

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Route 35 Bridge across Cheesquake Creek, mile 0.0, at Morgan, South Amboy, New Jersey. The deviation allows the bridge to remain in the closed position for an hour and a half to facilitate a public event, the Rolling Thunder Freedom Ride.

**DATES:** This deviation is effective from 12 p.m. through 1:30 p.m. on September 16, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0724 and are available online at [www.regulations.gov](http://www.regulations.gov), inserting USCG-2012-0724 in the “Keyword” 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.

**SUPPLEMENTARY INFORMATION:** The Route 35 Bridge, across the Cheesquake Creek at mile 0.0, at Morgan, South Amboy, New Jersey, has a vertical clearance in the closed position of 25 feet at mean high water and 30 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.709.

The Coast Guard received a request from the owner of the bridge, New Jersey Department of Transportation, to allow the bridge to remain in the closed position for an hour and a half, 12 p.m. through 1:30 p.m., on September 16, 2012, to facilitate the Rolling Thunder Freedom Ride, public event.

Vessels that can pass under the draw in the closed position may do so at all times. There are no alternate routes available for vessel traffic. The bridge can be opened in the event of an emergency.

Under this temporary deviation the Route 35 Bridge may remain in the closed position between 12 p.m. and 1:30 p.m. on September 16, 2012.

In accordance with 33 CFR 117.35(e), the bridge must return to its 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: July 31, 2012.

**Gary Kassof,**  
*Bridge Program Manager, First Coast Guard District.*  
[FR Doc. 2012-19481 Filed 8-8-12; 8:45 am]  
**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0684]

### Drawbridge Operation Regulations; Cheesquake Creek, South Amboy, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Route 35 Bridge across Cheesquake Creek, mile 0.0, at South Amboy, New Jersey. The deviation allows the bridge to remain in the closed position from December through March to facilitate bridge rehabilitation construction.

**DATES:** This deviation is effective from December 1, 2012 through March 31, 2013.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0684 and are available online at [www.regulations.gov](http://www.regulations.gov), inserting USCG-2012-0684 in the “Keyword” 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.

**SUPPLEMENTARY INFORMATION:** The Route 35 Bridge, across the Cheesquake Creek at mile 0.0, at Morgan, South Amboy, New Jersey, has a vertical clearance in the closed position of 25 feet at mean high water and 30 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.709.

The Coast Guard published a previous temporary deviation (76 FR 35349) in the **Federal Register** that allowed the bridge to remain closed from December 1, 2011 through March 31, 2012, to facilitate phase one of a bridge rehabilitation project at the Route 35 Bridge. The first temporary deviation achieved successful results and no

problems or complaints were received from the mariners that normally transit Cheesquake Creek.

On June 20, 2012, the owner of the bridge, the New Jersey Department of Transportation, requested a second temporary deviation to facilitate completion of phase two of the bridge rehabilitation construction at the bridge.

The Coast Guard published an article in the Local Notice to Mariners on June 28, 2012, concerning the phase two bridge closure, with a request for public comment due on or before July 16, 2012. No comments were received.

Under this second temporary deviation the Route 35 Bridge may remain in the closed position from December 1, 2012 through March 31, 2013. Vessels that can pass under the draw in the closed position may do so at all times.

In accordance with 33 CFR 117.35(e), the bridge must return to its 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: July 31, 2012.

**Gary Kassof,**  
*Bridge Program Manager, First Coast Guard District.*  
[FR Doc. 2012-19486 Filed 8-8-12; 8:45 am]  
**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2012-0662]

**RIN 1625-AA00**

### Safety Zone, Mississippi River, Mile Marker 291 to 295

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for all waters of the Lower Mississippi River, extending the entire width of the river from Mile Marker (MM) 291.0 to MM 295.0. This safety zone is needed to protect vessel traffic from the safety hazards associated with dredging operations being conducted in the area by the Army Corps of Engineers. When vessels are allowed by the Captain of the Port (COTP), entry into this zone is restricted to one way traffic unless authorized by the (COTP) New Orleans or a designated representative. Any full closures will be announced via Broadcast Notice to Mariners.

