

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket Nos. FDA-2011-C-0344 and FDA-2011-C-0463]

CooperVision, Inc.; Filing of Color Additive Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petitions.

SUMMARY: The Food and Drug Administration (FDA) is announcing that CooperVision, Inc., has filed two petitions proposing that the color additive regulations be amended to provide for the safe use of 1,4-bis[4-(2-methacryloxyethyl)phenylamino]anthraquinone (C.I. Reactive Blue 246) and 1,4-bis[(2-hydroxyethyl)amino]-9,10-anthracenedione bis(2-methyl-2-propenoic)ester (C.I. Reactive Blue 247). The color additives are intended to be copolymerized with various monomers for use as colored contact lens materials.

FOR FURTHER INFORMATION CONTACT: *Regarding CAP 1C0291:* Judith Kidwell, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1071.

Regarding CAP 1C0292: Teresa Croce, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1281.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 721(d)(1) (21 U.S.C. 379e(d)(1))), notice is given that two color additive petitions (CAP 1C0291, Docket No. FDA-2011-C-0344 and CAP 1C0292, Docket No. FDA-2011-C-0463) have been filed by CooperVision, Inc., 6150 Stoneridge Mall Rd., Suite 370, Pleasanton, CA 94588. The petitions propose to amend the color additive regulations in 21 CFR part 73, subpart D, *Medical Devices*, to provide for the safe use of 1,4-bis[4-(2-methacryloxyethyl)phenylamino]anthraquinone (C.I. Reactive Blue 246; CAS Reg. No. 121888-69-5) (CAP 1C0291) and 1,4-bis[(2-hydroxyethyl)amino]-9,10-anthracenedione bis(2-methyl-2-propenoic)ester (C.I. Reactive Blue 247; CAS Reg. No. 109561-07-1) (CAP 1C0292). The color additives are intended to be copolymerized with various monomers for use as colored contact lens materials.

The Agency has determined under 21 CFR 25.32(l) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: June 20, 2011.

Mitchell A. Cheeseman,
Acting Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG-2011-0109]

RIN 1625-AA08; AA00

Special Local Regulations and Safety Zones; Recurring Events in Captain of the Port Boston Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend special local regulations (SLR) and to establish permanent safety zones in the Coast Guard Sector Boston Captain of the Port (COTP) Zone for annual recurring marine events. When these SLRs or safety zones are activated, and thus subject to enforcement, this rule would restrict persons and vessels from portions of waterway during annual events listed in TABLES 1 and 2 that pose a hazard to public safety. The revised SLRs and safety zones are proposed to reduce administrative overhead, expedite public notification of events, and to ensure the protection of the maritime public and event participants from the hazards associated with firework displays, boat races, and other marine events.

DATES: Comments and related material must be received by the Coast Guard on or before July 28, 2011.

Requests for public meetings must be received by the Coast Guard on or before July 5, 2011.

ADDRESSES: You may submit comments identified by docket number USCG-2011-0109 using any one of the following methods:

- (1) *Federal e-Rulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202-493-2251.
- (3) *Mail:* Docket Management Facility (M-30), U.S. Department of

Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Petty Officer (PO) David Labadie of the Waterways Management Division, U.S. Coast Guard Sector Boston; telephone 617-223-3010, e-mail David.J.Labadie@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:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2011-0109), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2011-0109" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2011-0109" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

For information on facilities or services for individuals with disabilities

or to request special assistance at the public meeting, contact PO David Labadie at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C. 1226, 1231, 1233; 46 U.S.C. Chapter 454, 701, 3306, 3703; 50 U.S.C. 191, 195; Public Law 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones and SLRs.

Marine events are annually held on a recurring basis on the navigable waters within the Coast Guard COTP Boston Zone. These events include fireworks displays, swim events, and other marine events. In the past, the Coast Guard has established SLRs, regulated navigation areas, and safety zones for these events on a case by case basis to ensure the protection of the maritime public and event participants from the hazards associated with these marine events. Issuing individual regulations annually has proved to be administratively cumbersome.

This proposed rule will significantly relieve administrative overhead and consistently apprise the public in a timely manner through permanent publication in Title 33 of the Code of Federal Regulations. The TABLES in this proposed regulation list each recurring marine event requiring a regulated area as administered by the Coast Guard.

