

**DATES:** This correction is effective on June 21, 2012.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this final rule, call or email Mr. John Morris, Project Manager, U.S. Coast Guard; telephone 202-372-1402, email *environmental\_standards@uscg.mil*. If you have questions on viewing material on the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is correcting a final rule that appeared in the **Federal Register** of March 23, 2012 (77 FR 17254), entitled "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters." Six technical errors were inadvertently published in the final rule that require correction, two in the preamble and four in the regulatory text. The corrections are necessary for readability and accuracy.

The first preamble correction is to the *Discussion of Comments and Changes/Summary of Changes from the NPRM/Applicability* section (section V.A.3), where we revise our response to comments about non-seagoing vessel applicability by removing the words "U.S. Exclusive Economic Zone (EEZ)" and replacing them with "U.S. Exclusive Economic Zone and Canadian equivalent (EEZ; see 16 U.S.C. 4702)". This correction is needed to align the preamble text with the existing definition of EEZ in 33 CFR 151.1504. The omission of the reference to the Canadian equivalent was a technical error, as the Coast Guard did not intend to change the applicable definition of EEZ in the discussion of the final rule. Additionally, the word "U.S." is deleted from the abbreviation of EEZ in *I. Abbreviations*.

The second correction is to the *Environment* section (section VII.M) of the preamble, which incorrectly states that a separate Record of Decision is available in the docket where indicated under **ADDRESSES**. By reason of this being a rulemaking action under the Administrative Procedure Act, the final rule constitutes the Record of Decision and it was published on March 23, 2012, consistent with 40 CFR 1506.10(b).

The additional corrections are to the regulatory text. The first regulatory text corrections are to 33 CFR 151.1510(a)(1) and 151.1515(a). In those paragraphs, we delete the text "U.S." prefacing the words "Exclusive Economic Zone (EEZ)". These corrections are needed to align with the definition of EEZ applicable to this part, 33 CFR 151.1504. Two regulatory text corrections are

grammatical corrections required to clarify 33 CFR 151.2005(b), "Definitions" and 46 CFR 162.060-22(a), "Marking requirements". The final correction, to 46 CFR 162.060-42(a)(3), "Responsibilities for independent laboratories (ILs)", corrects a mistake which had directed independent laboratories to provide the estimated date for commencement of type-approval testing to the "Commandant (CG-52), Commercial Regulations and Standards Directorate". Notification should be provided to U.S. Coast Guard Marine Safety Center.

In FR doc 2012-6579 appearing on page 17254 in the issue of Friday, March 23, 2012, the following corrections are made:

1. On page 17254, in the third column, *Abbreviations* section, remove the word "U.S." from the abbreviation for "EEZ".

2. On page 17257, in the second column, in the last paragraph, remove the words "U.S. Exclusive Economic Zone (EEZ)" and add, in their place, the words "U.S. Exclusive Economic Zone and Canadian equivalent (EEZ; see 16 U.S.C. 4702)".

3. On page 17304, in the first column, correct the paragraph following "M. Environment" to read as follows: "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 NEPA (42 U.S.C. 4321-4370f), and have concluded that this action may have a significant effect on the human environment. A Final Programmatic Environmental Impact Statement is available in the docket where indicated under **ADDRESSES**, and includes a summary of our actions to comply with NEPA".

**§ 151.1510 [Corrected]**

■ 4. On page 17304, in the third column, in the first sentence under § 151.1510(a)(1), after the words "waters beyond the" remove the text "U.S.".

**§ 151.1515 [Corrected]**

■ 5. On page 17306, in the first column, in the first sentence under § 151.1515(a), after the words "before entering the" remove the text "U.S.".

■ 6. On page 17307, in the first column, in the second paragraph, under § 151.2005(b), revise paragraph (2) of the definition of "Exchange" to read as follows:

**§ 151.2005 Definitions.**

\* \* \* \* \*  
(b) \* \* \*  
*Exchange* \* \* \*

(2) *Empty/refill exchange* means to pump out the ballast water taken on in ports, estuarine, or territorial waters until the pump(s) lose suction, then refilling the ballast tank(s) with mid-ocean water.

\* \* \* \* \*

**§ 162.060-22 [Corrected]**

■ 7. On page 17315, in the third column, in the third paragraph, under § 162.060-22(a), remove the word "for" and add, in its place, the word "under".

■ 8. On page 17320, in the second column, in the sixth paragraph, under § 162.060-42, revise paragraph (a)(3) to read as follows:

**§ 162.060-42 Responsibilities for Independent Laboratories (ILs).**

(a) \* \* \*

(3) Upon determination that the BWMS is ready for testing, the independent laboratory will notify the Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593-7102, and provide the estimated date for commencement of type-approval testing.

\* \* \* \* \*

Dated: June 4, 2012.  
**Kathryn A. Sinniger,**  
*Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.*  
[FR Doc. 2012-13888 Filed 6-7-12; 8:45 am]  
**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2012-0466]

**Safety Zones; Recurring Events in Captain of the Port New York Zone**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce various safety zones in the Sector New York area of responsibility on various dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port (COTP).

