

**§ 1215.114 Service rates.**

(a) Rates for TDRSS services will be established by the DAA for SCaN.

(b) Per-minute rates will reflect TDRSS total return on investment and operational and maintenance costs.

(c) The rate per minute by service and type of user is available on the following Web site: [https://www.spacecomm.nasa.gov/spacecomm/programs/Space\\_network.cfm](https://www.spacecomm.nasa.gov/spacecomm/programs/Space_network.cfm).

(d) The per-minute charge for TDRSS service is computed by multiplying the charge per minute for the appropriate service by the number of minutes utilized.

■ 13. Section 1215.115 is revised to read as follows:

**§ 1215.115 Payment and billing.**

(a) The procedure for billing and payment of standard TDRSS services is as follows:

(1) NASA shall be reimbursed by customers in connection with the use of Government property and services provided under an approved reimbursable agreement. Advance payment for services is required. Advance payments shall be scheduled to keep pace with the rate at which NASA anticipates incurring costs. NASA will provide a Customer Budget/Estimate (CBE) for services rendered nominally 60–90 days in advance, or as otherwise agreed, of the first anticipated property use or required service date for each mission. The full cost of the mission shall be paid by the customer not later than 30 days prior to the first anticipated property use or required service date.

(2) In some cases, an advance partial payment will be required six–nine months prior to the first anticipated property use or required service date in order for advance planning work and/or travel to take place. The amount of this partial payment and its receipt shall be negotiated on an as-needed basis. Adjustments to the amounts prepaid will be made to the succeeding billings as the actual services are rendered.

(3) If the customer fails to make payment by the payment due date, NASA may terminate the agreement and any subagreements for breach of agreement after notice to the customer is given of this breach and failure to cure such breach within a time period established by NASA.

(b) Late payments by the user will require the user to pay a late payment charge.

■ 14. Appendix A is revised to read as follows:

**Appendix A to Part 1215—Estimated Service Rates in 1997 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate)**

*Time:* Project conceptualization (at least two years before launch; Ref. § 1215.108(a)).

*Activity:* Submit request for access to TDRSS. Upon preliminary acceptance of the service requirements by NASA Headquarters, communications for the reimbursable development of a Space Act Agreement (SAA) will begin. Prior to finalization of the Memorandum of Agreement (MOA), an estimate for the services will be issued. After SAA signature, full funding of the effort must be received prior to NASA initiating any activities associated with the effort. (Ref. § 1215.115(a)(1)).

*Time:* 18 months before launch (Ref. § 1215.109(c)).

*Activity:* After full funding has been received and distributed to the executing NASA entities, submit general user requirements to permit preliminary planning. Contact will occur to facilitate the integration process for access to TDRSS. If appropriate, initiate action with the Federal Communications Commission for license to communicate with TDRSS (Ref. § 1215.107(b)).

*Time:* 12 months before launch (earlier if possible).

*Activity:* Provide detailed requirements for technical definition and development of operational and interface control documents. (Ref. § 1215.109(d)).

*Time:* 3 weeks prior to a Scheduled Support Period (SSP).

*Activity:* Submit scheduling request to NASA covering a weekly period. Receive schedule from NASA based on principles of priority (Ref. § 1215.109(b)). User confirmation of the schedule is required.

*Time:* Up to 72 hours prior to an SSP.

*Activity:* Can cancel an SSP without charge (Ref. § 1215.113(b)(1)).

*Time:* Up to 45 minutes prior to an SPP.

*Activity:* Can schedule an SSP if a time slot is available without impacting another user.

*Time:* Up to 10 minutes prior to an SSP.

*Activity:* Can schedule an SSP utilizing TDRSS unused time (TUT).

**Charles F. Bolden, Jr.,**

*Administrator.*

[FR Doc. 2012–2652 Filed 2–9–12; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Parts 100 and 165**

[Docket No. USCG–2008–0384]

RIN 1625–AA00; 1625–AA08; 1625–AA87

**Special Local Regulations; Safety and Security Zones; Recurring Events in Captain of the Port Long Island Sound Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing, adding, and consolidating limited access areas in the Coast Guard Sector Long Island Sound Captain of the Port (COTP) Zone. These limited access areas include special local regulations, permanent safety zones for annual recurring marine events and a permanent security zone. When these limited access areas are subject to enforcement, this rule will restrict vessels from portions of water areas during these annual recurring events. The special local regulations and safety zones will facilitate public notification of events, and ensure the protection of the maritime public and event participants from the hazards associated with these annual recurring events.

