DEPARTMENT OF HOMELAND SECURITY
Coast Guard
33 CFR Part 165
[Docket No. USCG–2012–0001]
RIN 1625–AA00
Safety Zone; Magothy River, Sillery Bay, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone in certain waters of the Magothy River, in Sillery Bay, Maryland. This safety zone is necessary to provide for the safety of life, property and the environment. This safety zone restricts the movement of vessels throughout the regulated area during The Bumper Bash, held annually on the fourth Saturday of July.

DATES: Comments and related material must be received by the Coast Guard on or before March 28, 2012. Requests for public meetings must be received by the Coast Guard on or before March 12, 2012.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0001 using any one of the following methods:


(2) Fax: 202–493–2251.


(4) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Ronald Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, email Ronald.L.Houck@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments
We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to http://www.regulations.gov and will include any personal information you have provided.

Submitting comments
If you submit a comment, please include the docket number for this rulemaking (USCG–2012–0001) in the subject line of your comment to ensure that it is considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to http://www.regulations.gov, click on the “submit a comment” box, which will then become highlighted in blue. In the “Document Type” drop down menu select “Proposed Rule” and insert “USCG–2012–0001” in the “Keyword” box. Click “Search” then click on the balloon shape in the “Actions” column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received
Discussion of Proposed Rule

The Coast Guard anticipates a large recreational boating fleet in the Magothy River, in Sillery Bay. Maryland annually on the fourth Saturday in July. Due to the need for vessel control during the activity, vessel traffic will be restricted to provide for the safety of persons and vessels within the regulated area.

The purpose of this rule is to promote maritime safety, and to protect the environment and mariners transiting the area from the potential hazards associated with a large gathering of recreational vessels and other watercraft along a confined beachfront area with swimmers and others present. This rule proposes to establish a safety zone in the Magothy River, in Sillery Bay, Maryland.

Basis and Purpose

Each year, on the fourth Saturday in July, hundreds of recreational boaters meet in Sillery Bay at Dobbins Island, Maryland for a gathering called “The Bumper Bash.” The activity began in 2007. Due to the growing presence of boaters in recent years, the annual gathering has become increasingly congested. An estimated 700 recreational boats were anchored or moored alongside other boats (rafted). The crowds of persons on recreational vessels or other water craft create large lines of rafted boats filling in the beachfront area of Dobbins Island. The persons and vessels exceeded a safe limit. Accidental drownings, personnel injuries, boat fires, boat capsizeings and sinkings, and boating collisions are safety concerns during such overcrowded events. Access on the water for emergency response to the beach area is critical. The Coast Guard has the authority to impose appropriate controls on activities that may pose a threat to persons, vessels and facilities under its jurisdiction. The Coast Guard proposes to establish a permanent safety zone that will be enforced annually on the fourth Saturday in July, during a gathering of persons on recreational vessels and other water craft held in the Magothy River, in Sillery Bay, Maryland. The proposed rule is needed to control movement within a waterway that is expected to be populated by persons and vessels seeking to attend The Bumper Bash activity.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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 certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate, remain or anchor within the safety zone, from 8 a.m. until 10 p.m. on the fourth Saturday in July annually. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Traffic would be allowed to pass within the safety zone with the permission of the Captain of the Port Baltimore. Vessels transiting the Magothy River may proceed safely around the zone. The Coast Guard will issue maritime advisories widely available to users of the waterway before the effective period.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets under its jurisdiction. The Coast Guard has the authority to impose appropriate controls on activities that may pose a threat to persons, vessels and facilities under its jurisdiction. The Coast Guard proposes to establish a permanent safety zone that will be enforced annually on the fourth Saturday in July, during a gathering of persons on recreational vessels and other water craft held in the Magothy River, in Sillery Bay, Maryland. The proposed rule is needed to control movement within a waterway that is expected to be populated by persons and vessels seeking to attend The Bumper Bash activity.

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If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 Coast Guard Sector Baltimore, Waterways Management Division, at telephone number (410) 576–2674. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information
This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism
A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property
This proposed rule would 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.

