Protesters are asked to contact the person listed in the FOR FURTHER
INFORMATION CONTACT section to coordinate protest activities so that your
message can be received without jeopardizing the safety or security of
people, places or vessels.

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:

33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;
Department of Homeland Security Delegation
No. 0170.1.

2. Add §165.708–0606 to read as
follows:

§165.708–0606 Safety Zone: Lower
Mississippi River, New Orleans, LA.

(a) Location. The following area is a
safety zone: All navigable waters of
Lower Mississippi River between mile
marker (MM) 95.7 and MM 96.7, near
New Orleans, LA.

(b) Effective period. This section is
effective from 8:45 p.m. through 9:45
p.m. on July 12, 2018.

(c) Regulations. (1) In accordance with
the general regulations in §165.23, entry
into this zone is prohibited unless
authorized by the Captain of the Port
Sector New Orleans (COTP) or
designated representative. A designated
representative is a commissioned,
warrant, or petty officer of the U.S.
Coast Guard assigned to units under the
operational control of USCG Sector New
Orleans.

(2) Vessels requiring entry into this
safety zone must request permission
from the COTP or a designated
representative. They may be contacted
on VHF–FM Channel 16 or 67 or by
telephone at (504) 365–2200.

(3) Persons and vessels permitted to
enter this safety zone must transit at
their slowest safe speed and comply
with all lawful directions issued by the
COTP or the designated representative.

(d) Information broadcasts. The COTP
or a designated representative will
inform the public of the enforcement
times and date for this safety zone
through Broadcast Notices to Mariners
(BNMs), Local Notices to Mariners
(LNMs), and/or Marine Safety
Information Bulletins (MSIBs) as
appropriate.


Kristi M. Luttrell,
Captain, U.S. Coast Guard, Captain of the
Port Sector New Orleans.

33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;
Department of Homeland Security Delegation
No. 0170.1.

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0508]

RIN 1625–AA00

Safety Zone: San Francisco Fourth of
July Fireworks Display, San Francisco
Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is
establishing temporary moving safety
zones in the navigable waters of the San
Francisco Bay near Aquatic Park to
support the Fourth of July Fireworks
Display on July 4, 2018. These safety
zones are established to ensure the
safety of participants and spectators
from the dangers associated with
pyrotechnics. Unauthorized persons or
vessels are prohibited from entering
into, transiting through, or remaining in
the safety zones without permission of
the Captain of the Port or their
designated representative.

DATES: This rule is effective from July 3,
2018 through July 4, 2018. This rule will
be enforced from 9 a.m. on July 3, 2018
through 10:30 p.m. on July 4, 2018.

ADDRESSES: Documents mentioned in
this preamble are part of docket USCG–
2018–0508. 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.

FOR FURTHER INFORMATION CONTACT:
If you have questions on this rule, call or
e-mail Lieutenant Emily Rowan, U.S.
Coast Guard Sector San Francisco;
telephone (415) 399–7443 or email at
D11–PF–MarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Acronyms

APA Administrative Procedure Act
COTP U.S. Coast Guard Captain on the Port
DHS Department of Homeland Security
FR Federal Register
NOAA National Oceanic and Atmospheric
Administration
NPRM Notice of Proposed Rulemaking
PATCOM U.S. Coast Guard Patrol
Commander

II. Background Information and
Regulatory History

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. Since the Coast
Guard received notice of this event on
May 24, 2018, notice and comment
procedures would be impracticable in
this instance.

For similar reasons as those stated
above, 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.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule
under authority in 33 U.S.C. 1231. The
Captain of the Port (COTP) San
Francisco has determined that
potential hazards associated with the planned
firesworks display on July 4, 2018 will be
a safety concern for anyone within a
100-foot radius of the fireworks barges
and anyone within a 700-foot radius of the
fireworks firing sites. This rule is
needed to protect spectators, vessels,
and other property from hazards
associated with pyrotechnics.

IV. Discussion of the Rule

This rule establishes temporary safety
zones during the loading and transit of
the fireworks barge, until after
closure of the fireworks display.
During the loading of the pyrotechnics
onto the fireworks barges, scheduled to
take place from 9:00 a.m. to 5:00 p.m.
on July 3, 2018 and from 9:00 a.m.
to 6:00 p.m. on July 4, 2018 at Pier 50 in
San Francisco, CA, the safety zones will
encompass the navigable waters around
and under the fireworks barges within a
radius of 100 feet.

