

(1) § 165.941(a)(2) *Washington Township Summerfest Fireworks, Toledo, OH*

This safety zone will be enforced from 10 p.m. to 10:30 p.m. on June 25, 2011. In the case of inclement weather on June 25, 2011, this safety zone will be enforced from 10 p.m. until 10:30 p.m. on June 26, 2011, weather permitting.

(2) § 165.941(a)(6) *Put-In-Bay Fourth of July Fireworks, Put-In-Bay, OH*

This safety zone will be enforced from 9:30 p.m. to 11 p.m. on July 4, 2011. In the case of inclement weather on July 4, 2011, this safety zone will be enforced from 9:30 p.m. until 11 p.m. on July 5, 2011, weather permitting.

(3) § 165.941(a)(16) *Toledo Country Club Memorial Day Fireworks, Toledo, OH*

This safety zone will be enforced from 9:40 p.m. to 10 p.m. on May 27, 2011.

(4) § 165.941(a)(17) *Luna Pier Fireworks Show, Luna Pier, MI*

This safety zone will be enforced from 9:45 p.m. to 10:15 p.m. on July 02, 2011.

(5) § 165.941(a)(18) *Toledo Country Club 4th of July Fireworks, Toledo, OH*

This safety zone will be enforced from 9:40 p.m. to 10 p.m. on July 1, 2011.

(6) § 165.941(a)(19) *Red, White, Kaboom Lights Up The Night Fireworks, Toledo, OH (formally known as Pharm Lights Up the Night)*

This safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2011.

(7) § 165.941(a)(20) *Perrysburg/Maumee 4th of July Fireworks, Perrysburg, OH*

This safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2011. In the case of inclement weather on July 3, 2011, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2011, weather permitting.

(8) § 165.941(a)(21) *Lakeside July 4th Fireworks, Lakeside, OH*

This safety zone will be enforced from 9:30 p.m. to 9:45 p.m. on July 4, 2011. In the case of inclement weather on July 4, 2011, this safety zone will be enforced from 9:30 p.m. to 9:45 p.m. on July 5, 2011, weather permitting.

(9) § 165.941(a)(22) *Catawba Island Club Fireworks, Catawba Island, OH*

This safety zone will be enforced from 9:15 p.m. to 9:45 p.m. on July 1, 2011.

(10) § 165.941(a)(23) *Red, White and Blues Bang Fireworks, Huron, OH*

This safety zone will be enforced from 10:30 p.m. to 10:45 p.m. on July 2, 2011.

(11) § 165.941(a)(24) *Huron Riverfest Fireworks, Huron, OH*

This safety zone will be enforced from 10:15 P.M. to 10:30 P.M. on July 8, 2011. In the case of inclement weather on July 8, 2011, this safety zone will be enforced from 10:15 p.m. to 10:30 p.m. on July 9, 2011, weather permitting.

(12) § 165.941(a)(25) *Kelley's Island, Island Fest Fireworks, Kelley's Island, OH*

This safety zone will be enforced from 9:45 p.m. to 10:15 p.m. on July 23, 2011.

(13) § 165.941(a)(28) *Lakeside Labor Day Fireworks, Lakeside OH*

This safety zone will be enforced from 9:15 p.m. to 9:30 p.m. on September 4, 2011.

(14) § 165.941(a)(29) *Catawba Island Club Fireworks, Catawba Island, OH*

This safety zone will be enforced from 9:15 p.m. to 9:45 p.m. on September 4, 2011.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within any one of these safety zones is during a period of enforcement is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via the Local Notice to Mariners that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.23 and 5 U.S.C. 552 (a). If the Captain of the Port determines that any of these safety zones need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: May 25, 2011.

**J.E. Ogden,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Detroit.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2011-0450]

RIN 1625-AA00

**Safety Zones; Multiple Firework Displays in Captain of the Port, Puget Sound Area of Responsibility**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing safety zones in Holmes Harbor, Boston Harbor, Port Gardner, Shilshole Bay, Port Ludlow, and Spieden Island for various summer fireworks displays. The safety zones are necessary to help ensure the safety of the maritime public during the displays and will do so by prohibiting all persons and vessels from entering the safety zones unless authorized by the Captain of the Port or his designated representative.

**DATES:** This rule is effective from 5 p.m. on July 3, 2011 through 1 a.m. on August 13, 2011.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2011-0450 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0450 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 temporary rule, call or e-mail ENS Anthony P. LaBoy, Coast Guard Sector Puget Sound, Waterways Management Division; telephone 206-217-6323, e-mail [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**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 waiting for a notice and comment period to run would be impracticable and contrary to the public interest in that it would inhibit the Coast Guard’s ability to protect the public from the hazards associated with fireworks displays on navigable waters.

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, a 30 day notice period would be impractical and contrary to the public interest.

