

will be enforced from 9:45 p.m. through 10:45 p.m. on July 03, 2020.

The regulations in 33 CFR 165.939(b)(28) as listed in Table 165.939 will be enforced from 9 p.m. until 10 p.m. on July 25, 2020 and 9 p.m. until 10 p.m. on July 26, 2020.

The regulations in 33 CFR 165.939(c)(5) as listed in Table 165.939 will be enforced from 10:45 a.m. until 8:15 p.m. on August 09, 2020.

The regulations in 33 CFR 165.939(b)(29) as listed in Table 165.939 will be enforced from 9 p.m. through 10:15 p.m. on July 05, 2020 with a rain date of July 06, 2020.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, contact LT Sean Dolan, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo via telephone 716-843-9322 or 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. *Village Fireworks, Sodus Point, NY;* The safety zone listed in Table 165.939 as (b)(22) will be enforced within a 560-foot radius of position 43°16'33" N, 076°58'27" W, from 9:30 p.m. until 10:30 p.m. on July 03, 2020.

2. *Tom Graves Memorial Fireworks, Port Bay, NY;* The safety zone listed in Table 165.939 as (b)(27) will be enforced within a 420-foot radius of position 43°17'54.2" N, 076°49'50.9" W from 9:45 p.m. through 10:45 p.m. on July 03, 2020.

3. *Oswego Harborfest, Oswego, NY;* The safety zone listed in Table 165.939 as (b)(28) will be enforced from 9:00 p.m. until 10:00 p.m. on July 25, 2020 and 9:00 p.m. until 10:00 p.m. on July 26, 2020.

4. *Ski Show Sylvan Beach, Sylvan Beach, NY;* The safety zone listed in Table 165.939 as (c)(5) will be enforced from 10:45 a.m. until 8:15 p.m. on August 09, 2020.

5. *Oswego Independence Day Celebration Fireworks, Oswego, NY;* The safety zone listed in Table 165.939 as (b)(29) will be enforced from 9 p.m. through 10:15 p.m. on July 05, 2020 with a rain date of July 06, 2019.

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 her 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 her 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 safety zone 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 respective safety zone.

Dated: June 25, 2020.

**L.M. Littlejohn,**

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

[FR Doc. 2020-15090 Filed 7-15-20; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2020-0384]

RIN 1625-AA00

#### Safety Zone; Tiburon Wedding Fireworks Display, Richardson Bay, Tiburon, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of Richardson Bay offshore from Belvedere Island in support of the Tiburon Wedding Fireworks Display on July 17, 2020. This safety zone is necessary to protect personnel, vessels, and the marine environment from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port San Francisco or a designated representative.

**DATES:** This rule is effective from 9 a.m. to 10 p.m. on July 17, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0384 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

[www.regulations.gov](https://www.regulations.gov), type USCG-2020-0384 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 LT Emily K. Rowan, Waterways Management, U.S. Coast Guard; telephone (415) 399-7443, email [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port San Francisco  
DHS Department of Homeland Security  
§ 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 notice of proposed rulemaking with respect to this rule because it is impracticable. The Coast Guard did not receive final details for this event until June 22, 2020. The Coast Guard must establish this safety zone by July 17, 2020 and lacks sufficient time to provide a reasonable comment period and consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. It is contrary to the public interest to delay the effective date of this rule because we need to have the safety zone in place to protect vessels and persons in the proximity from the dangers associated with the fireworks barge that will be in place on July 17, 2020.

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

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with the Tiburon Wedding Fireworks Display on July 17, 2020, will be a safety concern for anyone within a 100-foot radius of the fireworks barge

during loading and staging, and anyone within a 560-foot radius of the fireworks barge starting 30 minutes before the fireworks display is scheduled to commence and ending 30 minutes after the conclusion of the fireworks display. For this reason, a safety zone is needed to protect personnel, vessels, and the marine environment in the navigable waters around the fireworks barge during the fireworks display.

#### IV. Discussion of the Rule

This rule establishes a safety zone from 9 a.m. until 10 p.m. on July 17, 2020, during the loading, staging, and transit of the fireworks barge in Richardson Bay near Belvedere Island, CA, until 30 minutes after completion of the fireworks display. Between 9 a.m. and 10 p.m. on July 17, 2020, during the loading, staging, and transit of the fireworks barge until 30 minutes prior to the start of the fireworks display, the safety zone will encompass the navigable waters around and under the fireworks barge, from surface to bottom, within a circle formed by connecting all points 100 feet out from the fireworks barge. Loading the pyrotechnics onto the fireworks barge is scheduled from 9 a.m. to 3 p.m. on July 17, 2020, at Pier 50 in San Francisco, CA.

