DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0300]

RIN 1625–AA00

Safety Zones; Fireworks Displays in the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is adding twenty three new fireworks display safety zones at various locations in the Sector Columbia River Captain of the Port zone. The Coast Guard amended the regulatory text to clarify that the coordinates for all safety zones are approximate. The Coast Guard corrected the locations of nine existing and ten new fireworks events in the Sector Columbia River Captain of the Port zone. In addition, the Coast Guard is changing the format of the existing regulation by incorporating a fireworks event table for ease of use.

DATES: This rule is effective June 25, 2015.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number [USCG–2014–0300]. 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.

You may submit comments identified by docket number USCG–2014–0300 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Mail or Delivery: 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. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Kenneth Lawrenson, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *msupdxwwm@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

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

A. Regulatory History and Information

The Coast Guard published an NPRM in the **Federal Register** entitled ''Safety Zones; Fireworks Displays in the Sector Columbia River Captain of the Port Zone'' on June 18, 2014. The Coast Guard published a Supplemental Notice of Proposed Rulemaking in the **Federal Register** on February 24, 2015 with a comment period ending on March 26, 2015 (see 80 FR 9673). The SNPRM was published to correct coordinates of 19 of the fireworks displays and to clarify that the coordinates of the safety zones are approximate. Specifically, the SNPRM corrected the location of the safety zones for the following fireworks events: Cinco de Mayo, Tri-City Chamber of Commerce, Cedco Inc., Florence Independence Day Celebration, Ilwaco July 4th Independence Day at the Port, East County 4th of July, City of St. Helens 4th of July, Hood River 4th of July, Rufus 4th of July, Maritime Heritage Festival, Lynch Picnic, July 4th Party at the Port of Gold Beach, Roseburg Hometown 4th of July, Newport 4th of July, The Mill Casino Independence Day, Westport 100th Anniversary, Westport 4th of July, The 4th of July at Pekin Ferry, and the Leukemia and Lymphoma Light the Night. Additionally, we found a duplicate entry for the Hood River 4th of July event.

B. Basis and Purpose

The legal basis for this rule is: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish regulatory safety zones for safety and environmental purposes.

The safety zones are being implemented to help ensure the safe navigation of maritime traffic in the Sector Columbia River Area of Responsibility during fireworks displays. Fireworks displays create hazardous conditions for the maritime public because of the large number of vessels that congregate near the displays, as well as the noise, falling debris, and explosions that occur during the event. Because firework discharge sites can pose a hazard to the maritime public, these safety zones are necessary in order to restrict vessel movement and reduce vessel congregation in the proximity of the firework discharge sites.

C. Discussion of Comments, Changes and the Final Rule

Two comments to the SNPRM were submitted and no requests for a public meeting were received by the Coast Guard. Both comments were submitted by the fireworks display provider and requested corrections to two locations. The first comment stated that the location of the Astoria Regatta Firework display has changed to a different location from which was published in the SNPRM. The Coast Guard has verified this position with the firework coordinator and replaced the previous geographic latitude and longitude. The second comment stated that the location of the Astoria-Warrenton 4th of July Firework display has changed to a different location from which was published in the SNPRM. The Coast Guard has verified this position with the firework coordinator and replaced the previous geographic latitude and longitude.

D. Discussion of the Final Rule

The Final Rule modifies the safety zone by incorporating new areas that encompass waters within a 450 yard radius of the launch site at the approximate locations listed in the tables.

Additionally, The Final Rule amends the positions of the following fireworks displays in order to accurately reflect the approximate locations of the fireworks displays:

Event name (typically)	Event location	Date of event	Latitude	Longitude
Cinco de Mayo Fireworks Display	Portland, OR	One day in May	45°30′58″ N	122°40′12″ W
Tri-City Chamber of Commerce Fireworks Display, Columbia Park.	Kennewick, WA	One day in July	46°13′37″ N	119°08′47″ W.
Cedco Inc. Fireworks Display	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W.
Florence Independence Day Celebration	Florence, OR	One day in July	43°58′09″ N	124°05′50″ W.
Ilwaco July 4th Committee Fireworks/Independence Day at the Port.	Ilwaco, OR	One day in July	46°18′17″ N	124°02′00″ W.
East County 4th of July Fireworks	Gresham, OR	One day in July	45°33′32″ N	122°27′10″ W.
City of St. Helens 4th of July Fireworks Display.	St. Helens, OR	One day in July	45°51′54″ N	122°47′26″ W.
Hood River 4th of July	Hood River, OR	One day in July	45°42′58″ N	121°30′32″ W.
Rufus 4th of July Fireworks	Rufus, OR	One day in July	45°41′39″ N	120°45′16″ W.
Maritime Heritage Festival	St. Helens, OR	One day in July	45°51′54″ N	122°47′26″ W.
Lynch Picnic	West Linn, OR	One day in July	45°23′37″ N	122°37′52″ W.
July 4th Party at the Port of Gold Beach	Gold Beach, OR	One day in July	42°25′30″ N	124°25′03″ W.
Roseburg Hometown 4th of July	Roseburg, OR	One day in July	43°12′58″ N	123°22′10″ W.
Newport 4th of July	Newport, OR	One day in July	44°37′40″ N	124°02′45″ W.
The Mill Casino Independence Day	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W.
Westport 100th Anniversary	Westport, WA	One day in June	46°54′17″ N	124°05′59″ W.
Westport 4th of July	Westport, WA	One day in July	46°54′17″ N	124°05′59″ W.
The 4th of July at Pekin Ferry	Ridgefield, WA	One day in July	45°52′07″ N	122°43′53″ W.
Leukemia and Lymphoma Light the Night Fireworks Display.	Portland, OR	One day in October	45°31′14″ N	122°40′06″ W.
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	One day in July	46°11′44″ N	123°48′25″ W.
Astoria Regatta	Astoria, OR	One day in August	46°11′44″ N	123°48′25″ W.