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. This provides opportunity for the public to comment while limiting the unnecessary burden of continually establishing temporary rules every year.

This rulemaking will amend, remove, and add regulations that better meet the Coast Guard's intended purpose of ensuring safety during these events.

The Coast Guard has also identified a number of events in 33 CFR 100 which would be more appropriately located in 33 CFR 165. This rule will amend local regulations contained in 33 CFR Part 100 to move firework displays to Part 165, a citation that better meets the Coast Guard's intended purpose of ensuring safety during these events.

The Coast Guard has promulgated safety zones or SLRs for these areas in the past, and has not received public comments or concerns regarding the

impact to waterway traffic from these annually recurring events.

Discussion of Proposed Rule

The Coast Guard proposes to revise section 33 CFR 100.114, and to add sections 33 CFR 100.130, and 33 CFR 165.118. The proposed changes will remove nine outdated regulated areas and establish 43 new permanent regulated areas. The proposed rule will apply to each recurring marine event listed in the attached TABLES in the Coast Guard COTP Boston Zone. The TABLES provide the event name, sponsor, and type, as well as approximate dates and locations of the events. Additionally, the specific times, dates, regulated areas, and enforcement period for each event will be provided in a Notice of Enforcement published in the **Federal Register** and through Local Notice to Mariners (LNM) and Broadcast Notice to Mariners (BNTM) prior to each event. The particular size of the safety zones established for each event will be reevaluated on an annual basis in accordance with Navigational and Vessel Inspection Circular (NVIC) 07-02, Marine Safety at Firework Displays, the National Fire Protection Association Standard 1123, Code for Fireworks Displays (70-foot distance per inch of diameter of the fireworks mortars), and other pertinent regulations and publications.

This proposed regulation would prevent persons and vessels from transiting areas specifically designated as SLRs or safety zones during the periods of enforcement to ensure the protection of the maritime public and event participants from the hazards associated with listed marine events. Only event sponsors, designated participants, and official patrol vessels will be allowed to enter safety zones and SLR areas. Spectators and other vessels not registered as event participants may not enter the regulated areas without the permission of the COTP or the designated representatives.

Regulatory Analyses

We developed this proposed 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 proposed 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 proposed rule to be minimal. Although this regulation may have some impact on the public, the potential impact will be minimized for the following reasons: Vessels will only be restricted from safety zones and SLR areas for a short duration of time unless otherwise noted; vessels may transit in portions of the affected waterway except for those areas covered by the proposed safety zones; the Coast Guard has promulgated safety zones or SLRs in accordance with 33 CFR Parts 100 and 165 for all event areas in the past and has not received notice of any negative impact caused by any of the safety zones or SLRs; notifications will also be made to the local maritime community by LNM and BNTM well in advance of the events.

The effect of this proposed action simply establishes locations or the approximate dates on which the existing regulations would be enforced and consolidates them within one regulation. 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 proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule will affect the following entities, some of which may be small entities: owners or operators of vessels intending to transit, fish, or anchor in the areas where marine events are being held. For the reasons outlined in the Regulatory Planning and Review section above, this rule would not have a significant impact on a substantial number of small entities.

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

qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 PO David Labadie at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call 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 proposed 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 proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves water activities including fireworks displays, swim events, and other marine events. This rule appears to be categorically excluded, under figure 2-1, paragraph (34)(h) of the Instruction.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and record-keeping 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 proposes to amend 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. In § 100.114, remove the following entries in the “Fireworks Display Table” (along with the associated “Massachusetts” titles) as follows: 100.114(5.1) including the Table heading for “MAY”, 100.114(7.6), 100.114(7.7), 100.114(7.9), 100.114(7.178), 100.114(7.23), 100.114(8.7), 100.114(9.1), 100.114(12.1).