**DATES:** This rule is effective March 12, 2012.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2008–0384 and are available online by going to <http://www.regulations.gov>, inserting USCG–2008–0384 in the “Keyword” 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 proposed rule, call or email Petty Officer Joseph Graun, Waterways Management Division at Coast Guard Sector Long Island Sound, telephone 203–468–4544, email [joseph.l.graun@uscg.mil](mailto:joseph.l.graun@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

## Regulatory Information

On June 22, 2011 the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations; Safety and Security Zones; Recurring Events in Captain of the Port Long Island Sound Zone in the **Federal Register** (76 FR 36438). We received no comments on the proposed rule. No public meeting was requested and none was held.

## Basis and Purpose

The legal basis for this rule is the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1226, 1231); 33 U.S.C. 1233; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1. These laws, regulations and policies authorize the Coast Guard to define regulatory safety zones, security zones and special local regulations, and delegate the authority to create these regulations to the Captain of the Port.

This regulation carries out three related actions: (1) Establishing necessary safety zones and special local regulations, (2) establishing one necessary security zone, and (3) updating and reorganizing existing regulations for ease of use and reduction of administrative overhead.

## Background

The Coast Guard is adding 33 CFR 100.100 and revising §§ 165.151 and 165.154. The changes will remove 37 regulated areas, establish 33 new safety zones, three special local regulations, and one security zone, and consolidate and simplify these regulations. By establishing a permanent regulation containing these events, the Coast Guard will eliminate the need to establish temporary rules for events that occur on an annual basis.

The rule applies to the annual recurring events listed in the attached Tables in the COTP Long Island Sound Zone. The Tables provide the event name, and type, as well as locations of the events. Annual notifications will be made to the local maritime community through all appropriate means such as Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the events. If the event does not have a date listed, then exact dates and times of the enforcement period will be announced through a Notice of Enforcement in the **Federal Register**.

This regulation is part of a review and update of local regulations. Our intent is to update and reorganize information for ease of use and reduction of

administrative overhead. We considered several alternative formats for this regulation including different table formats. Ultimately the presented format was chosen.

## Discussion of Comments and Changes

We received no comments on the rule. The following changes were made. We enhanced the regulatory text of § 100.100 clarifying and detailing what method the Coast Guard will use to notify the public of event specific information.

Typographical error correction, in the NPRM we stated, we propose to establish 32 new safety zones. The number 32 was a typographical error, because 33 new safety zones were discussed throughout the NPRM. Notice and the opportunity to comment on the 33 zones existed in the NPRM prior to this final rule. The typographical error has been updated in the Backgrounds section of this rule.

Positions which were described using “Degrees-Minutes-Decimal Minutes” format (DD°MM.MMM’) were converted without change to “Degrees-Minutes-Seconds” (DD°MM’ SS”), for consistency throughout the regulations.

Positions which were described using decimal seconds out to the thousandths of a second (DD°MM’ SS.SSS”) were rounded off to hundredths of a second (DD°MM’ SS.SS”). One one-thousandth of a second (.001”) is a distance of approximately 1.2 inches. Positions were rounded off to the nearest hundredth to reduce confusion and make the positions easier to use. The maximum change in any regulated area is less than 1 foot (the diagonal of a theoretical point which moved 0.05 seconds (0.05” or about 6 inches) due to rounding in both latitude and longitude.

## Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

### Executive Order 12866 and Executive Order 13563

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, 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.

We expect the economic impact of this rule to be minimal. Although this

regulation may have some impact on the public, the potential impact will be minimized for the following reasons:

The Coast Guard has previously promulgated safety zones, security zones or special local regulations, in accordance with 33 CFR Parts 100 and 165, for all event areas contained within this regulation and has not received notice of any negative impact caused by any of the safety zones, security zones or special local regulations.

Vessels will only be restricted from safety zones and special local regulation areas for a short duration of time. Vessels may transit in portions of the affected waterway except for those areas covered by the regulated areas. Notifications of exact dates and times of the enforcement period will be made to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners or through a Notice of Enforcement in the **Federal Register**. No new or additional restrictions would be imposed on vessel traffic.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would 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 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.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the designated regulated area during the enforcement periods.

The regulated areas will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulated areas will be of limited size and of short duration; vessels that can safely do so may navigate in all other portions of the waterways except for the areas designated as regulated areas; these regulated areas have been promulgated in the past with no public comments submitted. Additionally, before the effective period, the Coast Guard will issue notice of the time and location of each regulated area through a Local Notice to Mariners and Broadcast Notice to Mariners or through a Notice of Enforcement in the **Federal Register**.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could 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 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.

### 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.

### 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 does not create an environmental risk to health or risk to safety that may 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 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.

### 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, paragraphs (34)(g)&(h) of the Instruction. This rule involves the establishment of safety and security zones and special local regulations. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under

### ADDRESSES.

### List of Subjects

#### 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recording requirements, Waterways.

#### 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 parts 100 and 165 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 a new § 100.100 to read as follows:

#### § 100.100 Special Local Regulations; Regattas and Boat Races in the Coast Guard Sector Long Island Sound Captain of the Port Zone.

