival, commissioning, and departure of the USS MISSISSIPPI. This security zone is necessary to protect persons, vessels, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature during the arrival, commissioning, and departure of the USS MISSISSIPPI. Entry into this zone is prohibited to all vessels, mariners, and persons unless specifically authorized by the Captain of the Port (COTP) Mobile or a designated representative.

**DATES:** This rule is effective from May 23, 2012 to June 8, 2012.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2012-0333. 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 temporary rule, call or email LT Lenell J. Carson, Sector Mobile, Waterways Division, U.S. Coast Guard; telephone 251-441-5940, email [Lenell.J.Carson@uscg.mil](mailto:Lenell.J.Carson@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

**A. 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 there is insufficient time to publish a NPRM. Following a planning meeting on March 29, 2012 between the U.S. Navy, U.S. Coast Guard, local agencies, and port stakeholders, the Coast Guard determined that a temporary security zone is necessary during the arrival, commissioning ceremony (to be held on June 2, 2012), and departure of the USS MISSISSIPPI. Publishing a NPRM and delaying this rule's effective date would be impracticable because it would unnecessarily delay the USS MISSISSIPPI's schedule and commitments. Delaying or foregoing this necessary security zone would also be contrary to public interest. This is a scheduled public event surrounding the commissioning of a U.S. Naval vessel and immediate action is necessary to implement additional security measure to protect persons, vessels, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature.

For the same reasons, 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** because immediate action is needed to protect persons, vessels, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature during the arrival, commissioning, and departure of the USS MISSISSIPPI.

**B. Basis and Purpose**

The USS MISSISSIPPI will be commissioned at the Port of Pascagoula, Pascagoula, MS on June 2, 2012. Scheduled events surround the commissioning ceremony will draw large crowds in or near the port. Additional security measures are necessary to protect persons, vessels, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature during the arrival, commissioning, and departure of the USS MISSISSIPPI.

The COTP anticipates some impact on vessel traffic due to this regulation. However, this security zone is deemed necessary for the protection of life and property within the COTP Mobile zone.

**C. Discussion of the Final Rule**

The Coast Guard is establishing a temporary security zone for the arrival, commissioning, and departure of the USS MISSISSIPPI. While the USS MISSISSIPPI is underway in the Pascagoula Harbor shoreward of the Horn Island Pass Lighted Buoy HI (RW "HI" Mo (A); Position 30-08-30.049 N, 088-38-40.125 W), the temporary security zone includes all waters within 100 yards of the USS MISSISSIPPI. When the USS MISSISSIPPI is moored in the Port of Pascagoula, the temporary security zone includes all waters within 25 yards of the USS MISSISSIPPI. Entry into these zones is prohibited to all vessels, mariners, and persons unless specifically authorized by the COTP Mobile or a designated representative. The COTP may be contacted by telephone at 251-441-5976.

The COTP Mobile or a designated representative will inform the public through broadcast notice to mariners of changes in the effective period for the security zone. This rule is effective from May 23, 2012 to June 8, 2012.

**D. 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 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, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866