3. Add a new § 100.130 to read as follows:

§ 100.130 Special Local Regulations; Recurring Annual Marine Events in Sector Boston Captain of the Port Zone

The following regulations apply to the marine events listed in TABLE 1. These regulations will be enforced for the duration of each event, on or about the dates indicated in TABLE 1. Annual notice of the exact dates and times of the effective period of the regulations with respect to each event, the geographical description of each regulated area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will be provided in a Notice of Enforcement published in the **Federal Register** and through Local Notice Mariners (LNM) and/or Broadcast Notice to Mariners prior to each event. Mariners should consult the **Federal Register** or their LNM to remain apprised of minor schedule or event changes. First Coast Guard District LNM can be found at: <http://www.navcen.uscg.gov/>. The Sector Boston Marine Events schedule can also be viewed electronically at <http://www.homeport.uscg.mil>. Although listed in the Code of Federal Regulations, sponsors of events listed in TABLE 1 are still required to submit a marine event permit application in accordance with 33 CFR 100.15.

(a) The Coast Guard may patrol each event area under the direction of a designated Coast Guard Patrol Commander (PATCOM). PATCOM may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign “PATCOM.” Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Sector Boston.

(b) Vessels may not transit the regulated areas without PATCOM 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.

(c) 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 LNM, unless authorized by an official patrol vessel.

(d) PATCOM 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.

(e) PATCOM 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. Such action may be justified as a result of weather, traffic density, spectator operation or participant behavior.

(f) For all power boat races listed, vessels operating 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.

(g) For all regattas, boat parades, and rowing and paddling boat races, vessels not associated with the event shall maintain a separation of at least 50 yards from the participants.

TABLE 1

3.0	MARCH
3.1 Hull Snow Row	<ul style="list-style-type: none"> • Event Type: Rowing Regatta. • Sponsor: Hull Lifesaving Museum. • Date: A one-day event on Saturday during the second weekend of March, as specified in the USCG District 1 Local Notice to Mariners. • Time: 12 p.m. to 13 p.m. • Location: All waters of Hingham Bay, between Windmill Point and Sheep’s Island within the following points (NAD 83): <ul style="list-style-type: none"> 42°18.3’ N, 070°55.8’ W. 42°18.3’ N, 070°55.3’ W. 42°16.6’ N, 070°54.9’ W.

TABLE 1—Continued

42°16.6' N, 070°56.0' W.	
6.0	JUNE
6.1 Sea-Doo Regional Championships	<ul style="list-style-type: none"> • Event Type: PWC Race. • Sponsor: Toyota. • Date: A two-day event on Saturday and Sunday during the first weekend of June, as specified in the USCG District 1 Local Notice to Mariners. • Time: 6:30 a.m. to 5 p.m. daily. • Location: All waters of the Atlantic Ocean near Salisbury Beach, Salisbury, MA, within a 100-yard radius of the race course site located at position 42°51.5' N, 070°48.5' W (NAD 83).
8.0	AUGUST
8.1 Haverhill River Run	<ul style="list-style-type: none"> • Event Type: Power Boat Race. • Sponsor: Crescent Yacht Club and South Shore Outboard Association. • Date: A two-day event on Saturday and Sunday during the last weekend of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 12 p.m. to 5 p.m. • Location: All waters of the Merrimack River, between the Interstate 495 Highway Bridge, located at position 42°46.1' N, 071°07.2' W (NAD 83), and the Haverhill-Groveland SR97/113 Bridge, located at position 42°45.8' N, 071°02.1' W (NAD 83).

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

4. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 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; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

5. Add a new § 165.118 to read as follows:

§ 165.118 Safety Zones; Recurring Annual Events held in Coast Guard Sector Boston Captain of the Port Zone.

The Coast Guard is establishing safety zones for the events listed in TABLE 2 below. These regulations will be enforced for the duration of each event, on or about the dates indicated in TABLE 2. Annual notice of the exact dates and times of the effective period of the regulations with respect to each event, the geographical description of each regulated area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will be provided in a Notice of Enforcement published in the **Federal Register** and through Local Notice Mariners (LNM) and/or Broadcast Notice to Mariners prior to each event. Mariners should consult the **Federal Register** or their LNM to remain

apprised of minor schedule or event changes. First Coast Guard District LNM can be found at: <http://www.navcen.uscg.gov/>. The Sector Boston Marine Events schedule can also be viewed electronically at: <http://www.homeport.uscg.mil>. Although listed in the Code of Federal Regulations, sponsors of events listed in TABLE 2 are still required to submit a marine event permit application each year in accordance with 33 CFR 100.15.

