T–306 Los Angeles, CA (LAX) to El Paso, TX (ELP) [New]
Los Angeles, CA (LAX) VORTAC (Lat. 33°55′59″ N., long. 118°25′55″ W.)
PRADO, CA INT (Lat. 33°55′23″ N., long. 117°47′02″ W.)
Paradise, CA (PDZ) VORTAC (Lat. 33°55′06″ N., long. 117°31′48″ W.)
SETER, CA INT (Lat. 33°54′04″ N., long. 117°06′33″ W.)
BANDS, CA INT (Lat. 33°53′23″ N., long. 116°50′58″ W.)
Palm Springs, CA (PSP) VORTAC (Lat. 33°52′12″ N., long. 116°25′47″ W.)
Blythe, CA (BLH) VORTAC (Lat. 33°35′46″ N., long. 114°45′41″ W.)
Buckeye, AZ (BXX) VORTAC (Lat. 33°27′12″ N., long. 112°49′29″ W.)
PERK, AZ INT (Lat. 33°26′45″ N., long. 112°28′23″ W.)
Phoenix, AZ (PXR) VORTAC (Lat. 33°25′59″ N., long. 112°05′43″ W.)
TOTEC, AZ INT (Lat. 32°49′36″ N., long. 111°38′32″ W.)
Tucson, AZ (TUS) VORTAC (Lat. 32°05′43″ N., long. 110°54′53″ W.)
NOCHI, AZ WP (Lat. 32°02′00″ N., long. 109°45′30″ W.)
ANINA, AZ INT (Lat. 31°54′58″ N., long. 108°30′51″ W.)
DARCE, NM INT (Lat. 31°53′12″ N., long. 108°13′21″ W.)
Columbus, NM (CUS) VOR/DME (Lat. 31°49′09″ N., long. 107°34′28″ W.)
El Paso, TX (ELP) VORTAC (Lat. 31°48′57″ N., long. 106°16′55″ W.)

T–310 Tucson, AZ (TUS) to Truth or Consequences, NM (TCS) [New]
Tucson, AZ (TUS) VORTAC (Lat. 32°05′43″ N., long. 110°54′53″ W.)
SULLI, AZ INT (Lat. 31°56′04″ N., long. 110°34′16″ W.)
MESCA, AZ INT (Lat. 31°53′38″ N., long. 110°29′08″ W.)
NOCHI, AZ WP (Lat. 31°59′58″ N., long. 108°30′51″ W.)
San Simon, AZ (SSO) VORTAC (Lat. 32°16′09″ N., long. 109°15′47″ W.)
Silver City, NM (SVC) VORTAC (Lat. 32°58′16″ N., long. 108°09′40″ W.)
Truth or Consequences, NM VORTAC (Lat. 33°16′57″ N., long. 107°16′50″ W.)

DEPARTMENT OF HOMELAND SECURITY
Coast Guard
33 CFR Part 165
[Docket No. USCG–2012–0465]
RIN 1625–AA00
Safety Zone; Old Fashion 4th July Fireworks, Presque Isle Bay, Erie, PA
AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.
SUMMARY: The Coast Guard is establishing a temporary safety zone on Presque Isle Bay, Erie, PA. This safety zone is intended to restrict vessels from entering or passing within a designated portion of the bay during the Old Fashion 4th July Fireworks display. The establishment of this safety zone is necessary to ensure public safety and protect the spectators and vessels from the hazards associated with fireworks displays.
DATES: This rule will be effective between 9:15 p.m. until 10:45 p.m. on July 4, 2012.
ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket USCG–2012–0465 and are available online by going to http://www.regulations.gov, inserting USCG–2012–0465 in the “Search” box, and then clicking “Search.” This material is 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.
FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email SectorBuffaloMarineSafety@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–0026.
SUPPLEMENTARY INFORMATION:
Regulatory Information
The Coast Guard is issuing this temporary 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 because doing so would be impracticable. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard’s ability to protect spectators and vessels from the hazards associated with a maritime fireworks display, which are discussed further below.
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. For the same reasons discussed in the preceding paragraph, waiting for 30 day notice period run would be impracticable.
Background and Purpose
Between 9:45 p.m. and 10:15 p.m. on July 4, 2012, a fireworks display will be held on Presque Isle Bay near Erie, PA. The Captain of the Port Buffalo has determined that fireworks launched in close proximity to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.
Discussion of Rule
With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Old Fashion 4th July Fireworks.
This zone will be effective and enforced from 9:15 p.m. until 10:45 p.m. on July 4, 2012. This zone will encompass all waters of Presque Isle Bay, Erie, PA within an 840 foot radius of position 42°08′12″ N and 80°05′59″ W (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

**Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 of these statutes or executive orders.

**Regulatory Planning and Review**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy. We do not foresee any adverse effect on small entities.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated, 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.

This temporary final rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Presque Isle Bay, Erie, PA between 9:15 p.m. to 10:45 p.m. on July 4, 2012.

This safety zone will not have a significant economic impact on a substantial number of small entities because of the minimal amount of time in which the safety zone will be enforced. This safety zone will only be enforced for 90 minutes in a low commercial vessel traffic area. Vessel traffic can pass safely around the zone. Before the effective period, maritime advisories will be issued, which include a Broadcast Notice to Mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. 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.

If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9433, email SectorBuffaloMarineSafety@uscg.mil. 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.

**Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

**Federalism**

A rule has implications for federalism under Executive Order 13132. Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

**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.

**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.

**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.

**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.

**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 will not create an environmental risk to health or risk to safety that might disproportionately affect children.
Indian Tribal Governments
This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will 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.

Energy Effects
We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards
The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

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 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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 is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction because it involves the establishment of a safety zone. A final environmental analysis checklist 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

§ 165.09–0465 Safety Zone; Old Fashion 4th July Fireworks, Presque Isle Bay, Erie, PA.

Location. The safety zone will encompass all waters of the Presque Isle Bay, Erie, PA within a 640 foot radius of position 42°08′12″ N and 80°05′59″ W (NAD 83).

Effective and Enforcement Period. This regulation is effective and will be enforced on July 4, 2012 from 9:15 p.m. until 10:45 p.m.

§ 165.09–0465 Safety Zone; Old Fashion 4th July Fireworks, Presque Isle Bay, Erie, PA.

Location. The safety zone will encompass all waters of the Presque Isle Bay, Erie, PA within a 640 foot radius of position 42°08′12″ N and 80°05′59″ W (NAD 83).

Effective and Enforcement Period. This regulation is effective and will be enforced on July 4, 2012 from 9:15 p.m. until 10:45 p.m.

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Effective and Enforcement Period. This regulation is effective and will be enforced on July 4, 2012 from 9:15 p.m. until 10:45 p.m.

For further information contact: If you have questions on this rule, call or email Lieutenant Judson A. Coleman, Marine Safety Unit Duluth, U.S. Coast Guard; telephone (218) 720–5286 ext 111, email Judson.A.Coleman@uscg.mil. If you have questions on viewing or submitting material to the docket, call