DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0199]

RIN 1625–AA00

Safety Zones: July 4th Holiday Fireworks in the Coast Guard Captain of the Port Maryland-National Capital Region Zone

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones for navigable waters within the Captain of the Port Maryland-National Capital Region Zone. This action is necessary to provide for the safety of life on these navigable waters of the Severn River in Anne Arundel County, MD, on July 3, 2021, (with alternate date of July 5, 2021), Kent Island Narrows (North Approach) in Queen Anne’s County, MD, on July 4, 2021, (with alternate date of July 5, 2021), and Susquehanna River in Harford County, MD, on July 4, 2021, (with alternate date of July 5, 2021), during fireworks displays to commemorate the July 4th holiday. This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 8:30 p.m. on July 3, 2021 through 11 p.m. on July 5, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to https://www.regulations.gov, type USCG–2021–0199 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email Ronald.L.Houck@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

| CFR | Code of Federal Regulations |
| DHS | Department of Homeland Security |
| FR | Federal Register |
| NPRM | Notice of proposed rulemaking |

II. Background Information and Regulatory History

The Fifth Coast Guard District has been notified of three fireworks displays planned throughout the Maryland-National Capital Region to commemorate the July 4th holiday. In response, on May 10, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled “Safety Zones: July 4th Holiday Fireworks in the Coast Guard Captain of the Port Maryland-National Capital Region Zone” (86 FR 24807). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to these fireworks displays. During the comment period that ended May 25, 2021, we received 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. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the fireworks displays.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Maryland-National Capital Region (COTP) has determined that potential hazards associated with the fireworks to be used in these July 3, 2021 and July 4, 2021 displays will be a safety concern for anyone approaching the fireworks discharge sites. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zones before, during, and after the scheduled events.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published May 10, 2021. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes three temporary safety zones for certain navigable waters within the COTP Maryland-National Capital Region Zone, as described in 33 CFR 3.25–15, and will be enforced during the times described below for each zone.

The first safety zone will be enforced from 8:30 p.m. to 10:30 p.m. on July 3, 2021, or if necessary due to inclement weather, from 8:30 p.m. to 10:30 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Severn River, within 150 yards of a fireworks discharge site located at the end of Sherwood Forest Club main pier in approximate position latitude 39°01’54.0” N, longitude 076°32’41.8” W, Sherwood Forest, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:20 p.m. to 9:50 p.m. on July 3, 2021 fireworks display.

The second safety zone will be enforced from 9 p.m. to 11 p.m. on July 4, 2021, or if necessary due to inclement weather, from 9 p.m. to 11 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Kent Island Narrows (North Approach), within 800 feet of the fireworks launch site at Kent Island in approximate position latitude 38°58’44.8” N, longitude 076°14’52.9” W, in Queen Anne’s County, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 p.m. to 10:20 p.m. on July 4, 2021 fireworks display.

The third safety zone will be enforced from 8:30 p.m. to 10:30 p.m. on July 4, 2021, or if necessary due to inclement weather, from 8:30 p.m. to 10:30 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Susquehanna River within 200 yards of a barge in approximate position latitude 39°32’19” N, longitude 076°04’58.3” W, located at Havre de Grace, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:30 to 10 p.m. on July 4, 2021 fireworks display.

No vessel or person will be permitted to enter these safety zones without obtaining permission from the COTP or a designated representative.

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.

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).

This regulatory action determination is based on size, duration, and time-of-
day of the safety zones, which will impact small designated areas of the Severn River, Kent Island Narrows (North Approach), and Susquehanna River for a total no more than six total enforcement-hours, during the evening when vessel traffic is normally low. Moreover, the Coast Guard will issue Local Notices to Mariners and a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 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, 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 received no comments from the Small Business Administration on this rulemaking. 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.

While some owners or operators of vessels intending to transit the safety zone or small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 call or email 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.

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 an 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 Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), 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 three safety zones lasting six total enforcement hours that would prohibit entry within portions of the Severn River, Kent Island Narrows (North Approach), and Susquehanna River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the ADDRESSES section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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

§ 165.000 Purpose and scope.

This part establishes limitations on the operation of vessels in certain designated areas of the United States (U.S.) coastal waters to enhance safety and security. The areas include: (1) Harbors; (2) Areas used by the Coast Guard in performing its mission; (3) Areas in which other Federal or State agencies have determined it is necessary for the safety or security of the public, vessels or the marine environment; and (4) Areas not otherwise covered that the Coast Guard determines it is necessary to regulate or limit vessel operations for the safety or security of the public, vessels or the marine environment.

§ 165.005 Application.