(a) The Coast Guard may patrol each event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign “PATCOM.” Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Sector Boston.

(b) Vessels may not transit the regulated areas without Patrol Commander 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.

(c) Spectators or other vessels shall not anchor, block, loiter, or impede the movement 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 LNM, unless authorized by an official patrol vessel.

(d) The Patrol Commander 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.

(e) The Patrol Commander 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. Such action may be justified as a result of weather, traffic density, spectator operation or participant behavior.

(f) For all fireworks displays listed below, the regulated area is that area of navigable waters within a 350-yard radius of the launch platform or launch site for each fireworks display, unless modified in the LNM at: <http://www.navcen.uscg.gov/>.

(g) For all swimming events listed, vessels not associated with the event shall maintain a distance of at least 100 yards from the participants.

TABLE 2

42°16.6' N, 070°56.0' W.	
6.0	JUNE
6.1 Sand and Sea Festival Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display

TABLE 2—Continued

	<ul style="list-style-type: none"> • Sponsor: Salisbury Beach Partnership, Inc. • Date: A one-night event on Saturday during the last weekend of June, as specified in the USCG District 1 Local Notice to Mariners. • Time: 10 p.m. to 10:30 p.m. • Location: All waters of the Atlantic Ocean near Salisbury Beach within a 350-yard radius of the fireworks launch site located at position 42°50.6' N, 70°48.4' W (NAD 83).
6.2 St. Peter's Fiesta Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: St. Peters Fiesta. • Date: A one-night event on Saturday during the last weekend of June, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8 p.m. to 10 p.m. • Location: All waters of Gloucester Harbor, Stage Fort Park, within a 350-yard radius of the fireworks launch site on the beach located at position 42°36.3' N, 070°40.5' W (NAD 83).
6.3 Surfside Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Salisbury Beach Partnership and Chamber of Commerce. • Date: Every Saturday from June through September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9:30 p.m. to 10:30 p.m. • Location: All waters of the Atlantic Ocean near Salisbury Beach, MA, within a 350-yard radius of the fireworks barge located at position 42°50.6' N, 070°48.4' W (NAD 83).
6.4 Cohasset Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Bill Burnett. • Date: A one-day event on Sunday during the last weekend of June, as specified in the USCG District 1 Local Notice to Mariners. • Time: 08:30 a.m. to 10 a.m. • Location: All waters in the vicinity of Cohasset Harbor around Sandy Beach, within the following points (NAD 83): 42°15.6' N, 070°48.1' W. 42°15.5' N, 070°48.1' W. 42°15.4' N, 070°47.9' W. 42°15.4' N, 070°47.8' W.
7.0	JULY
7.1 City of Lynn 4th of July Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Firework Display. • Sponsor: City of Lynn. • Date: July 3rd, as specified in the USCG District 1 Local Notice to Mariners. • Time: 6 p.m. to 11 p.m. • Location: All waters of Nahant Bay, within a 350-yard radius of the fireworks barge located at position 42°27.62' N, 070°55.58' W (NAD 83).
7.2 Gloucester July 4th Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: The Gloucester Fund. • Date: July 3rd, as specified in the USCG District 1 Local Notice to Mariners. • Time: 10:30 p.m. to 11 p.m. • Location: All waters of Gloucester Harbor, Stage Fort Park, within a 350-yard radius of the fireworks launch site on the beach located at position 42°36.3' N, 070°40.5' W (NAD 83).
7.3 Manchester by the Sea Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Manchester Parks and Recreation Department. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8:30 p.m. to 10 p.m. • Location: All waters of Manchester Bay within a 350-yard radius of the fireworks launch site barge located at position 42°35.03' N, 070°45.52' W (NAD 83).
7.4 Weymouth 4th of July Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Weymouth 4th of July Committee. • Date: Friday or Saturday during the first weekend before July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8 p.m. to 10:30 p.m.

