

(29) *Lorain Port Fest Fireworks Display, Lorain, OH.* (i) *Location.* All U.S. waters of Lorain Harbor within a 750 foot radius of land position 41°28'02.4" N, 082°10'21.9" W (NAD 83) in Lorain, OH.

(ii) *Enforcement period.* The third weekend of July from 9:45 p.m. to 11 p.m. each year.

(30) *Thunder of the Niagara Hydroplane boat races, North Tonawanda, NY.* (i) *Location.* All U.S. waters of Niagara River, near North Tonawanda, NY within 2 miles of the North Grand Island Bridge, encompassed by a line starting at 43°03'32.95" N, 078°54'46.93" W to 43°03'14.55" N, 078°55'15.97" W then to 43°02'39.72" N, 078°54'13.05" W then to 43°02'59.99" N, 078°53'41.99" W and returning to the point of origin (NAD 83).

(ii) *Enforcement period.* The second of weekend of August from 9 a.m. to 5 p.m. each year.

(31) *Antique Boat Show Hydroplane boat races, Grand Island, NY.* (i) *Location.* All waters of Niagara River, Grand Island, NY encompassed by a line starting at position 42°59'59" N, 078°56'22" W, East to 49°59'54" N, 078°56'14" W, South to 42°57'54" N, 078°56'04" W, West to 42°05'48" N, 078°56'22" W and returning to the point of origin (NAD 83)

(ii) *Enforcement period.* The first weekend of September from 9 a.m. to 4 p.m. each year.

(32) *D-Day Conneaut Air Show, Conneaut, OH.* (i) *Location.* All U.S. waters of Conneaut Township Park, Lake Erie, Conneaut, OH encompassed by a line starting at 41°57.71' N, 080°34.18' W; to 41°58.36' N, 080°34.17' W; then to 41°58.53' N, 080°33.55' W; to 41°58.03' N, 080°33.72' W; and returning to the point of origin. (NAD 83).

(ii) *Enforcement period.* The third weekend of August from 1:45 p.m. to 5:30 p.m. each year.

(33) *Bay Swim, Erie, PA.* (i) *Location.* All U.S. waters of Presque Isle Bay, Erie, PA within a 1000 feet of a line starting at Vista 3 in Presque Isle State Park at position 42°07'29.30" N, 80°08'48.82" W and ending at to the Erie Yacht Club at position 42°07'21.74" N, 80°07'58.30" W (NAD 83).

(ii) *Enforcement period.* The third week in June each year.

(34) *Rover Fest fireworks display, Cleveland, OH.* (i) *Location.* All U.S. waters of Lake Erie, Cleveland, OH within a 280 foot radius from position 41°30'34.23" N and 081°41' 55.73" W (NAD 83).

(ii) *Enforcement period.* The second or third weekend of July each year.

(35) *Cleveland National Air show, Cleveland, OH.* (i) *Location.* The safety zone encompass the portion of Lake Erie and Cleveland Harbor within a line originating near Burke Lakefront Airport from position 41°30'20" N and 081°42'20" W to 41°30'50" N and 081°42'49" W, to 41°32'09" N and 081°39'49" W, to 41°31'53" N and 081°39'24" W, then return to the original position (NAD 83).

(ii) *Enforcement period.* On the Friday before Labor Day through the Wednesday following Labor Day with maximum daily times from 8 a.m. to 6 p.m. The daily time period will be reduced as operations permit.

(b) *Definitions.* The following definitions apply to this section:

(1) *On-scene Representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Buffalo to monitor a safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zones, and take other actions authorized by the Captain of the Port.

(2) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within is the aforementioned safety zones are prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(1) The safety zones described in paragraph (a) of this section are closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(2) Vessel operators desiring to enter or operate within the safety zones described in paragraph (a) of this section must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in a safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

(d) *Exemption.* Public vessels, as defined in paragraph (c) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Buffalo or his designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that

application of this section is unnecessary or impractical for the purposes of public or environmental safety.

(f) *Notification.* The Captain of the Port Buffalo will notify the public that the safety zones in this section are or will be enforced by all appropriate means to the affected segments of the public through publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Additionally, the enforcement dates and times for each of the safety zones listed above are subject to change, though the duration of enforcement would remain the same or nearly the same total number of hours as stated above. In either event, whether the safety zones occur at the dates and times as stated above, or whether the date or time of a safety zone changes, the Captain of the Port Buffalo will similarly make such notification as described in this paragraph (f). Such means of further notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone is cancelled.