(a) The following regulations apply to the marine events listed in the Table to § 100.100. These regulations will be enforced for the duration of each event, on or about the dates indicated. Notifications will be made to the local maritime community through all appropriate means such as Local Notice to Mariners or Broadcast Notice to Mariners well in advance of the events. If the event does not have a date listed,

then exact dates and times of the enforcement period will be announced through a Notice of Enforcement in the **Federal Register**. The First Coast Guard District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov/>.

(b) *Definitions*. The following definitions apply to this section:

(1) *Designated representative*. A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound (LIS), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels*. Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators*. All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(c) Although listed in the Code of Federal Regulations, sponsors of events listed in Table to § 100.100 are still required to submit marine event applications in accordance with 33 CFR 100.15.

(d) Vessel operators desiring to enter or operate within the regulated areas shall contact the COTP at 203-468-4401 (Sector LIS command center) or the designated representative via VHF channel 16.

(e) Vessels may not transit the regulated areas without the COTP or designated representative approval. Vessels permitted to transit must operate at a no wake speed, in a manner which will not endanger participants or other crafts in the event.

(f) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through the Local Notice to Mariners, unless

authorized by COTP or designated representative.

(g) The COTP or designated representative may control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the lawful directions issued. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(h) The COTP or designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

(i) For all power boat races listed, vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the COTP or designated representative. Vessels within the regulated area must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event.

TABLE TO § 100.100

1.1 Harvard-Yale Regatta, Thames River, New London, CT.	<ul style="list-style-type: none"> <li>• Event type: Boat Race.</li> <li>• Date: Last Saturday in May through second Saturday of June, from 8 a.m. until 5 p.m.</li> <li>• Location: All waters of the Thames River at New London, Connecticut, between the Penn Central Draw Bridge 41°21'46.94" N 072°05'14.46" W to Bartlett Cove 41°25'35.90" N 072°5'42.89" W (NAD 83).</li> <li>• Additional stipulations: Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event at least 30 minutes prior to the start of the races. They must remain moored or at anchor until the men's varsity have passed their positions. At that time, spectator vessels located south of the Harvard Boathouse may proceed downriver at a reasonable speed. Vessels situated between the Harvard Boathouse and the finish line must remain stationary until both crews return safely to their boathouses. If for any reason the men's varsity crew race is postponed, spectator vessels will remain in position until notified by Coast Guard or regatta patrol personnel. The last 1000 feet of the race course near the finish line will be delineated by four temporary white buoys provided by the sponsor. All spectator craft shall remain behind these buoys during the event. Spectator craft shall not anchor: to the west of the race course, between Scotch Cap and Bartlett Point Light, or within the race course boundaries or in such a manner that would allow their vessel to drift or swing into the race course. During the effective period all vessels shall proceed at a speed not to exceed six knots in the regulated area. Spectator vessels shall not follow the crews during the races. Swimming is prohibited in the vicinity of the race course during the races. A vessel operating in the vicinity of the Submarine Base may not cause waves which result in damage to submarines or other vessels in the floating drydocks.</li> </ul>
1.2 Great Connecticut River Raft Race, Middletown, CT.	<ul style="list-style-type: none"> <li>• Event type: Boat Race.</li> <li>• Date: Last Saturday in July through the first Saturday in August, from 10 a.m. until 2 p.m.</li> <li>• Location: All waters of the Connecticut River Middletown, CT between Dart Island (Marker no. 73) 41°33'08.24" N 072°33'24.46" W and Portland Shoals (Marker no. 92) 41°33'46.83" N 072°38'42.18" W (NAD 83).</li> </ul>
1.3 Head of the Connecticut Regatta, Connecticut River, CT.	<ul style="list-style-type: none"> <li>• Event type: Boat Race.</li> <li>• Date: The second Saturday of October, from 7:30 a.m. until 5 p.m.</li> <li>• Location: All waters of the Connecticut River between the southern tip of Gildersleeve Island 41°36'03.61" N 072°37'18.08" W and Light Number 87 41°33'32.91" N 072°37'15.24" W (NAD 83).</li> <li>• Additional stipulations: Vessels less than 20 meters in length will be allowed to transit the regulated area only under escort and at the discretion of the Coast Guard patrol commander. Vessels over 20 meters in length will be allowed to transit the regulated area, under escort, from 12:30 p.m. to 1:45 p.m. or as directed by the Coast Guard patrol commander. All transiting vessels shall operate at “No Wake” speed or five knots, whichever is slower. Southbound vessels awaiting escort through the regulated area will wait in the vicinity of the southern tip of Gildersleeve Island. Northbound vessels awaiting escort will wait at Light Number 87.</li> </ul>