TABLE 2—Continued

	<ul style="list-style-type: none"> • Location: All waters of Weymouth Fore River, within a 350-yard radius of the fireworks launch site located at position 42°15.5' N, 070°56.1' W (NAD 83)
7.5 Beverly 4th of July Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Beverly Harbormaster. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 11 p.m. • Location: All waters of Beverly Harbor within a 350-yard radius of the fireworks launch barge located at position 42°32.62' N, 070°52.15' W (NAD 83).
7.6 Beverly Farms 4th of July Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Farms-Pride 4th of July Committee. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 9:30 p.m. • Location: All waters of Manchester Bay within a 350-yard radius of the fireworks launch site near West Beach located at position 42°33.84' N, 070°48.5' W (NAD 83).
7.7 Boston Pops Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Boston 4 Celebrations. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8:30 p.m. to 11 p.m. • Location: All waters of the Charles River within a 350-yard radius of the fireworks barges located in the vicinity of position 42°21.47' N, 071°05.03' W (NAD 83).
7.8 City of Salem Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: City of Salem. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 10 p.m. • Location: All waters of Salem Harbor, within a 350-yard radius of the fireworks launch site located on Derby Wharf at position 42°31.15' N, 070°53.13' W (NAD 83).
7.9 Marblehead 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Marblehead. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8:30 p.m. to 9:30 p.m. • Location: All waters of Marblehead Harbor within a 350-yard radius of the fireworks launch site located at position 42°30.34' N, 070°50.13' W (NAD 83).
7.10 Plymouth 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: July 4 Plymouth, Inc. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 10 p.m. • Location: All waters of Plymouth Harbor within a 350-yard radius of the fireworks launch site located at position 42°57.3' N, 070°38.3' W (NAD 83).
7.11 Town of Nahant Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Nahant. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 11 p.m. • Location: All waters of Nahant Harbor within a 350-yard radius of the fireworks launch site on Bailey' s Hill Park located at position 42°25.1' N, 070°55.8' W (NAD 83).
7.12 Town of Revere Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Revere. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 11 p.m.

TABLE 2—Continued

	<ul style="list-style-type: none"> • Location: All waters of Broad Sound, within a 350-yard radius of the fireworks launch site located at Revere Beach at position 42°24.5' N, 070°59.47' W (NAD 83).
7.13 Yankee Homecoming Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Yankee Homecoming. • Date: A one-day event on Saturday during the last weekend of July or first weekend of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 10 p.m. • Location: All waters of the Merrimack River, within a 350-yard radius of the fireworks launch site located at position 42°48.97' N, 070°52.68' W (NAD 83).
7.14 Hingham 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Hingham Lions Club. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8 p.m. to 10 p.m. • Location: All waters within a 350-yard radius of the beach on Button Island located at position 42°15.07' N, 070°53.03' W (NAD 83).
7.15 Ipswich Independence Day Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Trustees of the Foundation. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 10 p.m. • Location: All waters of Ipswich Bay within a 350-yard radius of the beach located at position 42°41.43' N, 070°46.49' W (NAD 83).
7.16 Salisbury Maritime Festival Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Salisbury Beach Partnership, Inc. • Date: A one-day event on Saturday during the third weekend of July, as specified in the USCG District 1 Local Notice to Mariners. • Time: 10 p.m. to 10:30 p.m. • Location: All waters of the Atlantic Ocean near Salisbury Beach within a 350-yard radius of the fireworks launch site located at position 42°50.6' N, 070°48.4' W (NAD 83).
7.17 Salisbury 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Salisbury Chamber of Commerce. • Date: July 4th, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9:30 p.m. to 11 p.m. • Location: All waters of the Atlantic Ocean near Salisbury Beach within a 350-yard radius of the fireworks launch site located at position 42°50.6' N, 070°48.4' W (NAD 83).
7.18 Charles River 1-Mile Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Charles River Swimming Club, Inc. • Date: A one-day event held on the second Sunday in July, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8 a.m. to 9 a.m. <p>Location: All waters of Charles River between the Longfellow Bridge and the Harvard Bridge within the following points (NAD 83):</p> <ul style="list-style-type: none"> 42°21.7' N, 071°04.8' W. 42°21.7' N, 071°04.3' W. 42°22.2' N, 071°07.3' W. 42°22.1' N, 070°07.4' W.
7.19 Swim Across America Boston	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Swim Across America. • Date: A one-day event on Friday during the third week of July, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7 a.m. to 3 p.m. • Location: All waters of Boston Harbor between Rowes Warf and Little Brewster Island within the following points (NAD 83): <ul style="list-style-type: none"> 42°21.4' N, 071°03.0' W. 42°21.5' N, 071°02.9' W. 42°19.8' N, 070°53.6' W. 42°19.6' N, 070°53.4' W.
7.20 Joppa Flats Open Water Mile	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Newburyport YMCA.

