

or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 14. 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 determined that 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 involves a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07-0102 to read as follows:

#### § 100.35T07-0102 Special Local Regulations; ODBA Draggin’ on the Waccamaw, Atlantic Intracoastal Waterway, Bucksport, SC.

(a) *Regulated Area*. The following regulated area is established as a special local regulation: All waters of the

Atlantic Intracoastal Waterway encompassed within an Imaginary line connecting the following points; starting at point 1 in position 33°39’11.46” N 079°05’36.78” W; thence west to point 2 in position 33°39’12.18” N 079°05’47.76” W; thence south to point 3 in position 33°38’39.48” N 079°05’37.44” W; thence east to point 4 in position 33°38’42.3” N 079°05’30.6” W; thence north back to origin. All coordinates are North American Datum 1983.

(b) *Definition*. The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations*. (1) All persons and vessels, except those persons and vessels participating in the event, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Nonparticipant persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Broadcast Notice to Mariners, Local Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Period*. This rule will be enforced daily from 11:00 a.m. until 7:30 p.m. on June 22, 2013, through June 23, 2013.

Dated: May 6, 2013.

**M.F. White,**

*Captain, U.S. Coast Guard, Captain of the Port Charleston.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2013-0213]

#### Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the regulation pertaining to the Beaufort Water Festival from 1 p.m. through 4 p.m. on July 27, 2013. This action is necessary to ensure safety of life on navigable waters of the United States during the Beaufort Water Festival Air Show. During the enforcement period, the special local regulation establishes a regulated area which will all people and vessels will be prohibited from entering. Vessels may enter, transit through, anchor in, or remain within the area if authorized by the Captain of the Port Charleston or a designated representative.

**DATES:** The regulation in 33 CFR 100.701 Table 1 will be enforced from 1 p.m. through 4 p.m. July 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email CWO Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone 843-740-3184, email [christopher.l.ruleman@uscg.mil](mailto:christopher.l.ruleman@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulation for the Beaufort Water Festival in 33 CFR 100.701 Table 1 from 1:00 p.m. through 4:00 p.m. on July 27, 2013.

Under the provisions of 33 CFR 100.701 no vessels or people may enter the regulated area, unless it receives permission to do so from the Captain of the Port. This temporary rule creates a regulated area that will encompass a portion of the waterway that is 700 ft wide by 2,600 ft in length, whose approximate corner coordinates are as follows: 32°25’47” N/080°40’44” W, 32°25’41” N/080°40’14” W, 32°25’35” N/080°40’16” W, 32°25’40” N/080°40’46” W.

Spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter in, or impede the transit of festival participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing

this regulation. This notice is issued under authority of 33 CFR 100.701 and 5 U.S.C. 552(a).

The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: May 6, 2013.

**M.F. White,**

*Captain, U.S. Coast Guard, Captain of the Port Charleston.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 100 and 165

[Docket No. USCG-2012-1057]

RIN 1625-AA08; 1625-AA00

#### Special Local Regulations and Safety Zones; Marine Events in Northern New England

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing three temporary special local regulations for marine regattas and fifteen temporary safety zones for fireworks displays and swim events within the Captain of the Port (COTP) Northern New England (NNE) Zone. This action is necessary to provide for the safety of life on navigable waters during these events. Entry into, transit through, mooring or anchoring within these zones is prohibited unless authorized by the COTP Sector Northern New England.

**DATES:** This rule will be enforced with actual notice from May 24, 2013, until June 11, 2013. This rule is effective in the Code of Federal Regulations from June 11, 2013 until July 5, 2013. This rule will be enforced during the specific dates and times listed in Table to § 100.T01-1057 and Table to § 165.T01-1057.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2013-1057]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ensign Elizabeth Morris, Waterways Management Division at Coast Guard Sector Northern New England, telephone 207-767-0398, email [Elizabeth.V.Morris@uscg.mil](mailto:Elizabeth.V.Morris@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
LIS Long Island Sound  
NPRM Notice of Proposed Rulemaking

#### A. Regulatory History and Information

On March 22, 2013, the Coast Guard provided the public with notice and an opportunity to comment when it published a notice of proposed rulemaking (NPRM) titled, "Special Local Regulations and Safety Zones; Recurring Events in Northern New England," in the **Federal Register**. (78 FR 17613). The comment period ended on May 21, 2013, with no comments.

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**. There is insufficient time to undergo a 30 day delayed effective date and thus it is impracticable. Any delay encountered in this regulation's effective date would also be contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters from the hazardous nature of fireworks, high speed power boat races, and large gatherings of swimmers in the waterway.

#### B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1231, 1233; 46 U.S.C. chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Public Law 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones and regulated areas.

This rulemaking establishes special local regulations for power boat races and marine parades and safety zones for marine events involving fireworks displays and swim events on the

navigable waters of the COTP Sector NNE Zone. This rule is necessary to protect waterway users from the dangers inherent to these activities.

#### C. Discussion of the Final Rule

This temporary rule establishes special local regulations and safety zones for eighteen events in the COTP Sector NNE Zone. Specific event names, locations, dates and times are listed below in the regulation text.

Because large numbers of spectator vessels are expected to congregate around the location of these events, these regulated areas are needed to protect both spectators and participants from the safety hazards created by them including vessels operating at high speeds and unexpected pyrotechnics detonation and burning debris.

This rule prevents vessels from entering, transiting, mooring or anchoring within areas specifically designated as regulated areas during the periods of enforcement unless authorized by the COTP or designated representative.

The Coast Guard has determined that these regulated areas will not have a significant impact on vessel traffic due to their temporary nature, limited size, and the fact that vessels are allowed to transit the navigable waters outside of the regulated areas. The COTP will cause public notifications to be made by all appropriate means including but not limited to the Local Notice to Mariners and Broadcast Notice to Mariners.

#### 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.

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The regulated areas will be of limited duration and cover only a small portion of the navigable waterways. Furthermore, vessels may transit the navigable