TABLE TO § 100.100—Continued

1.4 Riverfront Regatta, Hartford, CT .....	<ul style="list-style-type: none"> <li>• Event type: Regatta.</li> <li>• Date: The first Sunday of October, from 8:30 a.m. until 4:30 p.m.</li> <li>• Location: All water of the Connecticut River, Hartford, CT, between the Putnum Bridge 41°42'52.20" N 072°38'25.80" W and the Riverside Boat House 41°46'25.20" N 072°39'49.80" W (NAD 83).</li> </ul>
1.5 Patchogue Grand Prix, Patchogue, NY.	<ul style="list-style-type: none"> <li>• Event type: Boat Race.</li> <li>• Date: The last weekend of August Friday, Saturday and Sunday, from 11 a.m. until 5 p.m.</li> <li>• Location: All water of the Great South Bay, off Shorefront Park, Patchogue, NY from approximate position: Beginning at a point off Sand Spit Park, Patchogue, NY at position 40°44'45" N, 073°00'51" W then running south to a point in Great South Bay at position 40°43'46" N, 073°00'51" W then running south east to position 40°43'41" N, 073°00'20" W then running north east to position 40°43'54" N, 072°58'46" W then east to position 40°43'58" N, 072°57'32" W then east to position 40°43'57" N, 072°56'49" W then north to position 40°44'18" N, 072°56'49" W then west to position 40°44'18" N, 072°57'32" W then north west to position 40°44'30" N, 072°58'32" W then north west to position 40°44'33" N, 072°59'12" W then north west to position 40°44'41" N, 072°59'51" W then north west to position 40°44'46" N, 073°00'04" W and then closing the zone at position 40°44'45" N, 073°00'51" W (NAD 83).</li> </ul>
1.6 Riverfront U.S. Title series Powerboat Race, Hartford, CT.	<ul style="list-style-type: none"> <li>• Event type: Boat Race.</li> <li>• Date: Labor Day weekend, Friday and Saturday from 10 a.m. until 6 p.m. and Sunday from 12:01 p.m. until 6 p.m.</li> <li>• Location: All water of the Connecticut River, Hartford, CT, between the Founders Bridge on the North approximate position 41°45'53.47" N, 072°39'55.77" W and 41°45'37.39" N, 072°39'47.49" W (NAD 83) to the South.</li> </ul>

■ 3. Remove the following entries in the “Fireworks Display Table” in § 100.114 (along with the associated “Connecticut” or “New York” titles) as follows: 6.2, 7.1, 7.2, 7.4, 7.5, 7.10, 7.11, 7.29, 7.30, 7.31, 7.32, 7.33, 7.35, 7.36, 7.37, 7.39, 7.40, 8.1, 8.3, 8.4, 8.6, 9.3, 9.5, 9.6, 12.4.

■ 4. Remove §§ 100.101, 100.102, 100.105, and 100.106.

■ 5. Remove §§ 100.121, 100.122, and 100.124.

**PART 165—REGULATED NAVIGATION AREA AND LIMITED ACCESS AREAS**

■ 6. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 7. Remove § 165.140.

■ 8. Revise § 165.151 to read as follows:

**§ 165.151 Safety Zones; Fireworks Displays, Air Shows and Swim Events in the Captain of the Port Long Island Sound Zone.**

(a) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the fireworks displays, air shows, and swim events listed in Tables 1 and 2 to § 165.151.

(2) These regulations will be enforced for the duration of each event. Notifications will be made to the local maritime community through all appropriate means such as Local Notice to Mariners or Broadcast Notice to Mariners well in advance of the events.

If the event does not have a date listed, then exact dates and times of the enforcement period will be announced through a Notice of Enforcement in the **Federal Register**. Mariners should consult the **Federal Register** or their Local Notice to Mariners to remain apprised of schedule or event changes. First Coast Guard District Local Notice to Mariners can be found at <http://www.navcen.uscg.gov/>.

(3) Although listed in the Code of Federal Regulations, sponsors of events listed in Tables 1 and 2 to § 165.151 are still required to submit marine event applications in accordance with 33 CFR 100.15.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound (LIS), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(c) Vessel operators desiring to enter or operate within the regulated areas should contact the COTP at 203–468–

4401 (Sector LIS command center) or the designated representative via VHF channel 16 to obtain permission to do so.

(d) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through the Local Notice to Mariners, unless authorized by COTP or designated representative.

(e) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(f) The COTP or designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

(g) The regulated area for all fireworks displays listed in Table 1 to § 165.151 is that area of navigable waters within a 1000 foot radius of the launch platform or launch site for each fireworks display, unless otherwise noted in Table 1 to § 165.151 or modified in USCG First District Local Notice to Mariners at: <http://www.navcen.uscg.gov/>.

(h) The regulated area for all air shows is the entire geographic area described as the location for that show unless otherwise noted in Table 1 to § 165.151 or modified in USCG First District Local Notice to Mariners at: <http://www.navcen.uscg.gov/>.