Civil Justice Reform
This proposed 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.

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

Indian Tribal Governments
This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

Energy Effects
We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment
We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under ADDRESSES. This proposed rule involves establishing a safety zone. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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 proposes to amend 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:


2. Add § 165.513 to read as follows:

§ 165.513 Safety Zone; Magothy River, Sillery Bay, MD.

(a) Regulated area. The following area is a safety zone: All waters of the Magothy River, in Sillery Bay, contained within lines connecting the following positions: from position latitude 39°04′40″ N, longitude 076°27′44″ W; thence to position latitude 39°04′48″ N, longitude 076°27′19″ W; thence to position latitude 39°04′59″ N, longitude 076°27′45″ W; thence to position latitude 39°04′59″ N, longitude
10 p.m. on the fourth Saturday in July will be enforced from 8 a.m. until
Federal, State, and local agencies. Guard may be assisted in the patrol and
on board a vessel displaying a Coast
commissioned, warrant or petty officer
Guard Ensign, and
being directed to do so by any
commissioned, warrant or petty officer
any Coast Guard commissioned,
authorized by the Captain of the Port
Baltimore to assist in enforcing the
safety zone described in paragraph (a)
of this section.
Definitions. (1) All persons are
required to comply with the general
regulations governing safety zones
found in 33 CFR 165.23.
(2) Designated representative means
any Coast Guard commissioned,
warrant, or petty officer who has been
authorized by the Captain of the Port
Baltimore or his or her designated representative.
(3) Persons or vessels requiring entry
into or passage within the safety zone
must request authorization from the
Captain of the Port Baltimore or his or
her designated representative.
(4) All vessels and persons must comply
with instructions of the Captain of the Port
Baltimore or his or her designated representative.
(5) The operator of any vessel entering
or located within this safety zone shall:
(i) travel at no-wake speed,
(ii) stop the vessel immediately upon
being directed to do so by any
commissioned, warrant or petty officer
on board a vessel displaying a Coast
Guard Ensign, and
(iii) proceed as directed by any
commissioned, warrant or petty officer
on board a vessel displaying a Coast
Guard Ensign.
(d) Enforcement. The U.S. Coast
Guard may be assisted in the patrol and
enforcement of the safety zone by any
Federal, State, and local agencies.
(e) Enforcement period. This section
will be enforced from 8 a.m. until
10 p.m. on the fourth Saturday in July annually.

DEPARTMENT OF HOMELAND SECURITY
Coast Guard
33 CFR Part 165
[Docket No. USCG–2012–0045]
RIN 1625–AA00
Safety Zones: Annual Events
Requiring Safety Zones in the Captain
of the Port Lake Michigan Zone
AGENCY: Coast Guard, DHS.
ACTION: Notice of proposed rulemaking.
SUMMARY: The Coast Guard proposes
amend its regulations requiring safety
zones in the Captain of the Port Lake
Michigan zone. This proposed rule is
intended to amend the rules that restrict
vessels from portions of water areas
during events that pose a hazard to
public safety. The safety zones amended
or established by this proposed rule are
necessary to protect spectators,
participants, and vessels from the
hazards associated with various
maritime events.
DATES: Comments and related materials
must be received by the Coast Guard on
or before March 28, 2012.
ADDRESSES: You may submit comments
identified by docket number USCG–
2012–0045 using any one of the following methods:
(1) Federal eRulemaking Portal:
(2) Fax: 202–493–2251.
(3) Mail: Docket Management Facility
(M–30), U.S. Department of
Transportation, West Building Ground
Floor, Room W12–140, 1200 New Jersey
Avenue SE., Washington, DC 20590–
0001.
(4) Hand delivery: Same as mail
address above, between 9 a.m. and
5 p.m., Monday through Friday, except
Federal holidays. The telephone number
is 202–366–9329.
To avoid duplication, please use only
one of these four methods. See the
“Public Participation and Request for Comments” portion of the
SUPPLEMENTARY INFORMATION
below for instructions on submitting
comments.
FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed
rule, call or email BM1 Adam Kraft,