fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W [DATUM: NAD 83].

(ii) **Enforcement Period.** Each year on the second Saturday of July from 9 p.m. until 11 p.m.

(17) **Charlevoix Venetian Festival Friday Night Fireworks; Charlevoix, MI:**

(i) **Location.** All U.S. navigable waters of Lake Charlevoix, in the vicinity of Depot Beach, within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 45°19′06″ N, 085°14′18″ W [DATUM: NAD 83].

(ii) **Enforcement Period.** Each year on Friday of the fourth weekend of July from 9 p.m. until 11 p.m.

(18) **Charlevoix Venetian Festival Saturday Night Fireworks; Charlevoix, MI:**

(i) **Location.** All U.S. navigable waters of Round Lake within the arc of a circle with a 300-foot radius from the fireworks launch site located on a barge in position 45°19′03″ N, 085°15′18″ W [DATUM: NAD 83].

(ii) **Enforcement Period.** Each year on Saturday of the fourth weekend of July from 9 p.m. until 11 p.m.

(19) **Elk Rapids Harbor Days Fireworks; Elk Rapids, MI:**

(i) **Location.** All U.S. navigable waters of Grand Traverse Bay, in the vicinity of Edward G. Grace Memorial Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°53′58″ N, 085°25′04″ W [DATUM: NAD 83].

(ii) **Enforcement Period.** Each year on the first Saturday of August from 9 p.m. until 11 p.m.

(20) **Alpena Fourth of July Celebration Fireworks, Alpena, MI:**

(i) **Location.** All U.S. navigable waters of Lake Huron within an 800-foot radius of the fireworks launch site located near the end of Mason Street, South of State Avenue, at position 45°02′42″ N, 083°26′48″ W (NAD 83).

(ii) **Enforcement Period.** This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

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

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Sault Sainte Marie to monitor these safety zones, permit entry into these safety zones, give legally enforceable orders to persons or vessels within these safety zones, or take other actions authorized by the Captain of the Port Sault Sainte Marie.

Public vessel means a vessel owned, chartered, or operated by the United States or by a State or political subdivision thereof.

(c) **Regulations.** (1) In accordance with the general regulations in §165.23 of this part, entry into, transiting, or anchoring within any of the safety zones listed in this section is prohibited unless authorized by the Captain of the Port Sault Sainte Marie, or a designated representative.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Sault Sainte Marie or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) When a safety zone established by this section is being enforced, all vessels must obtain permission from the Captain of the Port Sault Sainte Marie or a designated representative to enter, move within, or exit that safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Sault Sainte Marie or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(d) **Suspension of Enforcement.** If the event concludes earlier than scheduled, the Captain of the Port Sault Sainte Marie or a designated representative will issue a Broadcast Notice to Mariners notifying the public that enforcement of the respective safety zone is suspended.

(e) **Exemption.** Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(f) **Waiver.** For any vessel, the Captain of the Port Sault Sainte Marie or a designated representative may, at his or her discretion, waive any of the requirements of this section, upon finding that circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

Dated: May 17, 2011.

G.J. Paitl, 
Commander, U.S. Coast Guard, Acting Captain of the Port, Sector Sault Sainte Marie.

[FR Doc. 2011–13438 Filed 6–1–11; 8:45 am]
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 immediate action is needed to minimize potential danger to the public during the event. The potential dangers posed by fireworks displays conducted near the Currituck Sound with other vessel traffic makes a safety zone necessary to provide for the safety of participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. The Coast Guard will issue broadcast notices to the public, including vessel traffic service (VTS) broadcasts so mariners can adjust their navigation in the regulated area during the effective period. Those vessels that may not enter the regulated area when the Coast Guard Patrol Commander. The regulation listing annual recurring fireworks displays is at § 165.506 identifies fireworks displays held on or adjacent to the navigable waters within the boundary of the Fifth Coast Guard District. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25. The regulation listing annual fireworks displays within the Fifth Coast Guard District and their regulated locations is 33 CFR 165.506. A Table to § 165.506 identifies fireworks displays by COTP zone, with the COTP North Carolina zone listed in Portion “d” of the Table.