This part applies to all vessels operating in or transiting any regulated navigation area or limited access area established under this part.

§ 165.007 Definitions.

The following definitions apply to this part:

1. Approaches. In this part, the term “approaches” means areas of the U.S. coastal waters appropriate for the entry and egress of vessels into or out of a harbor. These areas are limited to the vicinity of the harbor entrance.

2. Area. In this part, the term “area” includes all those places within the defined boundaries of a regulated navigation area or limited access area.

3. Authority. In this part, the term “authority” means the U.S. Coast Guard or any member of the Coast Guard.

4. Entrance. In this part, the term “entrance” means the opening of waterways into or out of a harbor.

5. Environmental Planning. In this part, the term “environmental planning” means the following:

a. Determination of significant environmental effects of the proposed action.

b. Development of a meaningful and effective mitigation plan, as necessary.

c. Review of models, maps, and other scientific studies to identify and evaluate the significant environmental effects of the proposed action.

6. Handicapped. In this part, the term “handicapped” means an individual who has a physical or mental impairment that substantially limits one or more major life activities.

7. Harbors. In this part, the term “harbors” means all places where vessels may anchor, load, unload, or dock in or out of commerce, or where vessels may repair, or in which vessels may for other reasons be present.

8. Limited Access Areas. In this part, the term “limited access areas” means areas established to maintain law and order, or areas where the Coast Guard has determined it is necessary for safety or security reasons.

9. Limited Access Areas (Sea Areas). In this part, the term “limited access areas (sea areas)” means those areas in the coastal waters of the United States designated by Executive Order 12719 or any other order, where the Coast Guard has determined it is necessary for safety or security reasons.

10. Marine Safety. In this part, the term “marine safety” means all matters with regard to the safety of commerce upon the navigable waters of the United States.

11. Navigable Waters. In this part, the term “navigable waters” means all waters of the United States, including waters adjacent to the United States, that are subject to the ebb and flow of the tide.

12. Notice to Mariners. In this part, the term “notice to mariners” means a publication describing changes or potential changes in the marine environment, the physical and fiscal conditions of navigable waters, or potential hazards to navigation.

13. Operations. In this part, the term “operations” means any activity by a vessel or its crew.

14. Other Federal Agencies. In this part, the term “other Federal agencies” means any Federal agency, other than the Coast Guard, that has declared or determined it is necessary for the safety or security of the public, vessels or the marine environment.

15. Seaports. In this part, the term “seaports” means all places where vessels may load, unload, repair or dock in or out of commerce.

16. Safety. In this part, the term “safety” means any activity by a vessel or its crew that prevents or reduces the risk of injury to or death of persons, or damage to property, as a result of a vessel or its crew.

17. Safety Zones. In this part, the term “safety zones” means areas established to prevent a vessel or its crew from engaging in activities that could result in injury to or death of persons, or damage to property, as a result of a vessel or its crew.

18. Vessel. In this part, the term “vessel” means a seagoing craft, a barge, a vessel of the U.S. Navy, or any other craft, on or in any navigable waters of the United States, or on the high seas within three miles of the coast line of the United States.

19. Waterways. In this part, the term “waterways” means water routes and channels that connect a harbor with the ocean or other harbors. These have been designated by Administrative Rulings of the Secretary of Commerce.

20. Zoning. In this part, the term “zoning” means the allocation of specific maritime areas for the orderly use of navigable waters in accordance with the regulations established under this part.

§ 165.010 Definitions.

The definitions given in this section apply to this part—
DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USC–2021–0388]

Safety Zone; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The notice of enforcement of regulation published May 5, 2021 in the Federal Register, is rescinded and replaced by this notice of enforcement of regulation. The Coast Guard will enforce safety zone regulations for the Tacoma Freedom Fair Air Show on Commencement Bay from 2 p.m. on July 2 through 12:30 a.m. on July 4, 2021. This action is necessary to ensure the safety of the public from inherent dangers associated with the annual aerial displays. During the enforcement periods, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port Sector Puget Sound or her designated representative.

DATES: The regulations in 33 CFR 165.1305 will be enforced from 2 p.m. on July 2 through 12:30 a.m. on July 4, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Peter J. McAndrew, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6045, email SectorPugetSoundWWM@uscg.mil.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[RIN 1625-AA00]

Safety Zone; Charlevoix Graduation Fireworks, Lake Charlevoix, East Jordan, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-foot radius of a fireworks display. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by repair work on the bridge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sault Sainte Marie.

DATES: This rule is effective from 10 p.m. on June 12, 2021, through 11 p.m. on June 12, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to https://www.regulations.gov, type USC–2021–0350 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.