

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

#### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### 7. 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.

#### 8. 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.

#### 9. 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.

#### 10. 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.

#### 11. 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.

#### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

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

#### 14. 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 determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### 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. Chapters 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. Add § 165.T09–0481 to read as follows:

#### § 165.T09–0481 Safety Zone; Oswego Independence Celebration Fireworks, Oswego Harbor, Oswego, NY.

(a) *Location.* The safety zone will encompass all waters of the Oswego Harbor, Oswego, NY within an 840 foot radius of position 43°27′55.7″ N and 76°30′58.9″ W (NAD 83).

(b) *Effective and Enforcement Period.* This regulation is effective and will be enforced on July 1, 2012 from 9:00 p.m. until 10:45 p.m.

#### (c) Regulations.

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 12, 2012.

**S.M. Wischmann,**

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

[FR Doc. 2012–15815 Filed 6–27–12; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2012–0380]

#### Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce various safety zones for annual fireworks events in the Captain of the Port Detroit zone from 9:30 p.m. on June 18, 2012 through 11:59 p.m. on September 2, 2012. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after fireworks events. During each enforcement period, no person or vessel may enter the respective safety zone without permission of the Captain of the Port.

**DATES:** The regulations in 33 CFR 165.941 will be enforced at various times between 9:30 p.m. on June 18, 2012 through 11:59 p.m. on September 2, 2012.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email LT Adrian Palomeque, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit MI, 48207; telephone (313) 568-9508, email [Adrian.F.Palomeque@uscg.mil](mailto:Adrian.F.Palomeque@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.941, Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone, at the following dates and times for the following events:

(1) *Bay-Rama Fishfly Festival Fireworks, New Baltimore, MI.*

The safety zone listed in 33 CFR 165.941(a)(30) will be enforced from 9:00 p.m. to 11:00 p.m. on June 21, 2012. In the case of inclement weather on June 21, 2012, this safety zone will be enforced from 9:00 p.m. to 11:00 p.m. on June 22, 2012. In the case of inclement weather on June 22, 2012, this safety zone will be enforced from 9:00 p.m. to 11:00 p.m. on June 23, 2012.

(2) *St. Clair Shores Fireworks, St. Clair Shores, MI.*

The safety zone listed in 33 CFR 165.941(a)(40) will be enforced from 10:00 p.m. to 10:30 p.m. on June 29, 2012. In the case of inclement weather on June 29, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on June 30, 2012.

(3) *Target Fireworks, Detroit, MI.*

The first safety zone listed in 33 CFR 165.941(a)(51) will not be enforced.

The second safety zone listed in 33 CFR 165.941(a)(51) will be enforced from 8:00 p.m. to 11:55 p.m. on June 25, 2012. In the case of inclement weather on June 25, 2012, the second safety zone

will be enforced from 8:00 p.m. to 11:55 p.m. on June 26, 2012.

The third safety zone listed in 33 CFR 165.941(a)(51) will be enforced from 6:00 p.m. to 11:55 p.m. on June 25, 2012. In the case of inclement weather on June 25, 2012, the third safety zone will be enforced from 6:00 p.m. to 11:55 p.m. on June 26, 2012.

(4) *Sigma Gamma Fireworks, Grosse Pointe Farms, MI.*

The safety zone listed in 33 CFR 165.941(a)(52) will be enforced from 9:30 p.m. to 10:00 p.m. on June 18, 2012.

(5) *Harrisville Fireworks, Harrisville, MI.*

The safety zone listed in 33 CFR 165.941(a)(8) will be enforced from 9:30 p.m. to 11:30 p.m. on July 7, 2012. In the case of inclement weather on July 7, 2012, this safety zone will be enforced from 9:30 p.m. to 11:30 p.m. on July 8, 2012.

(6) *Au Gres City Fireworks, Au Gres, MI.*

The safety zone listed in 33 CFR 165.941(a)(3) will be enforced from 10:00 p.m. to 10:30 p.m. on June 30, 2012. In the case of inclement weather on June 30, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 1, 2012.