The fireworks barge will remain at Pier 50 until the start of its transit to the display location. Towing of the barge from Pier 50 to the display location is scheduled to take place from 7 p.m. to 8:30 p.m. on July 17, 2020, where it will remain until the conclusion of the fireworks display.

At 8:45 p.m. on July 17, 2020, 30 minutes prior to the commencement of the 15-minute Tiburon Wedding Fireworks Display, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge, from surface to bottom, within a circle formed by connecting all points 560 feet from the circle center at approximate position 37°51'42.93" N, 122°27'48.53" W (NAD 83). The safety zone will terminate at 10 p.m. on July 17, 2020.

The effect of the safety zone is to restrict navigation in the vicinity of the fireworks loading, staging, transit, and firing site. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted area. "Designated representative" means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the

enforcement of the safety zone. This regulation is needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing site to ensure the safety of participants, spectators, and transiting vessels.

#### 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 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. This safety zone impacts a 560-foot-radius area of Richardson Bay in Tiburon, CA for a limited duration of less than 24 hours. Vessels desiring to transit through the safety zone may do so upon express permission from the COPT or the COTP's designated representative.

##### 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 temporary safety zone may be small entities, for the reasons stated in section V.A. above, 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 Directive 023–01 and U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series), 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 24 hours, which prevents entry to a 560-foot radius area of Richardson Bay. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of Department of Homeland Security Directive 023–01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

### 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:** 46 U.S.C. 70034, 70051; 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.T11–030 to read as follows:

#### § 165.T11–030 Safety Zone; Tiburon Wedding Fireworks Display, Richardson Bay, Tiburon, CA.

(a) *Location.* The following area is a safety zone: All navigable waters of Richardson Bay, from surface to bottom, within a circle formed by connecting all points 100 feet out from the fireworks barge during the loading and staging at Pier 50 in San Francisco, as well as transit and arrival to Tiburon, CA. Between 8:45 p.m. and 10 p.m. on July 17, 2020, the safety zone will expand to all navigable waters, from surface to bottom, within a circle formed by connecting all points 560 feet out from the fireworks barge in approximate position 37°51'42.93" N, 122°27'48.53" W (NAD 83).

(b) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart B of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP’s designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP’s designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Enforcement period.* This section will be enforced from 9 a.m. until 10 p.m. on July 17, 2020.

(e) *Information broadcasts.* The COTP or the COTP’s designated representative will notify the maritime community of periods during which this zone will be

enforced, in accordance with 33 CFR 165.7.

**Howard H. Wright,**

*Captain, U.S. Coast Guard, Alternate Captain of the Port, San Francisco.*

[FR Doc. 2020–15431 Filed 7–15–20; 8:45 am]

BILLING CODE 9110–04–P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 1, 2, 20, 27, and 90

[WT Docket No. 17–200; FCC 20–67; FRS 16788]

#### Review of the Commission’s Rules Governing 896–901/935–940 MHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission adopts rules for broadband license operations in the 897.5–900.5/936.5–939.5 MHz segment of the 900 MHz band (896–901/935–940 MHz). The new rules are necessary because many 900 MHz licensees, including utilities and other industrial users, will require additional coverage and capacity to keep pace with the expanding need for enhanced connectivity. The intended effect of adopting rules for 900 MHz broadband license operations is to address many 900 MHz licensees’ current and future needs because broadband can offer next generation services not typically associated with narrowband systems. In this document, the Commission also proposes to modify the 900 MHz nationwide ribbon license held by the Association of American Railroads, which would clear a prominent nationwide incumbent from the new broadband segment and enable significant advancements to railroad safety. The Commission denies a petition for rulemaking requested by the Enterprise Wireless Association. Lastly, the Commission adopts a partial lifting of the 900 MHz application freeze.

#### **DATES:**

*Effective date:* August 17, 2020.

*Compliance date:* Compliance will not be required for §§ 27.1503 and 27.1505 until the Commission publishes a document in the **Federal Register** announcing that compliance date.

**ADDRESSES:** 445 12th Street SW, Washington, DC 20554.

#### **FOR FURTHER INFORMATION CONTACT:**

Jessica Quinley, Wireless Telecommunications Bureau, Mobility Division, 202–418–1991 or [Jessica.Quinley@fcc.gov](mailto:Jessica.Quinley@fcc.gov). For information regarding the PRA