### Background and Purpose

Fireworks displays create hazardous conditions for the maritime public because of the large number of vessels that congregate near the displays as well as the noise, falling debris, and explosions that occur during the event. The establishment of a safety zone around displays helps to ensure the safety of the maritime public by prohibiting all persons and vessels from coming too close to the fireworks display and the associated hazards.

### Discussion of Rule

This rule establishes six safety zones for the following firework displays: Freeland 3rd of July on July 3, 2011 in Holmes Harbor near Freeland, WA; Boston Harbor Fireworks on July 3, 2011 in Boston Harbor near Olympia, WA; Everett 4th of July Foundation on July 4, 2011 in Port Gardner near Everett, WA; Tenold-Jordan Wedding on July 23, 2011 in Shilshole Bay, Seattle, WA; Port Ludlow Celebration on July 30, 2011 in Port Ludlow Bay, WA; and the Barghausen’s Annual Firework display on August 12, 2011 east of Green Point, Spieden Island, WA. All persons and vessels will be prohibited from entering the safety zones during the dates and times they are effective unless authorized by the Captain of the Port or his designated representative.

### 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.

### 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 is not a significant regulatory action because it creates safety zones that are minimal in size and short in duration.

### 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 may be small entities: The owners or operators of vessels intending to transit through the established safety zones during the times of enforcement. This rule will not have a significant economic impact on a substantial number of small entities because the temporary safety zones are minimal in size and short in duration, and maritime traffic may be permitted to transit them with permission from the Captain of the Port or his designated representative.

### 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 the 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 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.ID, 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. This rule involves the establishment of safety

zones. 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:

**Authority:** 33 U.S.C. 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.

■ 2. Add § 165.T13-184 to read as follows:

#### § 165.T13-184 Safety Zones; Multiple Firework Displays in Captain of the Port, Puget Sound Area of Responsibility

(a) *Location.* The following areas are designated as safety zones:

1. *Freeland Third of July, Holmes Harbor, Freeland, WA:* All waters of Holmes Harbor encompassed within a 300 yard radius around position 48° 1.18' N, 122° 31.88' W.

2. *Boston Harbor Fireworks, Boston Harbor, Olympia, WA:* All waters of Boston Harbor encompassed within a 200 yard radius around position 47° 08.5' N, 122° 54.2' W.

3. *Everett Fourth of July Foundation, Port Gardner, Everett, WA:* All waters of Port Gardner encompassed within a 300 yard radius around position 48° 00.672' N, 122° 13.391' W.

4. *Tenold-Jordan Wedding, Shilshole Bay, Seattle, WA:* All waters of Shilshole Bay encompassed within a 150 yard radius around position 47° 40.489' N, 122° 24.795' W.

5. *Port Ludlow Celebration, Port Ludlow, WA:* All waters of Port Ludlow encompassed within a 150 yard radius around position 47° 55.161' N, 122° 41.157' W.

6. *Barghausen's Annual Firework Display, Green Point, Spieden Island, WA:* All waters east of Spieden Island encompassed within a 350 yard radius around position 48° 37.939' N, 123° 05.99' W.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 165, Subpart C, no person or vessel may enter or remain in the safety zone

created by this section without the permission of the Captain of the Port or his designated representative.

Designated representatives are Coast Guard Personnel authorized by the Captain of the Port to grant persons or vessels permission to enter or remain in the safety zone created by this section. See 33 CFR part 165, Subpart C, for additional information and requirements.

(c) *Enforcement Period.* The safety zones created by this section will be in effect as follows:

1. *Freeland Third of July, Holmes Harbor, Freeland, WA:* 5 p.m. on July 3, 2011 until 1 a.m. on July 4, 2011.

2. *Boston Harbor Fireworks, Boston Harbor, Olympia, WA:* 5 p.m. on July 3, 2011 until 1 a.m. on July 4, 2011.

3. *Everett Fourth of July Foundation, Port Gardner, Everett, WA:* 5 p.m. July 4, 2011 until 1 a.m. on July 5, 2011.

4. *Tenold-Jordan Wedding, Shilshole Bay, Seattle, WA:* 5 p.m. on July 23, 2011 until 1 a.m. on July 24, 2011.

5. *Port Ludlow Celebration, Port Ludlow, WA:* 5 p.m. on July 30, 2011 until 1 a.m. on July 31, 2011.

6. *Barghausen's Annual Firework Display, Green Point, Spieden Island, WA:* 5 p.m. on August 12, 2011 until 1 a.m. on August 13, 2011.

Dated: May 20, 2011.

**S. J. Ferguson,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2011-0439]

RIN 1625-AA00

#### Safety Zones; July 4th Fireworks Displays Within the Captain of the Port Miami Zone, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety zones during Fourth of July fireworks events on the navigable waterways of Bal Harbour, Boynton Beach, Deerfield Beach, Delray Beach, Fort Lauderdale, Hollywood, Key Biscayne, Lauderdale by the Sea, Miami Beach, Pompano Beach, Stuart, and West Palm Beach, Florida. These safety zones are necessary to protect the public from the