

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.

#### List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and Recordkeeping Requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add temporary § 100.35T08–0435 to read as follows:

**§ 100.35T08–0435 Special Local Regulation; Ohio River, New Martinsville, WV.**

(a) *Location.* All navigable waters of the Ohio River, surface to bottom, beginning at mile marker 127.5 and ending at mile marker 128.5 at New Martinsville, WV.

(b) *Periods of enforcement.* This rule will be enforced from 8:45 a.m. to 6:15 p.m. daily on June 17, 2017 and June 18, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.801 of this part, entry into this area is prohibited unless authorized by the Captain of the Port Ohio Valley or a designated representative.

(2) Persons or vessels requiring entry into or passage through the area must request permission from the Captain of the Port Ohio Valley or a designated representative. U.S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1–800–253–7465.

(d) *Informational Broadcasts.* The COTP Ohio Valley or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the special local regulation, as well as any changes in the dates and times of enforcement.

Dated: June 12, 2017.

**M.B. Zamperini,**

*Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.*

[FR Doc. 2017–12499 Filed 6–15–17; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2017–0241]

RIN 1625–AA00

#### Safety Zone; Boston Harbor, Boston, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 300-yard radius of the fireworks barge positioned in vicinity of the western side of Spectacle Island in Boston Harbor. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a barge based fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Boston.

**DATES:** This rule is effective from 8 p.m. through 10:30 p.m. on June 16, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–0241 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 Mark Cutter, Waterways Management Division, U.S. Coast Guard Sector Boston, telephone 617–223–4000, email [Mark.E.Cutter.mil](mailto:Mark.E.Cutter.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
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 doing so would be impracticable and contrary to the public interest. The late finalization of event details from the sponsor did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the event is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to protect the safety of the public and waterway users.

Under 5 U.S.C. 553(d)(3), and for the same reason stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule 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. COTP Boston has determined that potential hazards associated with the event on June 16, 2017 will be a safety concern for personnel, vessels, and the marine environment from potential hazards created by a barge based fireworks display. The purpose of this rule is to ensure safety of the marine environment and navigable waters in the safety zone before, during, and after the scheduled event.

##### IV. Discussion of the Rule

This rule establishes a safety zone from 8 p.m. through 10:30 p.m. on June 16, 2017. The safety zone will cover all navigable waters within specific geographic locations specified in the regulatory text on the navigable waters of Boston Harbor, Boston, Massachusetts. Vessels not associated with the fireworks display shall maintain a distance of at least 300 yards from the fireworks barge. The duration of the zone is intended to ensure the safety of maritime public before, during, and after the event scheduled from 8 p.m. through 10:30 p.m. No vessel or person would 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 orders 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.

We expect the economic impact of this rule to be minimal. This regulation may have some impact on the public, but that potential impact will likely be minimal for several reasons. First, this safety zone will be in effect for less than three hours. Second, vessels may enter or pass through the safety zone during an enforcement period with the permission of the COTP or the designated representative. Finally, the Coast Guard will provide notification to the public through Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the event.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 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.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for all of the reasons discussed in the Regulatory Planning and Review Section, this rule will not have a significant economic impact on any vessel owner or operator.

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** section.

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.

### C. 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).

### D. Federalism and Indian Tribal Governments

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 have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

### E. 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.

### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (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 a safety zone lasting less than three hours that will prohibit entry into a 300 yards zone around the fireworks. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An Record of Environmental Consideration (REC) is 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.

### G. 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.

### 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; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T01–0241 to read as follows:

#### § 165.T01–0241 Safety Zone—Boston Harbor Now—Boston Harbor, Boston, Massachusetts.

(a) *General.* Establish a temporary safety zone:

(1) *Location.* The following area is a safety zone: All navigable waters within

300-yard radius of the fireworks barge positioned in vicinity of 42°19'14" N., 070°59'36" W. before, during, and after the fireworks display.

(2) *Effective and enforcement period.* This rule will be effective on June 16, 2017, from 8 p.m. through 10:30 p.m.

(b) *Regulations.* While this safety zone is being enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the Captain of the Port (COTP) or the COTP's representatives. However, any vessel that is granted permission by the COTP or the COTP's representatives must proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(2) Any person or vessel permitted to enter the safety zone shall comply with the directions and orders of the COTP or the COTP's representatives. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the safety zone shall exit the zone when directed by the COTP or the COTP's representatives.