TABLE 2—Continued

	<ul style="list-style-type: none"> • Date: A one-day event on Saturday during the last week of July, as specified in the USCG District 1 Local Notice to Mariners. • Time: 3 p.m. to 5 p.m. • Location: All waters of the Merrimack River located in the Joppa Flats within the following points (NAD 83): 42°48.6' N, 070°50.9' W. 42°48.6' N, 070°49.4' W. 42°48.0' N, 070°49.4' W. 42°48.0' N, 070°57.0' W.
7.21 Swim Across America Nantasket Beach	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Swim Across America. • Date: A one-day event on Sunday during the third week of July, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7 a.m. to 9:30 a.m. • Location: All waters of Massachusetts Bay near Nantasket Beach within the following points (NAD 83): 42°16.7' N, 070°51.9' W. 42°16.9' N, 070°51.3' W. 42°16.3' N, 070°50.5' W. 42°16.1' N, 070°51.0' W.
8.0	AUGUST
8.1 Beverly Homecoming Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Beverly Harbormaster. • Date: A one-day event on Sunday during the first weekend of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 11 p.m. • Location: All waters of Beverly Harbor within a 350-yard radius of the fireworks barge located at position 42°32.62' N, 070°52.15' W (NAD 83).
8.2 Celebrate Revere Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Revere. • Date: A one-day event on Saturday during the first weekend of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 11 p.m. • Location: All waters within a 350-yard radius of the fireworks launch site located at Revere Beach at position 42°24.5' N, 070°59.47' W (NAD 83).
8.3 Gloucester Fisherman Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Gloucester Fisherman Athletic Association. • Date: A one-day event on Sunday during the Second week of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7:30 a.m. to 8:30 a.m. • Location: All waters of Western Harbor, within the following points (NAD 83): 42°36.6' N, 070°40.3' W. 42°36.5' N, 070°40.2' W. 42°36.4' N, 070°40.7' W. 42°36.5' N, 070°40.7' W.
8.4 Urban Epic Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Tri-Maine/Urban Epic Events. • Date: A one-day event on Sunday during the second week of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7 a.m. to 10 a.m. • Location: All waters of Dorchester Bay within the following points (NAD 83): 42°18.9' N, 071°02.0' W. 42°18.9' N, 071°01.8' W. 42°19.5' N, 071°01.8' W. 42°19.8' N, 071°02.2' W.
8.5 Celebrate the Clean Harbor Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: New England Marathon Swimming Association. • Date: A one-day event on Saturday during the third week of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 a.m. to 12 p.m. • Location: All waters of Gloucester Harbor within the following points (NAD 83): 42°35.3' N, 070°39.8' W. 42°35.9' N, 070°39.2' W.