(i) Fireworks barges used in these locations will also have a sign on their

port and starboard side labeled “FIREWORKS—STAY AWAY”. This sign will consist of 10 inch high by 1.5 inch wide red lettering on a white background. Shore sites used in these locations will display a sign labeled “FIREWORKS—STAY AWAY” with the

same dimensions. These zones will be enforced from 8:30 p.m. to 10:30 p.m. each day a barge with a “FIREWORKS—STAY AWAY” sign on the port and starboard side is on-scene or a “FIREWORKS—STAY AWAY” sign is

posted in a location listed in Table 1 to § 165.151.  
 (j) For all swim events listed in Table 2 to § 165.151, vessels not associated with the event shall maintain a separation of at least 100 yards from the participants.

TABLE 1 TO § 165.151

5	May
5.1 Jones Beach Air Show .....	<ul style="list-style-type: none"> <li>• Date: The Thursday through Sunday before Memorial Day each May from 9:30 a.m. until 3:30 p.m. each day.</li> <li>• Location: Waters of Atlantic Ocean off of Jones Beach State Park, Wantagh, NY. In approximate positions 40°35'06" N, 073°32'37" W, then running east along the shoreline of Jones Beach State Park to approximate position 40°35'49" N, 073°28'47" W; then running south to a position in the Atlantic Ocean off of Jones Beach at approximate position 40°35'05" N, 073°28'34" W; then running West to approximate position 40°34'23" N, 073°32'23" W; then running North to the point of origin. (NAD 83).</li> </ul>
6	June
6.1 Barnum Festival Fireworks .....	<ul style="list-style-type: none"> <li>• Date: last Saturday in June.</li> <li>• Rain Date: following Saturday.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> <li>• Location: Waters of Bridgeport Harbor, Bridgeport, CT in approximate position 41°9'04" N, 073°12'49" W (NAD 83).</li> </ul>
6.2 Town of Branford Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of Branford Harbor, Branford, CT in approximate position, 41°15'30" N, 072°49'22" W (NAD 83).</li> </ul>
6.3 Vietnam Veterans/Town of East Haven Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters off Cosey beach, East Haven, CT in approximate position, 41°14'19" N, 072°52'09.8" W (NAD 83).</li> </ul>
7	July
7.1 Point O'Woods Fire Company Summer Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of the Great South Bay, Point O'Woods, NY in approximate position 40°39'18.57" N, 073°08'05.73" W (NAD 83).</li> </ul>
7.2 Cancer Center for Kids Fireworks ....	<ul style="list-style-type: none"> <li>• Location: Waters off of Bayville, NY in approximate position 40°54'38.20" N, 073°34'56.88" W (NAD 83).</li> </ul>
7.3 City of Westbrook, CT July Celebration Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of Westbrook Harbor, Westbrook, CT in approximate position, 41°16'10.50" N, 072°26'14" W (NAD 83).</li> </ul>
7.4 Norwalk Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters off Calf Pasture Beach, Norwalk, CT in approximate position, 41°04'50" N, 073°23'22" W (NAD 83).</li> </ul>
7.5 Lawrence Beach Club Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of the Atlantic Ocean off Lawrence Beach Club, Atlantic Beach, NY in approximate position 40°34'42.65" N, 073°42'56.02" W (NAD 83).</li> </ul>
7.6 Sag Harbor Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of Sag Harbor Bay off Havens Beach, Sag Harbor, NY in approximate position 41°00'26" N, 072°17'09" W (NAD 83).</li> </ul>
7.7 South Hampton Fresh Air Home Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of Shinnecock Bay, Southampton, NY in approximate positions, 40°51'48" N, 072°26'30" W (NAD 83).</li> </ul>
7.8 Westport Police Athletic League Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters off Compo Beach, Westport, CT in approximate position, 41°06'15" N, 073°20'57" W (NAD 83).</li> </ul>
7.9 City of Middletown Fireworks .....	<ul style="list-style-type: none"> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> <li>• Location: Waters of the Connecticut River, Middletown Harbor, Middletown, CT in approximate position 41°33'44.47" N, 072°38'37.88" W (NAD 83).</li> </ul>
7.10 City of New Haven Fireworks .....	<ul style="list-style-type: none"> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> <li>• Location: Waters of New Haven Harbor, off Long Wharf Park, New Haven, CT in approximate position 41°17'24" N, 072°54'55.8" W (NAD 83).</li> </ul>
7.11 City of Norwich July Fireworks .....	<ul style="list-style-type: none"> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> <li>• Location: Waters of the Thames River, Norwich, CT in approximate position, 41°31'16.84" N, 072°04'43.33" W (NAD 83).</li> </ul>
7.12 City of Stamford Fireworks .....	<ul style="list-style-type: none"> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> <li>• Location: Waters of Fisher's Westcott Cove, Stamford, CT in approximate position 41°02'09.56" N, 073°30'57.76" W (NAD 83).</li> </ul>
7.13 City of West Haven Fireworks .....	<ul style="list-style-type: none"> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>

