

Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

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 which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves establishing a safety zone around a fireworks display and is expected to have no impact on the water or environment. This zone is designed to protect mariners and spectators from the hazards associated with aerial fireworks displays.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

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

■ 2. Add § 165.T05-0304 to read as follows:

§ 165.T05-0304 Safety Zone; Cape Charles Fireworks, Cape Charles Harbor, Cape Charles, VA.

(a) *Regulated Area.* The following area is a safety zone: Specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25-10, in the vicinity of Cape Charles Harbor in Cape Charles, VA and within 420 feet of position 37°15'46.5" N/ 076°01'30" W (NAD 1983).

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *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, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668-5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF-FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period.* This regulation will be enforced from 9 p.m. until 10 p.m. on July 3, 2011, with a rain date of July 4, 2011 from 9 p.m. until 10 p.m.

Dated: June 20, 2011.

Mark S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2011-0585]

Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce two safety zones for annual fireworks events in the Captain of the Port Detroit zone at various times from 10 p.m. on July 3, 2011 through 9 p.m. on July 5, 2011. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. This rule will establish restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after fireworks events. During an enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port.

DATES: The regulations in 33 CFR 165.941 will be enforced from 10 p.m. until 11 p.m. on July 3, 2011 and then again from 8:30 p.m. until 9 p.m. on July 4, 2011. In the event of inclement weather, each enforcement period will be postponed 24 hours.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail LT Katie Stanko, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit MI, 48207; telephone (313) 568-9508, e-mail katie.r.stanko@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the following safety zones published in the **Federal Register** on August 8, 2008 (73 FR 46197) and on June 9, 2010 (75 FR 32666):

**Section 165.941(a)(39) Port Sanilac
4th of July Fireworks, Port Sanilac, MI**

This regulation will be enforced from 10 p.m. to 11 p.m. on July 3, 2011. In the case of inclement weather on July 3, 2011, this regulation will be enforced from 10 p.m. to 11 p.m. on July 4, 2011.

**Section 165.941(a)(48) Tawas Area
4th of July Fireworks, Tawas City, MI**

This regulation will be enforced from 8:30 p.m. to 9 p.m. on July 4, 2011. In the case of inclement weather on July 4, 2011, this regulation will be enforced from 8:30 p.m. to 9 p.m. on July 5, 2011.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones while they are being enforced is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through any of the safety zones may request permission from the Captain of the Port Detroit. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.941 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 advance notification of these enforcement periods via the Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port, or his authorized representative, will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zones established by this section are suspended. If the Captain of the Port Detroit determines that the safety zones need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: June 21, 2011.

E.J. Marohn,

*Commander, U.S. Coast Guard, Acting
Captain of the Port Detroit.*

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**DEPARTMENT OF HOMELAND
SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG 2011-0402]

**Safety Zone; San Francisco Chronicle
Fireworks Display, San Francisco, CA**

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for the annual San Francisco Chronicle Fireworks Display (Independence Day Celebration for the City of San Francisco Fireworks). This action is necessary to control vessel traffic and to ensure the safety of event participants and spectators. 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: The regulations in 33 CFR 165.1191 will be enforced for Location 1 from 9 a.m. on July 3, 2011 through 10 p.m. on July 4, 2011; and for Location 2 from 9 p.m. to 10 p.m. on July 4, 2011.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail Lieutenant Junior Grade Liezl Nicholas, U.S. Coast Guard, Waterways Safety Division; telephone 415-399-7443, e-mail *D11-PF-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Independence Day Celebration for the City of San Francisco Fireworks safety zone for Location 1 from 9 a.m. on July 3, 2011 through 10 p.m. on July 4, 2011; and for Location 2 from 9 p.m. to 10 p.m. on July 4, 2011. The fireworks will be fired simultaneously from two separate locations: Location 1 will be held 1,000 feet from Pier 39 in position 37° 48.710' N and 122° 24.464' W (NAD83) and Location 2 will be fired from the Municipal Pier in Aquatic Park in position 37° 48.611' N and 122° 25.532' W (NAD83) on July 4, 2011.

For Location 1, during the loading of the fireworks barge, while the barge is being towed to the display location, and until the start of the fireworks display, the safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. During the twenty-five minute fireworks display, the area to which this safety zone applies to will increase in size to

encompass the navigable waters around and under the fireworks barge within a radius of 1,000 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 9 a.m. on July 3, 2011, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place on July 4, 2011 at 8 p.m. During the fireworks display, scheduled to start at approximately 9:30 p.m., the fireworks barge will be located 1,000 feet off of Pier 39 in approximate position 37° 48.710' N, 122° 24.464' W (NAD 83).

For Location 2, the fireworks will be launched from the Municipal Pier in approximate position 37° 48.611' N, 122° 25.532' W (NAD 83). The safety zone will apply to the navigable waters around and under the fireworks site within a radius of 1,000 feet. The fireworks display is scheduled to launch at 9:30 p.m. and will last approximately twenty-five minutes. This safety zone will be enforced from 9 p.m. to 10 p.m. on July 4, 2011.

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 of 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 this 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, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 16, 2011.

Cynthia L. Stowe,

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

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