Finally, the final rule places the regulated areas into a table format, rather than a narrative format used previously.

E. 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 bases this finding on the fact that the safety zones listed will be in place for a limited period of time and are minimal in duratioN

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. 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 rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to operate in the area covered by the safety zone. The rule will not have a significant economic impact on a substantial number of small entities because the safety zones will only be in effect for a limited period of time. Additionally, vessels can still transit through the zone with the permission of the Captain of the Port. Before the effective period, we will publish advisories in the Local Notice to Mariners available to users of the river. Maritime traffic will be able to schedule their transits around the safety zone.

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.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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. 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 would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This 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.

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 would not create an environmental risk to health or risk to safety that might 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 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.

12. Energy Effects

This rule 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.lD, 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. This rule involves the amendment and addition of safety zones in 33 CFR 165.1315. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary 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

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is amending 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; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.1315 to read as follows:

§ 165.1315 Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone.

(a) *Safety zones.* The following areas are designated safety zones: Waters of the Columbia River and its tributaries, waters of the Siuslaw River, Yaquina River, and Umpqua River, and waters of the Washington and Oregon coasts, within a 450 yard radius of the launch site at the approximate locations listed in the following table:

Event name (typically)	Event location	Date of event	Latitude	Longitude
Cinco de Mayo Fireworks Display	Portland, OR	One day in May	45°30′58″ N	122°40′12″ W.
Portland Rose Festival Fireworks Display	Portland, OR	One day in May or June	45°30′58″ N	122°40′12″ W.
Tri-City Chamber of Commerce Fireworks Display, Columbia Park.	Kennewick, WA	One day in July	46°13′37″ N	119°08′47″ W.
Cedco Inc. Fireworks Display	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W.
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	One day in July	46°11′44″ N	123°48′25″ W.
Waterfront Blues Festival Fireworks	Portland, OR	One day in July	45°30′42″ N	122°40′14″ W.
Oregon Symphony Concert Fireworks Display.	Portland, OR	One day in August or September.	45°30′42″ N	122°40′14″ W.
Florence Independence Day Celebration	Florence, OR	One day in July	43°58′09″ N	124°05′50″ W.
Oaks Park Association	Portland, OR	One day in July	45°28′22″ N	122°39′59″ W.
City of Rainier/Rainier Days	Rainier, OR	One day in July	46°05′46″ N	122°56′18″ W.
Ilwaco July 4th Committee Fireworks/Independence Day at the Port.	Ilwaco, OR	One day in July	46°18′17″ N	124°02′00″ W.
Celebrate Milwaukie	Milwaukie, OR	One day in July	45°26′33″ N	122°38′44″ W.
Splash Aberdeen Waterfront Festival	Aberdeen, WA	One day in July	46°58′40″ N	123°47′45″ W.
City of Coos Bay July 4th Celebration/Fireworks Over the Bay.	Coos Bay, OR	One day in July	43°22′06″ N	124°12′24″ W.
Arlington 4th of July	Arlington, OR	One day in July	45°43′23″ N	120°12′11″ W.
East County 4th of July Fireworks	Gresham, OR	One day in July	45°33′32″ N	122°27′10″ W.
Port of Cascade Locks 4th of July Fireworks Display.	Cascade Locks, OR	One day in July	45°40′15″ N	121°53′43″ W.
Washougal 4th of July	Washougal, WA	One day in July	45°34′32″ N	122°22′53″ W.
Astoria Regatta	Astoria, OR	One day in August	46°11′44″ N	123°48′25″ W.
City of St. Helens 4th of July Fireworks Display.	St. Helens, OR	One day in July	45°51′54″ N	122°47′26″ W.
Waverly Country Club 4th of July Fireworks Display.	Milwaukie, OR	One day in July	45°27′03″ N	122°39′18″ W.