The fireworks barges will remain at
Pier 50 until the start of the transit to
the display locations. Towing of the
barges from Pier 50 to the display
locations is scheduled to take place from 7:30 p.m. to 8:15 p.m. on July 4, 2018, where they will remain until the conclusion of the fireworks display.

At 9:00 p.m. on July 4, 2018, 30 minutes prior to the commencement of the 30-minute fireworks displays, the safety zones will increase in size and encompass the navigable waters around and under the fireworks barges within a radius of 700 feet in approximate positions 37°48′49″ N, 122°24′46″ W and 37°48′45″ N, 122°23′39″ W (NAD 83) for the San Francisco Fourth of July Fireworks Display. The safety zones shall terminate at 10:30 p.m. on July 4, 2018.

The effect of the temporary safety zones are to restrict navigation in the vicinity of the fireworks loading, transit, and firing sites. Except for persons or vessels authorized by the COTP or the COTP’s designated representative, no person or vessel may enter or remain in the restricted areas. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing sites to ensure the safety of participants, spectators, and transiting vessels.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zones. Although this rule restricts access to the waters encompassed by the safety zones, the effect of this rule will not be significant because the local waterway users will be notified via public broadcast to Mariner”. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, small governmental entities, and small governmental jurisdictions 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 may affect the following entities, some of which may be small entities: Owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the safety zone at times when this zone is being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time, and (ii) the maritime public will be advised in advance of these safety zones via Broadcast Notice to Mariners.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section.

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.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section above.

E. 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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. 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 (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 safety zones of limited size and duration. It is categorically excluded from further
PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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


2. Add §165.T11–930 to read as follows:

§165.T11–930 Safety Zone; San Francisco Fourth of July Fireworks Display, San Francisco Bay, San Francisco, CA.

(a) Location. The following area are safety zones: All navigable waters of the San Francisco Bay within 100 feet of the fireworks barges during loading at Pier 50, as well as transit and arrival near Aquatic Park in San Francisco, CA. From 9:00 a.m. until approximately 5:00 p.m. on July 3, 2018, and from 9:00 a.m. until approximately 6:00 p.m. on July 4, 2018, the fireworks barges will be loading at Pier 50 in San Francisco, CA. The safety zones will expand to all navigable waters around and under the fireworks barges within a radius of 700 feet in approximate positions 37°48′49″ N, 122°24′46″ W and 37°48′45″ N, 122°25′39″ W (NAD 83), 30 minutes prior to the start of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2018.

(b) Enforcement period. The zones described in paragraph (a) of this section will be enforced from 9:00 a.m. on July 3, 2018 until approximately 10:30 p.m. on July 4, 2018. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners in accordance with §165.7.

(c) Definitions. As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard Coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zones.

(d) Regulations. (1) Under the general regulations in subpart C of this part, entry into, transiting or anchoring within these safety zones is prohibited unless authorized by the COTP or the COTP’s designated representative.

(2) The safety zones are closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zones must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zones on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: June 27, 2018.

Anthony J. Ceraolo,
Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2018–14259 Filed 7–2–18; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0624]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone—July Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain safety zones located in federal regulations for recurring marine events. This action is necessary and intended for the safety of life and property on navigable waters during these events. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulations in 33 CFR 165.939(a)(1) will be enforced from 8:45 p.m. to 10:45 p.m. on July 4, 2018. The regulations in 33 CFR 165.939(a)(2) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018. The regulation in 33 CFR 165.939(a)(13) will be enforced from 10:00 p.m. to 10:30 p.m. on July 3, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email D09-SMB-SECBuffalo-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a Safety Zone: Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following events:

(1) Boldt Castle 4th of July Fireworks, Heart Island, NY; The safety zone listed in 33 CFR 165.939(a)(1) will be enforced from 8:45 p.m. to 10:45 p.m. on July 4, 2018.

(2) Clayton Chamber of Commerce Fireworks, Calumet Island, NY; The safety zone listed in 33 CFR 165.939(a)(2) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018.

(3) Tom Graves Memorial Fireworks; The safety zone listed in 33 CFR 165.939(a)(13) will be enforced from 10:00 p.m. to 10:30 p.m. on July 3, 2018.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within a safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter a safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter a safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the Federal Register, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that a safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to