Dated: June 12, 2014.

**B. W. Roche,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2014-0188]

RIN 1625-AA00

#### Safety Zone; Celebrate the Amboys Fireworks; Raritan Bay, Perth Amboy, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of Raritan Bay in the vicinity of Perth Amboy, New Jersey for a fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays. This rule is intended to restrict all vessels from a portion of Raritan Bay before, during, and immediately after the fireworks event.

**DATES:** This rule is effective from 8:45 p.m. on July 3, 2014 to 10:15 p.m. on July 4, 2014.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG–2014–0188]. 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 Kristopher Kesting, Sector NY Waterways Management, U.S. Coast Guard; Telephone (718) 354–4154, Email [Kristopher.R.Kesting@uscg.mil](mailto:Kristopher.R.Kesting@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, 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  
NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

On April 25, 2014, we published a notice of proposed rulemaking (NPRM) entitled Celebrate The Amboys Fireworks; Raritan Bay, Perth Amboy, NJ in the **Federal Register** (79 FR 22919). We received no comments on the proposed rule. No public meeting was requested and none was held.

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**. The rule must become effective on the date specified in order to provide for the safety of spectators and vessels operating in the area near this event. Delaying the effective date of this rule would be contrary to the public interest and would expose spectators and vessels to the hazards associated with the fireworks event. The sponsor advised that any change to the date of the event would cause economic hardship on the event sponsor, negatively impacting other activities being held in conjunction with the event.

**B. Basis and Purpose**

The legal basis for this rule is 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; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

This temporary safety zone is necessary to ensure the safety of spectators and vessels from hazards associated with the fireworks display.

**C. Discussion of Comments, Changes and the Final Rule**

No comments were received but one change was made to the final rule. The sponsor changed the event date to July 3, 2014 and added July 4, 2014 as a rain date. The NPRM stated that the event date was July 4, 2014. On April 18, 2014, the Coast Guard received notification via email that the event sponsor requested the date of the event be changed to July 3, 2014 and that July 4, 2014 would be utilized as a rain date.

**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’s enforcement of this safety zone will be of short duration, lasting only 90 minutes. The safety zone will restrict access to only a small portion of the navigable waterways of Raritan Bay. Vessels will be able to navigate around the proposed safety zone. Furthermore, vessels may be authorized to transit through the safety zone with the permission of the COTP.

*2. 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, 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 0 comments from the Small Business Administration on this rule. 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 proposed rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in a small portion of Raritan Bay during the effective period.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This rule would be in effect for only 90 minutes late at night when vessel traffic is low, vessel traffic can pass safely around the safety zone, and the Coast Guard will notify mariners before activating the zone by appropriate means which may include but are not limited to Local Notice to Mariners and Broadcast Notice to Mariners.

*3. Assistance for Small Entities*

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**, above.

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.

*4. 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).

### 5. Federalism

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 determined that this rule does not have implications for federalism.

### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. 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.

### 7. 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.

### 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 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 establishment of a temporary safety zone. This rule may be categorically excluded from further review under paragraph 34(g) of Figure 2–1 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 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, 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 AREA

■ 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0188 to read as follows:

### § 165.T01–0188 Safety Zone; Celebrate the Amboys Fireworks; Raritan Bay, Perth Amboy, NJ.

(a) *Regulated Area.* The following area is a temporary safety zone: all navigable waters of Raritan Bay within a 360 yard radius around position 40°29′16.8″ N, 074°15′32.4″ W.

(b) *Enforcement Period.* This rule will be enforced on July 3, 2014 from 8:45 p.m. to 10:15 p.m., or in the event of inclement weather this rule will be enforced on July 4, 2014, same times apply.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port New York (COTP), to act on his or her behalf. A designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(d) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) No vessels, except for fireworks barge and accompanying vessels, will be allowed to transit the safety zone without the permission of the COTP, or a designated representative.

(3) All persons and vessels shall comply with the instructions of the COTP or a designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(4) Vessel operators desiring to enter or operate within the regulated area shall contact the COTP or a designated representative via VHF channel 16 or 718–354–4353 (Sector New York command center) to obtain permission to do so.

Dated: June 11, 2014.

**G. Loebl,**

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

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