

change by publishing it as an interim final rule.

#### *Executive Order 12866*

This regulation falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute “significant regulatory actions” under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

#### *Executive Order 13132*

This regulation will not have substantial direct effect on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: This regulation pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau’s appropriated funds.

#### *Unfunded Mandates Reform Act of 1995*

This regulation will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This regulation is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This regulation will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

### List of Subjects in 28 CFR Parts 500 and 553

Prisoners.

**Charles E. Samuels, Jr.,**

*Director, Bureau of Prisons.*

Under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we amend 28 CFR parts 500 and 553 as follows.

#### **SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION**

#### **PART 500—GENERAL DEFINITIONS**

■ 1. The authority citation for 28 CFR part 500 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

■ 2. In § 500.1, paragraph (h) is revised to read as follows:

#### **§ 500.1 Definitions.**

\* \* \* \* \*

(h) Contraband is material prohibited by law, regulation, or policy that can reasonably be expected to cause physical injury or adversely affect the safety, security, or good order of the facility or protection of the public.

#### **SUBCHAPTER C—INSTITUTIONAL MANAGEMENT**

#### **PART 553—INMATE PROPERTY**

■ 3. The authority citation for 28 CFR part 553 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

■ 4. In § 553.10, revise the first sentence to read as follows:

#### **§ 553.10 Purpose and scope.**

It is the policy of the Bureau of Prisons that an inmate may possess ordinarily only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate, that does not threaten the safety, security, or good order of the facility or protection of the public. \* \* \*

■ 5. In § 553.12, revise paragraph (b) to read as follows:

#### **§ 553.12 Contraband.**

\* \* \* \* \*

(b) For the purposes of this subpart, there are two types of contraband.

(1) Staff shall consider as hard contraband any item which threatens the safety, security, or good order of the facility or protection of the public and which ordinarily is not approved for possession by an inmate or for admission into the institution. Examples of hard contraband include weapons, intoxicants, and currency (where prohibited).

(2) Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to safety, security, or good order of the facility or protection of the public, or its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include: personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area; food items which are spoiled or retained beyond the point of safe consumption; government-issued items which have been altered, or other items made from government property without staff authorization.

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### **DEPARTMENT OF HOMELAND SECURITY**

#### **Coast Guard**

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

[Docket No. USCG–2015–0594]

#### **Safety Zones; Swim 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 within the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with swim events. During the

enforcement period, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP).

**DATES:** The regulation 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 Lieutenant Douglas Neumann, Coast Guard; telephone 718-354-4154, email *douglas.w.neumann@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69617).

TABLE 1

1.	Hudson Valley Triathlon Swim Event 33 CFR 165.160(1.1)	<ul style="list-style-type: none"> <li>• Location: All waters of the Hudson River in the vicinity of Ulster Landing, bound by the following points: 42°00'03.7" N., 073°56'43.1" W.; thence to 41°59'52.5" N., 073°56'34.2" W. thence to 42°00'15.1" N., 073°56'25.2" W. thence to 42°00'05.4" N., 073°56'41.9" W. thence along the shoreline to the point of beginning. This Safety Zone includes all waters within a 100-yard radius of each participating swimmer.</li> <li>• Date: July 12, 2015.</li> <li>• Time: 7:30 a.m.–8:30 a.m.</li> </ul>
2.	Newburgh to Beacon Swim Event 33 CFR 165.160(1.2) Date: July 18, 2015	<ul style="list-style-type: none"> <li>• Location: Participants will cross the Hudson River between Newburgh and Beacon, New York approximately 1300 yards south of the Newburgh-Beacon Bridges. This Safety Zone includes all waters within a 100-yard radius of each participating swimmer.</li> <li>• Date: July 18, 2015.</li> <li>• Reserve Date: July 19, 2015.</li> <li>• Time 10:15 a.m.–01:15 p.m.</li> </ul>
3.	Rose Pitnof Swim Swim Event 33 CFR 165.160(4.2)	<ul style="list-style-type: none"> <li>• Location: Participants will swim between Manhattan, New York and the shore of Coney Island, New York transiting through the Upper New York Bay, under the Verrazano-Narrows Bridge and south in the Lower New York Bay. The route direction is determined by the predicted tide state and direction of current on the scheduled day of the event. This Safety Zone includes all waters within a 100-yard radius of each participating swimmer.</li> <li>• Date: August 15, 2015.</li> <li>• Time: 10:00 a.m.–05:00 p.m.</li> </ul>

Under the provisions of 33 CFR 165.160, vessels may not enter the safety zones unless given permission from the COTP or a designated representative. Spectator vessels may transit outside the safety zones 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 a safety zone 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 safety zone.

Dated: June 23, 2015.

**G. Loebel**,  
*Captain, U.S. Coast Guard Captain of the Port New York.*  
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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2012-1036]

**Safety Zones; Recurring Marine Events in Captain of the Port Long Island Sound Zone**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce 3 safety zones for fireworks displays in the Sector Long Island Sound area of

responsibility on the dates and times listed in the table below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

**DATES:** The regulations in 33 CFR 165.151 will be enforced during the dates and times as listed in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Petty Officer Ian Fallon, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203-468-4565, email *Ian.M.Fallon@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.151 on the specified dates and times as indicated in the following Table.

TABLE 1 TO § 165.151

6.2	Town of Branford Fireworks	<ul style="list-style-type: none"> <li>• Date: July 25, 2015.</li> <li>• Rain Date: July 26, 2015.</li> <li>• Time: 9:00 p.m. to 10:30 p.m.</li> <li>• Location: Waters of Branford Harbor, Branford, CT in approximate position, 41°15'37" N., 072°49'15" W. (NAD 83).</li> </ul>
8.4	Town of Babylon Fireworks	<ul style="list-style-type: none"> <li>• Date: August 22, 2015.</li> <li>• Rain Date: August 23, 2015.</li> <li>• Time: 8:30 p.m. to 10:00 p.m.</li> </ul>