TABLE 2—Continued

	42°35.9' N, 070°39.8' W. 42°35.3' N, 070°40.2' W.
8.6 Boston Light Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Boston Light Swim. • Date: A one-day event on Sunday during the second week of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8 a.m. to 1 p.m. • Location: All waters of Boston Harbor between the L Street Bath House and Little Brewster Island within the following points (NAD 83): 42°19.7' N, 071°02.2' W. 42°19.9' N, 071°10.7' W. 42°19.8' N, 070°53.6' W. 42°19.6' N, 070°53.4' W.
8.7 Sharkfest Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Enviro-Sports Productions, Inc. • Date: A one-day event on Sunday during the last week of August, as specified in the USCG District 1 Local Notice to Mariners. • Time: 10 a.m. to 12 p.m. • Location: All waters of Old Harbor from near Columbia Point to Carson Beach within the following points (NAD 83): 42°19.1' N, 071°02.2' W. 42°19.2' N, 071°01.9' W. 42°19.7' N, 071°02.8' W. 42°19.4' N, 071°02.9' W.
9.0	SEPTEMBER
9.1 Gloucester Schooner Festival Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Stage Fort Park Gloucester. • Date: A one-day event on Saturday during the first weekend of September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7 p.m. to 11 p.m. • Location: All waters of Gloucester Harbor within a 350-yard radius of the launch site on the beach located at position 42°36.3' N, 070°40.5' W (NAD 83).
9.2 Plymouth Yacht Club Celebration Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Plymouth Yacht Club. • Date: A one-day event on Saturday during the first weekend of September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 9 p.m. to 11 p.m. • Location: All waters of Plymouth Harbor within a 350-yard radius of the fireworks barge located at position 41°22.3' N, 070°39.4' W (NAD 83).
9.3 Somerville Riverfest Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Federal Realty Investment Trust. • Date: A one-day event on Saturday during the last weekend of September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7:30 p.m. to 10 p.m. • Location: All waters of the Mystic River within a 350-yard radius of the fireworks barge located at position 42°23.9' N, 071°04.8' W (NAD 83).
9.4 Mayflower Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Fast Forward Race Management. • Date: A one-day event on Saturday during the first weekend of September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 10 a.m. to 11 a.m. • Location: All waters of Plymouth Inner Harbor within the following points (NAD 83): 41°58.3' N, 070°40.6' W. 41°58.7' N, 070°39.1' W. 41°56.8' N, 070°37.8' W. 41°57.1' N, 070°39.2' W.
9.5 Plymouth Rock Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Fast Forward Race Management. • Date: A one-day event on Sunday during the first weekend of September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 7 a.m. to 9:30 a.m.

TABLE 2—Continued

	<ul style="list-style-type: none"> • Location: All waters of Plymouth Inner Harbor within the following points (NAD 83): 41°58.3' N, 070°40.6' W. 41°58.7' N, 070°39.1' W. 41°56.8' N, 070°37.8' W. 41°57.1' N, 070°39.2' W.
9.6 Duxbury Beach Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Duxbury Beach Triathlon. • Date: A one-day event on Saturday during the third weekend of September, as specified in the USCG District 1 Local Notice to Mariners. • Time: 08:30 a.m. to 09:30 a.m. • Location: All waters of Duxbury Bay on the south side of the Powder Point Bridge within the following points (NAD 83): 42°02.8' N, 070°39.1' W. 42°03.0' N, 070°38.7' W. 42°02.8' N, 070°38.6' W. 42°02.7' N, 070°39.0' W.
10.0	OCTOBER
10.1 Intercontinental Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Intercontinental Hotel. • Date: A one-day event on Sunday during the last weekend of October, as specified in the USCG District 1 Local Notice to Mariners. • Time: 8:30 p.m. to 10:30 p.m. • Location: All waters of Boston Inner Harbor within a 350-yard radius of the fireworks barge located at position 42°21.2' N, 071°03' W (NAD 83).
12.0	DECEMBER
12.1 First Night Boston Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: First Night, Inc. • Date: A one-day event on New Year's Eve, as specified in the USCG District 1 Local Notice to Mariners. • Time: 11:30 p.m. to 12:30 a.m. • Location: All waters of Boston Inner Harbor within a 350-yard radius of the fireworks barge located at position 42°21.7' N, 071°02.6' W (NAD 83).

Dated: 21 April 2011.

John N. Healey,
Captain, U.S. Coast Guard, Captain of the Port Boston.
 [FR Doc. 2011-15784 Filed 6-27-11; 8:45 am]
BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2011-0001]

RIN 1625-AA00

Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina during the

Myrtle Beach Triathlon. The Myrtle Beach Triathlon, which is comprised of a series of triathlon races, is scheduled to take place on Saturday, October 8, 2011 and Sunday, October 9, 2011. The temporary safety zone is necessary for the safety of race participants, participant vessels, spectators, and the general public during the swim portions of the triathlon races. Persons and vessels would be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before August 5, 2011. Requests for public meetings must be received by the Coast Guard on or before July 14, 2011.

ADDRESSES: You may submit comments identified by docket number USCG-2011-0001 using any one of the following methods:

- (1) *Federal eRulemaking Portal:*
<http://www.regulations.gov>.
- (2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Chief Warrant Officer Robert B. Wilson, Sector Charleston Office of Waterways Management, Coast Guard; telephone 843-740-3180, e-mail Robert.B.Wilson@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V.