(3) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617-223-5757 (Sector Boston Command Center).

(c) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 1226.

(d) *Notification.* Coast Guard Sector Boston will give notice through the Local Notice to Mariners and Broadcast Notice to Mariners for the purpose of enforcement of this temporary safety zone. Sector Boston will also notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this safety zone.

(e) *COTP representative.* The COTP's representative may be any Coast Guard commissioned, or petty officer or any federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a state or local law enforcement vessel, or a location on shore.

Dated: June 9, 2017.

**C.C. Gelzer,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2017-0387]

#### Safety Zones; Annual Events in the Captain of the Port Buffalo Zone—July Fireworks

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce certain safety zones located in federal regulations for recurring marine events. This action is necessary and intended for the safety of life and property on navigable waters during this event. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

**DATES:** The regulations in 33 CFR 165.939(a)(16) will be enforced on July 2, 2017, from 9:45 p.m. to 11:15 p.m.; The regulations in 33 CFR 165.939(a)(14) will be enforced on July 3, 2017 from 9:45 p.m. to 11:00 p.m.; The regulations in 33 CFR 165.939(a)(18) will be enforced on July 4, 2017 from 9:25 p.m. to 10:15 p.m.; The regulations in 33 CFR 165.939(a)(19) will be enforced on July 23, 2017 from 9:00 p.m. to 10:30 p.m.; The regulations in 33 CFR 165.939(a)(3) will be enforced on July 8, 2017 and July 9, 2017 from 9:30 p.m. to 10:45 p.m.; The regulations in 33 CFR 165.939(a)(1) will be enforced on July 4, 2017 from 8:45 p.m. to 10:45 p.m.; The regulations in 33 CFR 165.939(a)(13) will be enforced on July 3, 2017 from 8:45 p.m. to 9:45 p.m.; The regulations in 33 CFR 165.939(a)(17) will be enforced on July 3, 2017 from 9:30 p.m. to 11:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, Coast Guard Sector Buffalo, telephone 716-843-9322, email [D09-SMB-SECBuffalo-WWM@uscg.mil](mailto:D09-SMB-SECBuffalo-WWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zones;

Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following events:

(1) *A Salute to our Heroes, Lake Ontario, Hamlin, NY;* The safety zone listed in 33 CFR 165.939(a)(16) will be enforced from 9:45 p.m. to 11:15 p.m. on July 2, 2017.

(2) *Village Fireworks, Sodus Point, NY;* The safety zone listed in 33 CFR 165.939(a)(14) will be enforced from 9:45 p.m. to 11:00 p.m. on July 3, 2017.

(3) *North Tonawanda Fireworks, North Tonawanda, NY;* The safety zone listed in 33 CFR 165.939(a)(18) will be enforced from 9:25 p.m. to 10:15 p.m. on July 4, 2017.

(4) *Tonawanda's Canal Fest Fireworks, Tonawanda, NY;* The safety zone listed in 33 CFR 165.939(a)(19) will be enforced from 9:00 p.m. to 10:30 p.m. on July 23, 2017.

(5) *French Festival Fireworks, Cape Vincent, NY;* The safety zone listed in 33 CFR 165.939(a)(3) will be enforced from 9:30 p.m. to 10:45 p.m. on both July 8, 2017 and July 9, 2017.

(6) *Boldt Castle 4th of July Fireworks, Heart Island, NY;* The safety zone listed in 33 CFR 165.939(a)(1) will be enforced from 8:45 p.m. to 10:45 p.m. on July 4, 2017.

(7) *Tom Graves Memorial Fireworks, Port Bay, NY;* The safety zone listed in 33 CFR 165.939(a)(13) will be enforced from 9:45 p.m. to 10:45 p.m. on July 3, 2017 within a 420-foot radius of position 43°17'54" N. and 076°49'51" W.

(8) *Olcott Fireworks, Olcott, NY;* The safety zone listed in 33 CFR 165.939(a)(17) will be enforced from 9:30 p.m. to 11:00 p.m. on July 3, 2017.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the