**DATES:** Effective Date: This rule is effective in the CFR on August 9, 2012, through 7 a.m. September 1, 2012 unless the Army Corps of Engineers dredging operations are completed earlier. This rule is effective with actual notice for purposes of enforcement from 7 a.m. July 11, 2012, through 7 a.m. September 1, 2012 unless the Army Corps of Engineers dredging operations are completed earlier.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2012-0662]. 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 rule, call or email LT Chris Norton, U.S. Coast Guard; telephone (225) 298-5400, email [Christopher.R.Norton@uscg.mil](mailto:Christopher.R.Norton@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

MM Mile Marker

NPRM Notice of Proposed Rulemaking

#### A. Regulatory History and Information

A temporary safety zone is needed to establish periods of complete closure and a one way traffic pattern due to dredging operations in the vicinity of Tunica Bend, Lower Mississippi River Mile Markers 291.0 to 295.0. There will be no passing, meeting, or overtaking of any vessel in the channel.

The Coast Guard is issuing this 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 received notice of two groundings occurring on July 5, 2012, and July 9, 2012, at MM 293.3 LMR. Due to the low water and the width of navigational channel the Army Corps of Engineers will be conducting dredging operations in the area. It would be impracticable and contrary to public interest to complete the NPRM process for this rule. Due to the recent groundings and low water, immediate action is necessary to protect vessel traffic from the hazards associated with transiting this area.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause also exists for making this rule effective less than 30 days after publication in the **Federal Register**. This temporary safety zone is needed to allow the Army Corps of Engineers to conduct dredging operations to prevent further possible groundings due to low water. Delaying the effective date of this safety measure is contrary to the public interest because immediate action is necessary to protect vessel traffic from the hazards associated with transiting this area.

#### B. Basis and Purpose

On July 5, 2012, and July 9, 2012, the Coast Guard received reports of two groundings at MM 293.3 LMR in the vicinity of Tunica Bend. To prevent groundings of vessels due to the low water the Army Corps of Engineers will be conducting dredging operations. The river will be restricted to one way vessel traffic from MM 291 to MM 295 LMR. The Coast Guard determined the safety zone is needed to protect vessel traffic transiting in the vicinity of Tunica Bend.

The legal basis and authorities for this rule are found in 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; Public Law 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones. To safeguard persons and property from the hazards associated with dredging operations performed on a waterway, the COTP New Orleans will establish a safety zone on the LMR from MM 291.0 to MM 295.0, 7 a.m. July 11, 2012, until 7 a.m. September 1, 2012.

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

The Captain of the Port New Orleans will implement a Safety Zone on the LMR extending the entire width of the river from MM 291.0 to MM 295.0. When vessels are allowed by the

Captain of the Port (COTP), entry into this zone is restricted to one way traffic unless authorized by the COTP New Orleans or a designated representative. Any full closures will be announced via Broadcast Notice to Mariners.

The Captain of the Port New Orleans can be reached at 225-281-2875. The U.S Government Dustpan Dredge JADWIN can be contacted at 601-631-5795 or Channel 67. Mariners will be subject to requirements that will be listed in Marine Safety Information Bulletins from 7 a.m. on July 11, 2012 until 7 a.m. on September 1, 2012, unless the Army Corps of Engineers dredging operations are completed earlier.

#### D. 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.

##### 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 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

This rule establishes additional safety restrictions necessary for transit on the LMR from MM 291.0 to MM 295.0, in the vicinity of Tunica Bend. These additional safety restrictions do not prevent safe transit through the area. Due to its duration and limited scope, this rule does not pose a significant regulatory impact.

Additionally, notifications of this rule's effective dates and times and any changes to the rule will be made to the marine community through Marine Safety Information Bulletins (MSIB) or Broadcast Notices to Mariners (BNM).

##### 2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking.

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 LMR between MM 291.0 and MM 295.0 from 7 a.m. on July 11, 2012, until 7 a.m. on September 1, 2012. This safety zone will not have a significant impact on a substantial number of small entities because vessels are still able to transit the area under the established safety restrictions. Additionally, notifications of the safety restrictions and any changes will be made to the marine community through Marine Safety Information Bulletins (MSIB) or Broadcast Notices to Mariners (BNM).

### *3. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

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.

### *4. Collection of Information*

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### *5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship 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 establishes a temporary safety zone on the Mississippi River to protect vessel traffic from potential safety hazards associated with the Army Corps of Engineers dredging operations. 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. 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. A new temporary § 165.T08–0622 is added to read as follows:

### **§ 165.T08–0622 Safety Zone; Mississippi River, Mile Marker 291 to 295.**

(a) **Location.** The following area is a safety zone: All waters of the Lower Mississippi River (LMR) beginning at mile marker (MM) 291.0 and ending at MM 295.0, extending the entire width of the river, in the vicinity of Tunica Bend.