(7) *Caseville Fireworks, Caseville, MI.*

The safety zone listed in 33 CFR 165.941(a)(37) will be enforced from 10:00 p.m. to 11:00 p.m. on July 3, 2012. In the case of inclement weather on July 3, 2012, this safety zone will be enforced from 10:00 p.m. to 11:00 p.m. on July 5, 2012.

(8) *Grosse Isle Yacht Club Fireworks, Grosse Isle, MI.*

The safety zone listed in 33 CFR 165.941(a)(45) will be enforced from 9:45 p.m. to 10:45 p.m. on July 3, 2012. In the case of inclement weather on July 3, 2012, this safety zone will be enforced from 9:45 p.m. to 10:45 p.m. on July 4, 2012.

(9) *Lexington Independence Festival Fireworks, Lexington, MI.*

The safety zone listed in 33 CFR 165.941(a)(43) will be enforced from 10:00 p.m. to 10:30 p.m. on June 30, 2012. In the case of inclement weather on June 30, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 1, 2012.

(10) *Algonac Pickerel Tournament Fireworks, Algonac, MI.*

The safety zone listed in 33 CFR 165.941(a)(38) will be enforced from 10:00 p.m. to 10:30 p.m. on June 30, 2012. In the case of inclement weather on June 30, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 3, 2012.

(11) *Grosse Pointe Farms Fireworks, Grosse Pointe Farms, MI.*

The safety zone listed in 33 CFR 165.941(a)(36) will be enforced from 10:00 p.m. to 10:30 p.m. on June 30, 2012. In the case of inclement weather on June 30, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 1, 2012.

(12) *Belle Maer Harbor 4th of July Fireworks, Harrison Township, MI.*

The safety zone listed in 33 CFR 165.941(a)(47) will be enforced from 10:00 p.m. to 10:30 p.m. on July 4, 2012. In the case of inclement weather on July 4, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 5, 2012.

(13) *City of St. Clair Fireworks, St. Clair, MI.*

The safety zone listed in 33 CFR 165.941(a)(32) will be enforced from 10:00 p.m. to 10:20 p.m. on July 4, 2012. In the case of inclement weather on July 4, 2012, this safety zone will be enforced from 10:00 p.m. to 10:20 p.m. on July 5, 2012.

(14) *Port Austin Fireworks, Port Austin, MI.*

The safety zone listed in 33 CFR 165.941(a)(34) will be enforced from 10:00 p.m. to 10:30 p.m. on July 4, 2012. In the case of inclement weather on July 4, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 5, 2012.

(15) *Trenton Fireworks, Trenton, MI.*

The safety zone listed in 33 CFR 165.941(a)(46) will be enforced from 10:00 p.m. to 10:30 p.m. on July 4, 2012. In the case of inclement weather on July 4, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 5, 2012.

(16) *Grosse Pointe Yacht Club 4th of July Fireworks, Grosse Pointe Shores, MI.*

The safety zone listed in 33 CFR 165.941(a)(42) will be enforced from 10:00 p.m. to 10:30 p.m. on July 4, 2012. In the case of inclement weather on July 4, 2012, this safety zone will be enforced from 10:00 p.m. to 10:30 p.m. on July 5, 2012.

(17) *Trenton Rotary Roar on the River Fireworks, Trenton, MI.*

The safety zone listed in 33 CFR 165.941(a)(10) will be enforced from 10:00 p.m. until 11:00 p.m. on July 20, 2012. In the case of inclement weather on July 20, 2012, this safety zone will be enforced from 10:00 p.m. until 11:00 p.m. on July 21, 2012.

(18) *Marine City Maritime Festival Fireworks, Marine City, MI.*

The safety zone listed in 33 CFR 165.941(a)(14) will be enforced from 10:00 p.m. until 10:20 p.m. on August 10, 2012. In the case of inclement weather on August 10, 2012, this safety

zone will be enforced from 10:00 p.m. until 10:20 p.m. on August 11, 2012.