TABLE 1 TO § 165.151—Continued

7.14 CDM Chamber of Commerce Annual Music Fest Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of New Haven Harbor, off Bradley Point, West Haven, CT in approximate position 41°15'07" N, 072°57'26" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.15 Davis Park Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters off of Cedar Beach Town Park, Mount Sinai, NY in approximate position 40°57'59.58" N, 073°01'57.87" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.16 Fairfield Aerial Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of the Great South Bay, Davis Park, NY in approximate position, 40°41'17" N, 073°00'20" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.17 Fund in the Sun Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of Jennings Beach, Fairfield, CT in approximate position 41°08'22" N, 073°14'02" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.18 Hartford Riverfest Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of the Great South Bay off The Pines, East Fire Island, NY in approximate position 40°40'07.43" N, 073°04'13.88" W. (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain Date: July 5.</li> <li>• Time 9:00 p.m. to 10:30 p.m.</li> </ul>
7.19 Independence Day Celebration Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of the Connecticut River off Hartford, CT in approximate position 41°45'21" N, 072°39'28" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.20 Jones Beach State Park Fireworks	<ul style="list-style-type: none"> <li>• Location: Waters off of Umbrella Beach, Montauk, NY in approximate position 41°01'44" N, 071°57'13" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.21 Madison Cultural Arts Fireworks ....	<ul style="list-style-type: none"> <li>• Location: Waters off of Jones Beach State Park, Wantagh, NY in approximate position 40°34'56.68" N, 073°30'31.19" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.22 Mason's Island Yacht Club Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of Long Island Sound off of Madison, CT in approximate position 41°16'10" N, 072°36'30" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.23 Patchogue Chamber of Commerce Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of Fisher's Island Sound, Noank, CT in approximate position 41°19'30.61" N, 071°57'48.22" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.24 Riverfest Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of the Great South Bay, Patchogue, NY in approximate position, 40°44'38" N, 073°00'33" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.25 Village of Asharoken Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters of the Connecticut River, Hartford, CT in approximate positions 41°45'39.93" N, 072°39'49.14" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.26 Village of Port Jefferson Fourth of July Celebration Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of Northport Bay, Asharoken, NY in approximate position 41°55'54.04" N, 073°21'27.97" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.27 Village of Quoque Foundering Anniversary Fireworks.	<ul style="list-style-type: none"> <li>• Location: Waters of Port Jefferson Harbor, Port Jefferson, NY in approximate position 40°57'10.11" N, 073°04'28.01" W (NAD 83).</li> <li>• Date: July 4.</li> <li>• Rain date: July 5.</li> <li>• Time: 8:30 p.m. to 10:30 p.m.</li> </ul>
7.28 City of Long Beach Fireworks .....	<ul style="list-style-type: none"> <li>• Location: Waters off Riverside Blvd, City of Long Beach, NY in approximate position 40°34'38.77" N, 073°39'41.32" W (NAD 83).</li> </ul>

TABLE 1 TO § 165.151—Continued

7.29 Great South Bay Music Festival Fireworks.	• Location: Waters of Great South Bay, off Bay Avenue, Patchogue, NY in approximate position 40°44'45" N, 073°00'25" W (NAD 83).
7.30 Mashantucket Pequot Fireworks ....	• Location: Waters of the Thames River, New London, CT in approximate positions Barge 1, 41°21'03.03" N, 072°5'24.5" W, Barge 2, 41°20'51.75" N, 072°5'18.90" W (NAD 83).
7.31 Shelter Island Fireworks .....	• Location: Waters of Gardiner Bay, Shelter Island, NY in approximate position 41°04'39.11" N, 072°22'01.07" W (NAD 83).
7.32 Thames River Fireworks .....	• Location: Waters of the Thames River off the Electric Boat Company, Groton, CT in approximate position 41°20'38.75" N, 072°05'12.22" W (NAD 83).
7.33 Clam Shell Foundation Fireworks ..	• Location: Waters of Three Mile Harbor, East Hampton, NY in approximate position 41°1'15.49" N, 072°11'27.50" W (NAD 83).
7.34 Town of North Hempstead Bar Beach Fireworks.	• Location: Waters of Hempstead Harbor, North Hempstead, NY in approximate position 40°49'54" N, 073°39'14" W (NAD 83).
7.35 Groton Long Point Yacht Club Fireworks.	• Location: Waters of Long Island Sound, Groton, CT in approximate position 41°18'05" N, 072°02'08" W (NAD 83).
8	August
8.1 Pyro-FX Entertainment Group Fireworks.	• Location: Waters of the Connecticut River off Chester, CT in approximate position 41°24'40.76" N, 072°25'32.65" W (NAD 83).
8.2 Port Washington Sons of Italy Fireworks.	• Location: Waters of Hempstead Harbor off Bar Beach, North Hempstead, NY in approximate position 40°49'48.04" N, 073°39'24.32" W (NAD 83).
8.3 Village of Bellport Fireworks .....	• Location: Waters of Bellport Bay, off Bellport Dock, Bellport, NY in approximate position 40°45'01.83" N, 072°55'50.43" W (NAD 83).
8.4 Taste of Italy Fireworks .....	• Location: Waters of Norwich Harbor, off Norwich Marina, Norwich, CT in approximate position 41°31'17.72" N, 072°04'43.41" W (NAD 83).
8.5 Old Black Point Beach Association Fireworks.	• Location: Waters off Old Black Point Beach, East Lyme, CT in approximate position 41°17'34.9" N, 072°12'55" W (NAD 83).
8.6 Town of Babylon Fireworks .....	• Location: Waters off of Cedar Beach Town Park, Babylon, NY in approximate position 40°37'53" N, 073°20'12" W (NAD 83).
9	September
9.1 East Hampton Fire Department Fireworks.	• Location: Waters off Main Beach, East Hampton, NY in approximate position 40°56'40.28" N, 072°11'21.26" W (NAD 83).
9.2 Town of Islip Labor Day Fireworks ..	• Location: Waters of Great South Bay off Bay Shore Marina, Islip, NY in approximate position 40°42'24" N, 073°14'24" W (NAD 83).
9.3 Village of Island Park Labor Day Celebration Fireworks.	• Location: Waters off Village of Island Park Fishing Pier, Village Beach, NY in approximate position 40°36'30.95" N, 073°39'22.23" W (NAD 83).

