

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG–2013–0199]

**Safety Zones; Fireworks Events in Captain of the Port New York Zone**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce various safety zones in the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port (COTP).

**DATES:** The regulation for the safety zone described in 33 CFR 165.160 will be enforced on the date and time listed

in the table in **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Ensign Kimberly Beisner, Coast Guard; telephone 718–354–4163, email *Kimberly.A.Beisner@uscg.mil*.

**SUPPLEMENTARY INFORMATION:**

The Coast Guard will enforce the safety zone listed in 33 CFR 165.160 on the specified date and time as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

<p>1. North Shore LIJ System Gala, Pier 90, Hudson River Safety Zone, 33 CFR 165.160(5.4).</p> <p>2. Norwegian Breakaway, Liberty Island Safety Zone, 33 CFR 165.160(2.1).</p> <p>3. NECO Awards, Liberty Island Safety Zone, 33 CFR 165.160 (2.1) ....</p> <p>4. Allied PRA—Petsmart Fireworks, Liberty Island Safety Zone, 33 CFR 165.160 (2.1).</p> <p>5. Shackman Associates, Liberty Island Safety Zone, CFR 165.160 (2.1).</p> <p>6. Fort Hamilton Independence Celebration, Fort Hamilton Safety Zone, 33 CFR 165.160 (2.14).</p> <p>7. Larchmont Yacht Club, Larchmont Harbor South Safety Zone, 33 CFR 165.160(3.12).</p> <p>8. City of Poughkeepsie, Poughkeepsie, NY, Safety Zone, 33 CFR 165.160(5.13).</p> <p>9. Breezy Point Coop, Rockaway Inlet Safety Zone, 33 CFR 165.160(2.9).</p> <p>10. America’s Birthday, Liberty Island Safety Zone, 33 CFR 165.160(2.1).</p> <p>11. Marist College OACAC Fireworks, Poughkeepsie, NY, Safety Zone, 33 CFR 165.160(5.13).</p>	<ul style="list-style-type: none"> <li>• Launch site: A barge launch located in approximate position 40°46’11.8” N, 074°00’14.8” W (NAD 1983), approximately 375 yards west of Pier 90, Manhattan, New York.</li> <li>• Date: April 25, 2013.</li> <li>• Time: 9:30 p.m.–10:45 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°41’16.5” N, 074°02’23” W (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island.</li> <li>• Date: May 8, 2013</li> <li>• Time: 8:20 p.m.–9:30 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°41’16.5” N, 074°02’23” W (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island.</li> <li>• Date: May 11–12, 2013</li> <li>• Time: 11:00 p.m.—00:10 a.m.</li> <li>• Launch site: A barge launch located in approximate position 40°41’16.5” N, 074°02’23” W (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island.</li> <li>• Date: May 15, 2013.</li> <li>• Time: 8:15 p.m.–9:30 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°41’16.5” N, 074°02’23” W (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island.</li> <li>• Date: May 23, 2013.</li> <li>• Time: 9:50 p.m.–10:25 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°36’00” N, 074°01’42.5” W (NAD 1983), approximately 1400 yards southeast of the Verrazano-Narrows Bridge.</li> <li>• Date: June 29, 2013.</li> <li>• Time: 9:15 p.m.–10:30 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°55’16” N, 073°44’15” W (NAD 1983), approximately 440 yards north of Umbrella Rock, Larchmont Harbor, New York.</li> <li>• Date: July 4, 2013.</li> <li>• Time: 9:30 p.m.–10:30 p.m.</li> <li>• Launch site: A barge launch located in approximate position 41°42’24.50” N, 073°56’44.16” W (NAD 1983), approximately 420 yards north of the Mid Hudson Bridge.</li> <li>• Date: July 4, 2013</li> <li>• Time: 8:30 p.m.–10:00 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°34’19.1” N, 073°54’43.5” W (NAD 1983), 1200 yards south of Point Breeze.</li> <li>• Date: July 5, 2013.</li> <li>• Time: 9:00 p.m.–10:30 p.m.</li> <li>• Launch site: A barge launch located in approximate position 40°41’16.5” N, 074°02’23” W (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island.</li> <li>• Date: July 6, 2013.</li> <li>• Time: 9:10 p.m.–10:20 p.m.</li> <li>• Launch site: A barge launch located in approximate position 41°42’24.50” N, 073°56’44.16” W (NAD 1983), approximately 420 yards north of the Mid Hudson Bridge.</li> <li>• Date: July 11, 2013.</li> <li>• Time: 8:30 p.m.–10:00 p.m.</li> </ul>
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Under the provisions of 33 CFR 165.160, a vessel may not enter the regulated area unless given express permission from the COTP or the designated representative. Spectator vessels may transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of other 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 165.160(a) and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 10, 2013.

**G. Loebel,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2013-0200]

RIN 1625-AA00

#### **Safety Zone; 12th Annual Saltwater Classic; Port Canaveral Harbor; Port Canaveral, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of the Port Canaveral Harbor in Port Canaveral, Florida during the 12th Annual Saltwater Classic. The event is scheduled to take place on Saturday, April 27, 2013. This temporary safety zone is necessary for the safety of participant vessels, spectators, and the general public during the event. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Jacksonville or a designated representative.

**DATES:** This rule is effective from 2 p.m. to 6 p.m. on April 27, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2013-0200. 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 Lieutenant Commander Robert Butts, Sector Jacksonville Office of Waterways Management, U.S. Coast Guard; telephone (904) 564-7563, email [Robert.S.Butts@uscg.mil](mailto:Robert.S.Butts@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**

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

#### **A. Regulatory History and Information**

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The needs of this event were not determined until March 20, 2013, leaving insufficient time to undertake notice and comment. Approximately 750 vessels may participate in the fishing tournament, resulting in heavy vessel traffic within Port Canaveral Harbor. This event will occur on April 27, 2013, and temporary final rule is necessary to ensure the safety of life and vessels during the 12th Annual Saltwater Classic.

For the same reason discussed 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** because it is impracticable and contrary to the public interest to delay this rule.

#### **B. Basis and Purpose**

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 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, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The purpose of the rule is to ensure the safety of life and vessels on a navigable waterway of the United States during the 12th Annual Saltwater Classic.

On April 27, 2013, the Cox Events Group and K92.3-FM will host a fishing tournament offshore of Port Canaveral, FL. This temporary final rule establishes a safety zone in parts of Port Canaveral Harbor. Approximately 750 vessels may participate in the fishing tournament, resulting in heavy vessel traffic within Port Canaveral Harbor. This safety zone extends approximately 1100 yards west from Freddie Patrick Park and extends to the north 90 yards from the shoreline.

#### **C. Discussion of the Final Rule**

The safety zone is necessary to protect the tournament participants as well as other commercial traffic and the general public from traffic congestion associated with the tournament weigh-in. The safety zone will be enforced from 2 p.m. until 6 p.m. on April 27, 2013.

All persons and vessels not participating in the tournament weigh-in are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone, unless authorized by the Captain of the Port Jacksonville or a designated representative. Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the safety zone by contacting the Captain of the Port Jacksonville by telephone at (904) 564-7511, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the event area is granted by the Captain of the Port Jacksonville or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Jacksonville or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representative.