The township of Corolla, North Carolina, sponsors a fireworks display held on July 4th over the waters of Currituck Sound at Corolla, North Carolina. The Table to § 165.506, at Portion “d” event Number “5”, established the enforcement date and regulated location for this fireworks event.

The location listed in the Table has the fireworks display originating from a fireworks barge on Currituck Sound. However, this temporary final rule changes the fireworks launch location on July 4, 2011, to a position on shore at latitude 36°22′23.8″ N, longitude 075°49′56.3″ W. A fleet of spectator vessels is anticipated to gather nearby to view the fireworks display. Due to the need for vessel control during the fireworks display vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. Under provisions of 33 CFR 165.506, during the enforcement period, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

Discussion of Rule

The Coast Guard will temporarily suspend the regulation listed in Table to § 165.506, at Portion “d” event Number “5”, and will insert this new temporary regulation at Table to § 165.506, at Portion “d” as event Number “14”, in order to reflect that the fireworks display will originate from a point on shore and therefore the regulated area is changed. This change is needed to accommodate the sponsor’s event plan. No other portion of the Table to § 165.506 or other provisions in § 165.506 shall be affected by this regulation.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders. Below we summarize our analyses based on 13 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.

This rule prevents traffic from transiting a portion of the Currituck Sound during the specified event. The effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking changes the regulated area for the Currituck Sound fireworks demonstration for July 4, 2011 only and does not change the permanent regulated area that has been published in 33 CFR 165.506, Table to § 165.506 at Portion “d” event Number “5”. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it safe to do so.

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 would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the Currituck Sound where fireworks events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during the fireworks display event that has been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the regulated area when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various
TAKING OF PRIVATE PROPERTY

This rule will not affect 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 and 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 which 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. This rule establishes a safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES.

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:


2. Amend § 165.506 as follows:

a. From 5:30 p.m. on July 4, 2011 through 1 a.m. on July 5, 2011 in the Table to § 165.506, suspend entry (d)5.

b. From 5:30 p.m. on July 4, 2011 through 1 a.m. on July 5, 2011, in the Table to § 165.506, add entry (d)14 to read as follows:

§ 165.506 Safety Zones; Fifth Coast Guard District Fireworks Displays.

* * * *

The City of Eureka will sponsor the 28th Annual Humboldt Bay Festival Fireworks Display from 11:45 a.m. on July 3, 2011 until 10:45 p.m. on July 4, 2011, on the navigable waters of Humboldt Bay located 200 yards off the South end of Woodley Island in Eureka, California. From 12 p.m. until 8 p.m. on July 3, 2011, pyrotechnics will be loaded onto a barge at Schneider Pier. From 3 p.m. until 4 p.m. on July 4, 2011 the loaded barge will be transiting from Schneider Dock to the launch site located at position 40°48′35.30″ N, 124°09′56.47″ W (NAD 83). The temporary safety zone will extend 100 feet from the nearest point of the barge during the loading, transit, and arrival of the pyrotechnics from Schneider Pier to position 40°48′35.30″ N, 124°09′56.47″ W (NAD 83). The fireworks display will occur from 10 p.m. on July 4, 2011 until 10:25 p.m., during which the safety zone will extend 1,000 feet from the nearest point of the barge at position 40°48′35.30″ N, 124°09′56.47″ W (NAD 83). At 11 p.m. on July 4, 2011 the safety zone shall terminate. The effect of the temporary safety zones will be to restrict navigation in the vicinity of the fireworks sites while the fireworks are set up, and until the conclusion of the scheduled displays. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep spectators and vessels a safe distance away from the fireworks barges to ensure the safety of

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<td>All waters of the Currutch Sound within a 300 yard radius of the fireworks launch site in approximate position latitude 36°22′23.8″ N, longitude 075°49′56.3″ W, located near Whale Head Bay.</td>
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