

enforcement, call or email Petty Officer First Class Ronald Sampert U.S. Coast Guard; telephone 718-354-4197, email [ronald.j.sampert@uscg.mil](mailto:ronald.j.sampert@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 69614).

TABLE 1

1. IPO Celebration, Liberty Island Safety Zone, 33 CFR 165.160(2.1) ...	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°41'16.5" N. 074°02'23" W. (NAD 1983) located in Federal Anchorage 20-C, about 360 yards east of Liberty Island. This Safety Zone is a 360-yard radius from the barge.</li> <li>• Date: April 27, 2016.</li> <li>• Time: 9:00 p.m.–10:30 p.m.</li> </ul>
2. 71st Anniversary WW2 Fireworks Display, Pier 84 Hudson River Safety Zone, 33 CFR 165.160(5.9).	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°45'56.9" N. 074°00'25.4" W. (NAD 1983), approximately 380 yards west of Pier 84, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.</li> <li>• Date: May 8, 2016.</li> <li>• Time: 8:00 p.m.–9:30 p.m.</li> </ul>
3. Shackman Associates, Liberty Island Safety Zone, 33 CFR 165.160(2.1).	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°41'16.5" N. 074°02'23" W. (NAD 1983) located in Federal Anchorage 20-C, about 360 yards east of Liberty Island. This Safety Zone is a 360-yard radius from the barge.</li> <li>• Date: May 25, 2016.</li> <li>• Time: 8:55 p.m.—10:05 p.m.</li> </ul>
4. The Bronx Tourism Council, Orchard Beach Safety Zone, 33 CFR 165.160(3.9).	<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 30, 2016.</li> <li>• Time: 8:50 p.m.—10:20 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 of enforcement is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice of enforcement 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: April 20, 2016.

**M.H. Day,**

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

[FR Doc. 2016-13340 Filed 6-3-16; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2012-0375]

RIN 1625-AA00

#### Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce the safety zone in Milwaukee Harbor, Milwaukee, Wisconsin for annual fireworks displays in the Captain of the Port Lake Michigan zone at specified times from June 11, 2016 until September 10, 2016. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks displays. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Lake Michigan.

**DATES:** The regulations in 33 CFR 165.935 will be enforced at specified

times from June 11, 2016 through September 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice of enforcement, call or email CWO Mark Stevens, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7188, email [mark.l.stevens@uscg.mil](mailto:mark.l.stevens@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone listed in 33 CFR 165.935, Safety Zone, Milwaukee Harbor, Milwaukee, Wisconsin, at the following times for the following events:

(1) *Pridefest fireworks display* on June 11, 2016 from 9:15 p.m. until 10:15 p.m.;

(2) *Polish Fest fireworks display* on June 18, 2016 from 10:15 p.m. until 11:15 p.m.;

(3) *Summerfest fireworks display* on June 29, 2016 from 9:15 p.m. until 10:15 p.m.;

(4) *Festa Italiana fireworks display* on each day of July 22, 23, and 24, 2016 from 9:45 p.m. until 10:30 p.m.;

(5) *German Fest fireworks display* on each day of July 29 and 30, 2016 from 10:15 p.m. until 11:15 p.m.;

(6) *Irish Fest fireworks display* on August 21, 2016 from 9:45 p.m. until 10:30 p.m.;

(7) *Indian Summer fireworks display* on September 10, 2016 from 9:45 p.m. until 10:45 p.m.

This safety zone will encompass the waters of Lake Michigan within Milwaukee Harbor including the Harbor Island Lagoon enclosed by a line connecting the following points: Beginning at 43°02'00" N., 087°53'53" W.; then south to 43°01'44" N., 087°53'53" W.; then east to 43°01'44" N., 087°53'25" W.; then north to 43°02'00" N., 087°53'25" W.; then west to the point of origin (NAD 83). As specified in 33 CFR 165.935, all vessels must obtain permission from the Captain of the Port Lake Michigan or a designated representative to enter, move within, or exit the safety zone when it is enforced. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port Lake Michigan or a designated representative.

This notice of enforcement is issued under authority of 33 CFR 165.935, Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin, and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide the maritime community with advance notification for the enforcement of this zone via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan or a representative may be contacted via Channel 16, VHF-FM.

Dated: May 23, 2016.

**A.B. Cocanour,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 2016-13339 Filed 6-3-16; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket Number USCG-2016-0318]

RIN 1625-AA00

**Safety Zone; Upper New York Bay, Liberty Island, NY**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 100-yard radius of each participating swimmer during the Lady Liberty Sharkfest Swim. The safety zone is needed to protect the maritime public and event participants from the hazards associated with swim events taking place in a high vessel traffic area. Entry of vessels or persons

into this zone is prohibited unless specifically authorized by the Captain of the Port New York.

**DATES:** This rule is effective from 7:00 a.m. until 9:30 a.m. on July 16, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2016-0318 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST1 R.J. Sampert, Waterways Management Division, U.S. Coast Guard; telephone 718-354-4197, email [ronald.j.sampert@uscg.mil](mailto:ronald.j.sampert@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary 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 NPRM with respect to this rule because it would be impractical and contrary to the public interest. The event sponsor was late in submitting the marine event application. This late submission did not give the Coast Guard enough time to publish an NPRM and receive comments, making that impracticable and contrary to the public interest in immediate action to ensure the safety of the event participants, patrol vessels, spectator craft and other vessels transiting the event area.

For the same reasons, we are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port New York (COTP)

has determined that potential hazards associated with swim events occurring in high traffic areas of the Upper New York Harbor on July 16, 2016 will be a safety concern for anyone within a 100-yard radius of swimmers. This rule is needed to protect maritime public and event participants from the hazards associated with the swim event until the conclusion of the event.

**IV. Discussion of the Rule**

This rule establishes a safety zone from at 7:00 a.m. until 9:30 a.m. on July 16, 2016. The safety zone will cover all navigable waters within 100 yards of participating swimmers for the Lady Liberty Sharkfest Swim. The duration of the zone is intended to protect maritime public and event participants from the hazards associated with swim events taking place in a high vessel traffic area. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

**V. Regulatory Analyses**

We developed this rule after considering numerous statutes and Executive order related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

*A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Upper New York Harbor in vicinity of Ellis and Liberty Islands for 2.5 hours and during a time of day when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.