establishes today as the effective date for those sections.

DATES: Sections 160.204(a)(5)(vii), 160.205, and 160.208(a) and (c) are effective August 20, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Michael Lendvay, Office of Commercial Vessel Compliance (CG–CVC), Coast Guard; telephone 202–372–1218, email Michael.D.Lendvay@uscg.mil. If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Viewing Documents Associated With This Rule

To view the final rule published on January 30, 2015 (80 FR 5282), or other documents in the docket for this rulemaking, go to www.regulations.gov, type the docket number, USCG–2005–21869, in the “SEARCH” box and click “SEARCH.” Click on “Open Docket Folder” in the first item listed. Use the following link to go directly to the docket: www.regulations.gov/#/docketDetail?id=USCG-2005-21869.

Background

On January 30, 2015, the Coast Guard published a final rule that revised or amended existing notice of arrival and automatic identification system requirements. 80 FR 5282. The final rule delayed the effective date of 33 CFR 160.204(a)(5)(vii), 160.205, and 160.208(a) and (c) because these sections contain collection-of-information provisions that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. On August 5, 2015, OMB approved the collection assigned OMB Control Number 1625–0100, Advance Notice of Vessel Arrival. Accordingly, we announce that sections 33 CFR 160.204(a)(5)(vii), 160.205, and 160.208(a) and (c) are effective August 20, 2015. The approval for this collection of information expires on February 28, 2017.

We have not yet received approval from OMB regarding the 1625–0112 collection of information, Enhanced Maritime Domain Awareness via Electronic Transmission of Vessel Transit Data, which relates to automatic identification system requirements in the January 2015 final rule (80 FR 5282).

This document is issued under the authority of 33 U.S.C. 1231.

Dated: August 14, 2015.

J.G. Lantz, Director of Commercial Regulations and Standards, U.S. Coast Guard.

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

Between 6:45 a.m. and 12:15 p.m. on August 22, 2015, a paddleboard race will be held on the shoreline of Lake Erie, Cleveland Harbor in Cleveland, OH, in the vicinity of Whiskey Island. It is anticipated that to 100 paddle boarders and safety vessels will participate in the event. The Captain of the Port Buffalo has determined that such an event proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include hazardous navigation situations with less maneuverable watercraft and people falling into the water.
C. Discussion of the Final 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 participants and safety vessels during the Whiskey Island Paddleboard Festival and Race. This zone will be enforced from 6:45 a.m. until 12:15 p.m. on August 22, 2015. This zone will encompass all waters of Lake Erie: Cleveland Harbor, Cleveland, OH within the following positions: 41°29′59.5″ N and 081°42′59.3″ W, then East to 41°30′4.4″ N and 081°42′44.5″ W, then North to 41°30′17.3″ N and 081°43′0.6″ W, then Southwest to 41°30′9.4″ N and 081°43′2.0″ W, then East to 41°29′54.9″ N and 081°43′34.4″ W, then Southeast returning to the point of origin (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.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. 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. 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 a portion of Cleveland Harbor on the morning of August 22, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be effective, and thus subject to enforcement, for only five and a half hours early in the morning. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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 above.

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.

4. 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).

5. Federalism

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 determined that this rule does not have implications for federalism.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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
PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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


2. Add §165.T09–0716 to read as follows:

§165.T09–0716 Safety Zone; Whiskey Island Paddleboard Festival and Race; Lake Erie, Cleveland, OH.

(a) Location. This zone will encompass all waters of Lake Erie; Cleveland Harbor, Cleveland, OH within the following positions: 41°29′59.5″ N and 081°42′59.3″ W, then East to 41°30′4.4″ N and 081°42′44.5″ W, then North to 41°30′17.3″ N and 081°43′0.6″ W, then Southwest to 41°30′9.4″ N and 081°43′2.0″ W, then East to 41°29′54.9″ N and 081°43′34.4″ W, then Southeast returning to the point of origin (NAD 83).

(b) Enforcement Period. This regulation will be enforced on August 22, 2015 from 6:45 a.m. until 12:15 p.m. (c) Regulations. (1) In accordance with the general regulations in §165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: August 7, 2015.
B.W. Roche,
Captain, U.S. Coast Guard, Captain of the Port Buffalo.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52