Event name (typically)	Event location	Date of event	Latitude	Longitude
Booming Bay Fireworks	Westport, WA	One day in July	46°54′14″ N	124°06′08″ W.
Hood River 4th of July	Hood River, OR	One day in July	45°42′58″ N	121°30′32″ W.
Rufus 4th of July Fireworks	Rufus, OR	One day in July	45°41′39″ N	120°45′16″ W.
Newport High School Graduation Fireworks Display.	Newport, OR	One day in June	44°36′48″ N	124°04′10″ W.
Willamette Falls Heritage Festival	Oregon City, OR	One day in October	45°21′44″ N	122°36′21″ W.
Winchester Bay 4th of July Fireworks Display.	Winchester Bay, OR	One day in July	43°40′56″ N	124°11′13″ W.
Brookings, OR July 4th Fireworks Display	Brookings, OR	One day in July	42°02′39″ N	124°16′14″ W.
Maritime Heritage Festival	St. Helens, OR	One day in July	45°51′54″ N	122°47′26″ W.
Lynch Picnic	West Linn, OR	One day in July	45°23′37″ N	122°37′52″ W.
Yachats 4th of July	Yachats, OR	One day in July	44°18′38″ N	124°06′27″ W.
Lincoln City 4th of July	Lincoln City, OR	One day in July	44°55′28″ N	124°01′31″ W.
July 4th Party at the Port of Gold Beach	Gold Beach, OR	One day in July	42°25′30″ N	124°25′03″ W.
Gardiner 4th of July	Gardiner, OR	One day in July	43°43′55″ N	124°06′48″ W.
Huntington 4th of July	Huntington, OR	One day in July	44°18′02″ N	117°13′33″ W.
Toledo Summer Festival	Toledo, OR	One day in July	44°37′08″ N	123°56′24″ W.
Port Orford 4th of July	Port Orford, OR	One day in July	42°44′31″ N	124°29′30″ W.
The Dalles Area Chamber of Commerce Fourth of July.	The Dalles, OR	One day in July	45°36′18″ N	121°10′23″ W.
Roseburg Hometown 4th of July	Roseburg, OR	One day in July	43°12′58″ N	123°22′10″ W.
Newport 4th of July	Newport, OR	One day in July	44°37′40″ N	124°02′45″ W.
First Friday Milwaukie	Milwaukie, OR	One day in September	45°26′33″ N	122°38′44″ W.
The Mill Casino Independence Day	North Bend, OR	One day in July	43°23′42″ N	124°12′55″ W.
Waldport 4th of July	Waldport, OR	One day in July	44°25′31″ N	124°04′44″ W.
Westport 100th Anniversary	Westport, WA	One day in June	46°54′17″ N	124°05′59″ W.
Westport 4th of July	Westport, WA	One day in July	46°54′17″ N	124°05′59″ W.
The 4th of July at Pekin Ferry	Ridgefield, WA	One day in July	45°52′07″ N	122°43′53″ W.
Leukemia and Lymphoma Light the Night Fireworks Display.	Portland, OR	One day in October	45°31′14″ N	122°40′06″ W.

(b) *Special requirements.* Fireworks barges or launch sites on land used in locations stated in this rule shall display a sign. The sign will be affixed to the port and starboard side of the barge or mounted on a post 3 feet above ground level when on land and in close proximity to the shoreline facing the water labeled ''FIREWORKS–DANGER–STAY AWAY.'' This will provide on-scene notice that the safety zone is, or will, be enforced on that day. This notice will consist of a diamond shaped sign, 4 foot by 4 foot, with a 3 inch orange retro-reflective border. The word ''DANGER'' shall be 10 inch black block letters centered on the sign with the words ''FIREWORKS'' and ''STAY AWAY'' in 6 inch black block letters placed above and below the word ''DANGER'' respectively on a white background. An on-scene patrol vessel may enforce these safety zones at least 1 hour prior to the start and 1 hour after the conclusion of the fireworks display.

(c) *Notice of enforcement.* These safety zones will be activated and thus subject to enforcement, under the following conditions: the Coast Guard must receive an Application for Marine Event for each fireworks display; and, the Captain of the Port will cause notice of the enforcement of these safety zones to be made by all appropriate means to provide notice to the affected segments of the public as practicable, in accordance with 33 CFR 165.7(a). The Captain of the Port will issue a Local Notice to Mariners notifying the public of activation and suspension of enforcement of these safety zones. Additionally, an on-scene Patrol Commander may be appointed to enforce the safety zones by limiting the transit of non-participating vessels in the designated areas described above.

(d) *Enforcement period.* This rule will be enforced at least one hour before and one hour after the duration of the event each day a barge or launch site with a ''FIREWORKS–DANGER–STAY AWAY'' sign is located within any of the above designated safety zone locations and meets the criteria established in paragraphs (a), (b), and (c).

(e) *Regulations.* In accordance with the general regulations in 33 CFR part 165, subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative. The Captain of the Port may be assisted by other Federal, State, or local agencies with the enforcement of the safety zone.

(f) *Authorization.* All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or Designated Representative by contacting either the on-scene patrol craft on VHF Ch 13 or Ch 16 or the Coast Guard Sector Columbia River Command Center via telephone at (503) 861–6211.

Dated: May 1, 2015.

D.J. Travers,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2015–12635 Filed 5–22–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0347]

Safety Zone; Southern California Annual Fireworks Events for the San Diego Captain of the Port Zone.

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a Safety Zone on the waters of Mission Bay, California for the 2015 Sea World Summer Fireworks displays held on specific evenings from Memorial Day to Labor Day. This action is necessary to provide for the safety of the marine event crew, spectators, safety vessels, and general users of the waterway.