(b) **Effective Date.** This section is effective from 7 a.m. July 11, 2012, until

7 a.m. September 1, 2012, unless the Army Corps of Engineers dredging operations are completed earlier. This rule is effective with actual notice for purposes of enforcement beginning at 7 a.m. on July 11, 2012.

(c) **Regulations.** (1) In accordance with the general regulations in § 165.23 of this part, when vessels are allowed by the Captain of the Port (COTP), entry into this zone is limited to one way traffic unless vessels are otherwise authorized by the Captain of the Port New Orleans or designated representative.

(2) Persons or vessels requiring entry into or passage through this zone must utilize the one way traffic pattern or otherwise request permission from the Captain of the Port New Orleans or a designated representative. The Captain of the Port New Orleans can be reached at (504) 365–2200.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port New Orleans and designated personnel. Designated personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans.

(d) *Informational Broadcasts.* The Captain of the Port, New Orleans or a designated representative will inform the public through Broadcast Notices to Mariners and/or Marine Safety Information Bulletins of the safety zone, any closures, implementation of one way traffic patterns, and tow sizes or draft restrictions until the river is fully reopened.

Dated: July 11, 2012.

P.W. Gautier,

Captain, U.S. Coast Guard, Captain of the Port New Orleans.

[FR Doc. 2012–19482 Filed 8–8–12; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 6

[Docket No. PTO-T-2012-0027]

RIN 0651-AC80

### International Trademark Classification Changes

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (“USPTO”) issues a final rule to incorporate classification

changes adopted by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (“Nice Agreement”). These changes became effective January 1, 2012, and are listed in the International Classification of Goods and Services for the Purposes of the Registration of Marks (10th ed., 2011), which is published by the World Intellectual Property Organization (“WIPO”). In addition, the USPTO is amending some punctuation and grammar to conform to what appears in the Nice Agreement.

**DATES:** This rule is effective on August 9, 2012.

**FOR FURTHER INFORMATION CONTACT:** Cynthia C. Lynch, Office of the Deputy Commissioner for Trademark Examination Policy, by telephone at (571) 272–8742.

**SUPPLEMENTARY INFORMATION:** The USPTO is revising 37 CFR 6.1 to incorporate classification changes and modifications that became effective January 1, 2012, as listed in the International Classification of Goods and Services for the Purposes of the Registration of Marks (10th ed., 2011), published by WIPO. These revisions have been incorporated into the Nice Agreement. As a signatory to the Nice Agreement, the United States adopts these revisions pursuant to Article 1. In addition, the USPTO is revising punctuation and grammar so that it will conform to what appears in the Nice Agreement.

The following changes are noted:  
Class 5 is amended to change “dietetic substances adapted for medical use,” to “dietetic food and substances adapted for medical use,” and to add “dietary supplements for humans and animals;” before “plasters.”

Class 7 is amended to insert “automatic vending machines” after the word “eggs.”

Class 9 is amended to insert “compact discs, DVDs and other digital recording media;” after “discs;” and to insert “computer software;” after “computers.” “Automatic vending machines and” is deleted from Class 9; automatic vending machines are classified in Class 7.

Class 18 is amended to replace “umbrellas, parasols and walking sticks” with “umbrellas and parasols; walking sticks.”

Class 24 is amended to replace “bed and table covers” with “bed covers; table covers.”

Classes 30 and 31 are amended to reorder the manner in which the goods are listed in the class.

Class 32 is amended to replace “non-alcoholic drinks; fruit drinks” with

“non-alcoholic beverages; fruit beverages.”

### Rulemaking Requirements

**Administrative Procedure Act:** The amendments in this final rule are procedural in nature as they only reorganize the international classifications of goods and services and modify the form of wording. The reorganization and modification have been established by the Committee of Experts of the Nice Union and have been promulgated in the volume entitled International Classification of Goods and Services for the Purposes of the Registration of Marks (10th ed., 2011). Therefore, prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553(b)(A), or any other law. Furthermore, pursuant to 5 U.S.C. 553(b)(B), notice and an opportunity for public comment are unnecessary since the amendments are required by the Nice Agreement, to which the United States is a signatory.

**Regulatory Flexibility Act:** The final rule involves rules of agency practice and procedure. As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

**Executive Order 12866:** This rule has been determined not to be significant for purposes of Executive Order 12866 (Sept. 3, 1993).

**Executive Order 13563:** The USPTO has complied with Executive Order 13563. Specifically, the USPTO has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) provided the public with a meaningful opportunity to participate in the regulatory process, including soliciting the views of those likely affected prior to issuing a notice of proposed rulemaking, and provided on-line access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes, to the extent applicable.