TABLE 2 TO § 165.151

1.1 Swim Across the Sound .....	• Location: Waters of Long Island Sound, Port Jefferson, NY to Captain's Cove Seaport, Bridgeport, CT in approximate positions 40°58'11.71" N 073°05'51.12" W, north-westerly to the finishing point at Captain's Cove Seaport 41°09'25.07" N 073°12'47.82" W (NAD 83).
1.2 Huntington Bay Open Water Championships Swim.	• Location: Waters of Huntington Bay, NY. In approximate positions start/finish at approximate position 40°54'25.8" N 073°24'28.8" W, East turn at approximate position 40°54'45" N 073°23'36.6" W and a West turn at approximate position 40°54'31.2" N 073°25'21" W. °09'25.07" N 073°12'47.82" W (NAD 83).
1.3 Maggie Fischer Memorial Great South Bay Cross Bay Swim.	• Location: Waters of the Great South Bay, NY. Starting Point at the Fire Island Lighthouse Dock in approximate position 40°38'01" N 073°13'07" W, northerly through approximate points 40°38'52" N 073°13'09" W, 40°39'40" N 073°13'30" W, 40°40'30" N 073°14'00" W, and finishing at Gilbert Park, Brightwaters, NY at approximate position 40°42'25" N 073°14'52" W (NAD 83).

■ 9. Remove § 165.152.

■ 10. Revise § 165.154 to read as follows:

**§ 165.154 Safety and Security Zones; Captain of the Port Long Island Sound Zone Safety and Security Zones.**

The following areas are designated safety and security zones:

(a) *Security zones.*

(1) Dominion Millstone Nuclear Power Plant, Waterford, CT.

(i) All navigable waters of Long Island Sound, from surface to bottom, North and Northeast of a line running from Bay Point, at approximate position 41°18'34.20" N, 072°10'24.60" W, to

Millstone Point at approximate position 41°18'15.00" N, 072°9'57.60" W (NAD 83).

(ii) All navigable waters of Long Island Sound, from surface to bottom, West of a line starting at 41°18'42" N, 072°09'39" W, running south to the Eastern most point of Fox Island at approximate position 41°18'24.11" N, 072°09'39.73" W (NAD 83).

(2) Electric Boat Shipyard, Groton, CT.

(i) Location. All navigable waters of the Thames River, from surface to bottom, West of the Electric Boat Corporation Shipyard enclosed by a line

beginning at a point on the shoreline at 41°20'16"N, 72°04'47" W; then running West to 41°20'16" N, 72°04'57" W; then running North to 41°20'26" N, 72°04'57" W; then Northwest to 41°20'28.7" N, 72°05'01.7" W; then North-Northwest to 41°20'53.3" N, 72°05'04.8" W; then North-Northeast to 41°21'02.9" N, 72°05'04.9" W; then East to a point on shore at 41°21'02.9" N, 72°04'58.2" W (NAD 83).

(ii) Application. Sections 165.33(a), (e), (f) shall not apply to public vessels or to vessels owned by, under hire to, or performing work for the Electric Boat



Division when operating in the security zone.