**DATES:** The regulations for the safety zones described in 33 CFR 165.160 will

be enforced on the dates and times listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Ensign Kimberly Farnsworth,

Coast Guard; telephone 718-354-4163, email [Kimberly.A.Farnsworth@uscg.mil](mailto:Kimberly.A.Farnsworth@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone listed in 33 CFR 165.160 on the specified dates and times as indicated in Table 1

below. If the event is delayed by inclement weather, the regulation will be enforced on the rain date indicated in Table 1 below. These regulations were published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

1. Bronx Salutes America Fireworks, Orchard Beach Safety Zone, 33 CFR 165.160(3.11).	<ul style="list-style-type: none"> <li>• Launch site: All waters of Long Island Sound in an area bound by the following points: 40°51'43.5" N, 073°47'36.3" W; thence to 40°52'12.2" N, 073°47'13.6" W; thence to 40°52'02.5" N, 073°46'47.8" W; thence to 40°51'32.3" N, 073°47'09.9" W (NAD 1983), thence to the point of origin.</li> <li>• Date: June 29, 2012.</li> <li>• Time: 8:50 p.m.–10:12 p.m.</li> </ul>
2. City of Newburgh Fireworks, Newburgh Hudson River Safety Zone, 33 CFR 165.160(5.12).	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 41°30'01.2" N, 073°59'42.5" W (NAD 1983), approximately 930 yards east of Newburgh, New York.</li> <li>• Date: July 4, 2012.</li> <li>• Time: 9 p.m.–10:30 p.m.</li> </ul>

Under the provisions of 33 CFR 165.160, a vessel may not enter the regulated area unless given express permission from the COTP or the designated representative. Spectator vessels may transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 21, 2012.

**G.P. Hitchen,**

*Captain, U.S. Coast Guard, Acting Captain of the Port New York.*

[FR Doc. 2012-13889 Filed 6-7-12; 8:45 am]

**BILLING CODE 9110-04-P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 532

[Docket No. 11-22]

RIN 3072-AC38

### Non-Vessel-Operating Common Carriers Negotiated Rate Arrangements; Tariff Filing Exemption

**AGENCY:** Federal Maritime Commission.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** In this direct final rule, the Federal Maritime Commission is revising the regulations which govern negotiated rate arrangements. The rule eliminates some recordkeeping requirements to make them less burdensome.

**DATES:** This rule is effective September 10, 2012 without further action, unless significant adverse comment is received by August 10, 2012. If adverse comment is received, the Federal Maritime Commission will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** Submit comments to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001, or email non-confidential comments to: [Secretary@fmc.gov](mailto:Secretary@fmc.gov) (email comments as attachments preferably in Microsoft Word or PDF).

**FOR FURTHER INFORMATION CONTACT:** Karen V. Gregory, Secretary, Federal Maritime Commission, 800 N. Capitol Street NW., Washington, DC 20573-0001, (202) 523-5725, Fax (202) 523-0014, Email: [Secretary@fmc.gov](mailto:Secretary@fmc.gov). Rebecca A. Fenneman, General Counsel, Federal Maritime Commission, 800 N. Capitol Street NW., Washington, DC 20573-0001, (202) 523-5740, Fax (202) 523-5738, Email: [GeneralCounsel@fmc.gov](mailto:GeneralCounsel@fmc.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 2, 2011, the Federal Maritime Commission (Commission) issued a final rule, promulgating 46 CFR part 532, regulations which govern the exemption of licensed NVOCCs from

their tariff rate publication obligations when entering into a “negotiated rate arrangement” (NRA). Commission Docket No. 10-03, 76 FR 11351, effective April 18, 2011.<sup>1</sup> On December 20, 2011, the Commission issued a Notice of Inquiry (NOI), Commission Docket No. 11-22, seeking comments on ways to make NRAs more useful, including the possible extension of the ability to offer NRAs to foreign-based NVOCCs not licensed by the Commission. December 27, 2011 at 76 FR 80866. The record in Commission Docket No. 10-03 was incorporated into Docket No. 11-22. Comments were due by March 26, 2012. The Commission received 23 comments. Of those 23 comments, 16 came from ocean transportation intermediaries; 4 from U.S. trade associations; and 3 from foreign trade associations. A number of the commenters suggested eliminating some of the technical requirements of the rule. In particular, commenters suggested eliminating the requirement for the shipper’s title and address in their written assent to rates; eliminating the requirement that the bill of lading include a notice that a shipment is moving pursuant to an NRA; and eliminating the requirement that an NVOCC retain all associated records and written communications pertaining to an NRA. After consideration of these specific suggestions, the Commission has determined to adopt these suggestions and revise the regulation governing NRAs through a direct final

<sup>1</sup> On April 5, 2011, the Commission published a correction to its final rule clarifying that NRAs must be agreed to prior to receipt of the cargo and removing the requirement that NVOCCs indicate their intention to move cargo under NRAs on their Form FMC-1 on file with the Commission. 76 FR 19706.