(19) *Detroit International Jazz Festival Fireworks, Detroit, MI.*

The safety zone listed in 33 CFR 165.941(a)(13) will be enforced from 10:00 p.m. to 11:59 p.m. on September 1, 2012. In the case of inclement weather on September 1, 2012, this safety zone will be enforced from 10:00 p.m. to 11:59 p.m. on September 2, 2012. In the case of inclement weather on September 2, 2012, this safety zone will be enforced from 10:00 p.m. to 11:59 p.m. on September 3, 2012.

(20) *Port Sanilac 4th of July Fireworks, Port Sanilac, MI.*

The safety zone listed in 33 CFR 165.941(a)(39) will be enforced from 10:00 p.m. to 11:00 p.m. on July 7, 2012. In the case of inclement weather on July 7, 2012, this regulation will be enforced from 10:00 p.m. to 11:00 p.m. on July 8, 2012.

(21) *Tawas City 4th of July Fireworks, Tawas City, MI.*

The safety zone listed in 33 CFR 165.941(a)(48) will be enforced from 10:00 p.m. to 11:00 p.m. on July 4, 2012. In the case of inclement weather on July 4, 2012, this regulation will be enforced from 10:00 p.m. to 11:00 p.m. on July 5, 2012.

(22) *Roostertail Fireworks (barge), Detroit, MI.*

The safety zone listed in 33 CFR 165.941 (a)(1) will be enforced from 10:00 p.m. to 10:30 p.m. on June 22, 2012.

(23) *The Old Club Fireworks, Harsens Island, MI.*

The safety zone listed in 33 CFR 165.941 (a)(4) will be enforced from 10:00 p.m. to 10:20 p.m. on June 30, 2012. In the case of inclement weather on June 30, 2012, this regulation will be enforced from 10:00 p.m. to 10:20 p.m. on July 7, 2012.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within anyone of these safety zones during the enforcement period is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via Local Notice to Mariners and VHF radio broadcasts that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.23 and 5 U.S.C. 552(a). If the Captain of the Port determines that any of these safety zones need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: June 13, 2012.

**J.E. Ogden,**

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

[FR Doc. 2012-15816 Filed 6-27-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2012-0352]

RIN 1625-AA00

#### Safety Zone; City of Tonawanda July 4th Celebration, Niagara River, Tonawanda, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard will establish a temporary safety zone on the Niagara River, Tonawanda, New York. This safety zone is intended to restrict vessels from a portion of the Niagara River during the City of Tonawanda July 4th Celebration fireworks on July 4, 2012. The safety zone is necessary to protect participants, spectators, and vessels from the hazards associated with a firework display.

**DATES:** This regulation will be effective July 4, 2012 from 8:45 p.m. until 10:15 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-2012-0352]. To view documents mentioned in this preamble as being available by going to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." You may visit the Docket Management Facility, 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 LT Christopher Mercurio, Chief of Waterway

Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9343, email [SectorBuffaloMarineSafety@uscg.mil](mailto:SectorBuffaloMarineSafety@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 History and Information

On May 22, 2012, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; City of Tonawanda July 4th Celebration, Niagara River, Tonawanda, New York in the **Federal Register** (77 FR 30242). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard is issuing this temporary final rule less than 30 days after publication in the **Federal Register**. Under 5 U.S.C. 553(d)(3), an agency may issue a rule less than 30 days before its effective date when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Accordingly, the Coast Guard finds that good cause exists for publishing this temporary final rule less than 30 days before its effective date because delaying the effective date of this temporary final rule would prevent its enforcement on the scheduled night of the event and thus, would preclude the Coast Guard from protecting spectators and vessels from the hazards associated with a maritime fireworks display.

#### B. Basis and Purpose

Between 9:15 p.m. and 9:45 p.m. on July 4, 2012, a fireworks display will be held on the waters of the Niagara River near Tonawanda, NY. The Captain of the Port Buffalo has determined that fireworks launched proximate to watercraft pose a significant risk to public safety and property. Such hazards include premature detonations, dangerous detonations, dangerous projectiles, and falling or burning debris.

#### C. Discussion of Comments, Changes and the Final Rule

As mentioned above, no comments were received from the public in response to the NPRM that preceded this temporary rule. Furthermore, there were no changes made between the proposed rule and this temporary final