(3) Naval Submarine Base, Groton, CT. All navigable waters of the Thames River, from surface to bottom, West of the Groton Naval Submarine Base New London, enclosed by a line beginning at a point on the shoreline at 41°23'15.8" N, 72°05'17.9" W; then to 41°23'15.8" N, 72°05'22" W; then to 41°23'25.9" N, 72°05'29.9" W; then to 41°23'33.8" N, 72°05'34.7" W; then to 41°23'37.0" N, 72°05'38.0" W; then to 41°23'41.0" N, 72°05'40.3" W; then to 41°23'47.2" N, 72°05'42.3" W; then to 41°23'53.8" N, 72°05'43.7" W; then to 41°23'59.8" N, 72°05'43.0" W; then to 41°24'12.4" N, 72°05'43.2" W; then to a point on the shoreline at 41°24'14.4" N, 72°05'38" W; then along the shoreline to the point of beginning (NAD 83).

(4) U.S. Coast Guard Academy, New London, CT.

(i) Location. All navigable waters of the Thames River, from surface to bottom, in a 500-yard radius from Jacobs Rock, approximate position 41°22'22" N, 072°05'40" W (NAD 83).

(ii) Enforcement period. This rule will be enforced during visits by high-ranking officials and times of heightened security.

(iii) Notification. The Captain of the Port will notify the maritime community of periods during which this security zone will be enforced by all appropriate means such as Local Notice to Mariners, Marine Safety Information Radio Broadcasts or on scene notice.

(5) U.S. Coast Guard Vessels, Long Island Sound COTP Zone. All navigable waters within a 100-yard radius of any anchored U.S. Coast Guard vessel. For the purposes of this section, U.S. Coast Guard vessels includes any commissioned vessel or small boat in the service of the regular U.S. Coast Guard and does not include Coast Guard Auxiliary vessels.

(b) *Safety zones.*

(1) Coast Guard Station Fire Island, Long Island, NY. All waters of Fire Island Inlet from the shore out to a line beginning at a point on shore at 40°37'31.4" N, 073°15'41.1" W; then North to 40°37'35.6" N, 073°15'43.1" W; then East to 40°37'36.7" N, 073°15'39.8" W; then East to 40°37'37.8" N, 073°15'36.6" W; then East to 40°37'41.1" N, 073°15'33.5" W; then Southeast to 40°37'39.7" N, 073°15'27.0" W; then Southeast to 40°37'37.5" N, 073°15'22.1" W; then Southeast to 40°37'37.6" N, 073°15'19.1" W; then Southeast to point on shore at 40°37'33.9" N, 073°15'20.8" W (NAD 83).

(c) *Regulations.*

(1) The general regulations contained in § 165.23 and § 165.33 of this part

apply. Entering into, remaining within or cause an article or thing to enter into or remain within these safety and security zones is prohibited unless authorized by the Captain of the Port or a designated representative.

(2) These safety and security zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port (COTP) or a designated representative. Vessel operators given permission to enter or operate in the security zones must comply with all directions given to them by the COTP or the designated representative.

(3) The "designated representative" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his/her behalf. The on-scene representative may be on a Coast Guard vessel, a state or local law enforcement vessel, or other designated craft, or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(4) Vessel operators desiring to enter or operate within the security zones shall request permission to do so by contacting the Captain of the Port Sector Long Island Sound at 203-468-4401, or via VHF Channel 16.

■ 11. Remove § 165.155.

■ 12. Remove §§ 165.158 and 165.159.

Dated: January 25, 2012.

**J.M. Vojvodich,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.*

[FR Doc. 2012-2899 Filed 2-9-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0060]

#### Drawbridge Operation Regulation; Oakland Inner Harbor, Oakland, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Fruitvale Avenue Drawbridge across Oakland Inner Harbor, mile 5.6, between the cities of Alameda and Oakland, Alameda County, CA. The deviation is necessary to allow the County of

Alameda Public Works Agency to perform seismic retrofitting on the drawbridge. This deviation allows the bridge owner to secure the drawspan in the closed-to-navigation position during the project.

**DATES:** This deviation is effective from 12:01 a.m., February 13, 2012 to 11:59 p.m. on February 24, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of the docket USCG-2012-0060 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0060 in the "Keyword" box and then clicking "Search". They are 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 rule, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone (510) 437-3516, email [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil) If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The County of Alameda Public Works Agency has requested a temporary change to the operation of the Fruitvale Avenue Drawbridge, mile 5.61, over Oakland Inner Harbor, between the cities of Alameda and Oakland, Alameda County, CA. The drawbridge navigation span provides a vertical clearance of 15 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal; except that, from 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. However, the draw shall open during the above closed periods for vessels which must, for reasons of safety, move on a tide or slack water, if at least two hours notice is given, as required by 33 CFR 117.181. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position for seismic retrofitting from 12:01 a.m., February 13, 2012 to 11:59 p.m. on February 24, 2012. At all other times, the drawspan will promptly return to normal operation. This temporary deviation has been coordinated with waterway users.