

8. Taking of Private Property

This rule will 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.

9. Civil Justice Reform

This 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.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

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.

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 concluded 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 establishing a temporary safety zone to provide safety for the spectators viewing the fireworks that are being launched on the Tennessee River at mile marker

463.5 in for a one and a half hour period on one day. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction.

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:

Authority: 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, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T08-0075 to read as follows:

§ 165.T08-0075 Safety Zone; Tennessee River, Miles 463.5 to 464.5, Chattanooga, TN.

(a) *Effective date.* This section is effective from 10:30 p.m. to midnight on June 15, 2013.

(b) *Location.* The following areas are safety zones: All waters of the Tennessee River, beginning at mile marker 463.5 and ending at mile marker 464.5.

(c) *Enforcement periods.* The safety zone described in paragraph (b) above will only be enforced from 10:30 p.m. until midnight on June 15, 2013. Additionally, mariners and other members of the public may contact the Coast Guard at 1-800-253-7465 to inquire about the status of the safety zone.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Ohio Valley or designated personnel. Designated personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard assigned to units under the operational control of the USCG Sector Ohio alley.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Ohio Valley or designated personnel. U. S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1-800-253-7465.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Ohio Valley and designated personnel.

(e) *Informational broadcasts:* The Captain of the Port Ohio Valley or designated personnel will inform the public through broadcast notice to mariners when the safety zone has been established and if there are changes to the enforcement period for this safety zone.

Dated: April 29, 2013.

L.W. Hewett,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2013-11749 Filed 5-16-13; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2013-0220]

Safety Zone; Fourth of July Fireworks, Berkeley Marina, Berkeley, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Berkeley Marina Fourth of July Fireworks display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: This regulation will be enforced from 9:30 p.m. to 10:15 p.m. on July 4, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399-7442 or email at D11-PF-MarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 1,000 foot safety zone around the Berkeley Pier in approximate position 37°51'40" N, 122°19'19" W (NAD 83) from 9:30 p.m. until 10:15 p.m. on July 4, 2013. Upon the commencement of the 30 minute fireworks display scheduled to take place from 9:30 p.m. to 10 p.m. on July 4, 2013, the safety zone will encompass the navigable waters around and under the Berkeley Pier within a radius 1,000

feet in approximate position 37°51'40" N, 122°19'19" W (NAD 83) for the Berkeley Marina Fourth of July Fireworks display listed in 33 CFR 165.1191, Table 1, Item number 10. This safety zone will be in effect from 9:30 p.m. to 10:15 p.m. on July 4, 2013.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port 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 19, 2013.

Gregory G. Stump,

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

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2012-1001]

RIN 1625-AA00

Safety Zones; Annual Firework Displays Within the Captain of the Port, Puget Sound Area of Responsibility

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is adding three new fireworks events and correcting the location of five existing

events outlined in 33 CFR 165.1332 to ensure public safety during annual firework displays at various locations in the Captain of the Port, Puget Sound Area of Responsibility. When these safety zones are activated and subject to enforcement, this rule limits the movement of vessels within the established firework display areas. These additions and corrections are necessary to prevent injury and to protect life and property of the maritime public from hazards associated with firework displays.

DATES: This rule is effective June 17, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG-2012-1001]. 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 ENS Nathaniel P. Clinger, Coast Guard Sector Puget Sound, Waterways Management Division, U.S. Coast Guard; telephone (206) 217-6045, email SectorPugetSoundWWM@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

A. Regulatory History and Information

The Coast Guard published a notice of proposed rulemaking, Safety Zones; Annual Firework Displays within the Captain of the Port (COTP), Puget Sound Area of Responsibility, Docket No. USCG-2012-1001 on February 5, 2013. The Coast Guard published the following temporary final rules; Multiple Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility WA, Docket No. USCG-2010-0591 on July 2, 2010, Docket No. USCG-2011-0450 on June 8, 2011, and Docket No. USCG-2012-0488 on June 15, 2012. The Coast Guard

received zero comments submitted via [regulations.gov](http://www.regulations.gov) and received zero requests for public meeting for these regulations.

B. Basis and Purpose

This rule corrects the coordinates of five firework displays outlined in 33 CFR 165.1332, located within the greater Puget Sound Area, to accurately reflect the correct position of the firework displays. This rule also adds three new firework display locations, and changes the title of the rule to accurately reflect what is codified in 33 CFR 3.65-10. These actions are necessary in order to restrict vessel movement and reduce vessel congregation in the proximity of firework discharge sites to ensure maritime public safety.

C. Discussion of Comments, Changes and the Final Rule

This rule amends the following firework display positions: *City of Renton Fireworks*; coordinates are revised to read: Latitude 47°30.386' N, longitude 122°12.502' W. *Bainbridge Island Fireworks*; coordinates are revised to read: Latitude 47°37.142' N, longitude 122°30.397' W. *Port Townsend Sunrise Rotary*; coordinates are revised to read: Latitude 48°08.413' N, longitude 122°45.531' W. *Tacoma Freedom Fair*; coordinates are revised to read: Latitude 47°17.103' N, longitude 122°28.410' W. *Brewster 4th of July*; coordinates are revised to read: Latitude 48°05.362' N, longitude 119°47.147' W.

This rule adds the following firework displays: *Port Ludlow Fireworks*, latitude 47°55.161' N, longitude 122°41.157' W; *Boston Harbor 4th of July*, latitude 47°08.626' N, longitude 122°54.149' W; *Everett 4th of July*, latitude 48°00.672' N, 122°13.391' W.

Additionally, a further change is being made to *Port Townsend Sunrise Rotary*. Coordinates will be revised to read: Latitude 48°08.413' N, longitude 122°45.531' W as the original posting of this rule listed the latitude as 47°08.413' N instead of the intended 48°08.413' N. This change is a non-substantive substitution that does not change the originally intended size or shape of the safety zone.

These safety zones extend 450 yards from their launch site. This zone size allows for the use of up to a 16" mortar shell in annual firework displays. However, safety zones will only be enforced for the appropriate size for the largest mortar shell used. These zones are nominal in size and are typically positioned in areas which allow for transit around the zone. Thus, these zones have an inconsequential impact