

review under Categorical Exclusion L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### G. 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.

#### 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; 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. Add § 165.T11-930 to read as follows:

#### § 165.T11-930 Safety Zone; San Francisco Fourth of July Fireworks Display, San Francisco Bay, San Francisco, CA.

(a) *Location.* The following area are safety zones: All navigable waters of the San Francisco Bay within 100 feet of the fireworks barges during loading at Pier 50, as well as transit and arrival near Aquatic Park in San Francisco, CA. From 9:00 a.m. until approximately 5:00 p.m. on July 3, 2018, and from 9:00 a.m. until approximately 6:00 p.m. on July 4, 2018, the fireworks barges will be loading at Pier 50 in San Francisco, CA. The safety zones will expand to all navigable waters around and under the firework barges within a radius of 700 feet in approximate positions 37°48'49" N, 122°24'46" W and 37°48'45" N, 122°25'39" W (NAD 83), 30 minutes prior to the start of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2018.

(b) *Enforcement period.* The zones described in paragraph (a) of this section will be enforced from 9:00 a.m. on July 3, 2018 until approximately 10:30 p.m. on July 4, 2018. The Captain of the Port San Francisco (COTP) will

notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners in accordance with § 165.7.

(c) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zones.

(d) *Regulations.* (1) Under the general regulations in subpart C of this part, entry into, transiting or anchoring within these safety zones is prohibited unless authorized by the COTP or the COTP’s designated representative.

(2) The safety zones are closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zones must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zones on VHF-23A or through the 24-hour Command Center at telephone (415) 399-3547.

Dated: June 27, 2018.

**Anthony J. Ceraolo,**  
*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 No. USCG-2018-0624]

#### Safety Zones; Annual Events in the Captain of the Port Buffalo Zone—July Fireworks

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce certain safety zones located in federal regulations for recurring marine events. This action is necessary and intended for the safety of life and property on navigable waters during these events. During each enforcement period, no person or vessel may enter the respective safety zone without the

permission of the Captain of the Port Buffalo.

**DATES:** The regulations in 33 CFR 165.939(a)(1) will be enforced from 8:45 p.m. to 10:45 p.m. on July 4, 2018. The regulations in 33 CFR 165.939(a)(2) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018. The regulation in 33 CFR 165.939(a)(13) will be enforced from 10:00 p.m. to 10:30 p.m. on July 3, 2018.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a Safety Zone; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939 for the following events:

(1) *Boldt Castle 4th of July Fireworks, Heart Island, NY;* The safety zone listed in 33 CFR 165.939(a)(1) will be enforced from 8:45 p.m. to 10:45 p.m. on July 4, 2018.

(2) *Clayton Chamber of Commerce Fireworks, Calumet Island, NY;* The safety zone listed in 33 CFR 165.939(a)(2) will be enforced from 9:30 p.m. to 10:30 p.m. on July 3, 2018.

(3) *Tom Graves Memorial Fireworks;* The safety zone listed in 33 CFR 165.939(a)(13) will be enforced from 10:00 p.m. to 10:30 p.m. on July 3, 2018.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within a safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter a safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter a safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that a safety zone 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 respective safety zone.

Dated: June 27, 2018.

**Joseph S. Dufresne,**

*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 No. USCG-2018-0544]

RIN 1625-AA00

#### Safety Zone: City of Vallejo Fourth of July Fireworks Display, Mare Island Strait, Vallejo, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of San Francisco Bay near Mare Island Strait in support of the City of Vallejo Fourth of July Fireworks Display on July 4, 2018. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

**DATES:** This rule is effective on July 4, 2018, from 8 a.m. through 10:30 p.m.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2018-0544. 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Emily Rowan, U.S. Coast Guard Sector San Francisco; telephone (415) 399-7443 or email at [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Acronyms

APA Administrative Procedure Act  
COTP U.S. Coast Guard Captain on the Port  
DHS Department of Homeland Security  
FR Federal Register  
NOAA National Oceanic and Atmospheric Administration

NPRM Notice of Proposed Rulemaking  
PATCOM U.S. Coast Guard Patrol  
Commander  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Since the Coast Guard received final details of this event on June 25, 2018, notice and comment procedures would be impracticable in this instance.

For similar reasons as those stated above, 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**.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the planned fireworks display on July 4, 2018, will be a safety concern for anyone within a 100-foot radius of the fireworks barge and anyone within a 420-foot radius of the fireworks firing site. This rule is needed to protect spectators, vessels, and other property from hazards associated with pyrotechnics.

##### IV. Discussion of the Rule

This rule establishes a temporary safety zone during the loading and transit of the fireworks barge, until after completion of the fireworks display. During the loading of the pyrotechnics onto the fireworks barge, scheduled to take place from 8:00 a.m. to 4:00 p.m. on July 4, 2018, at Mare Island Waterfront in Vallejo, CA, the safety zone will encompass the navigable waters around and under the fireworks barge within a radius of 100 feet.

The fireworks barge will remain at Mare Island Waterfront until the start of the transit to the display location. Towing of the barge from Mare Island Waterfront to the display location is scheduled to take place from 8:50 p.m. to 9:00 p.m. on July 4, 2018, where it

will remain until the conclusion of the fireworks displays.

At 9:00 p.m. on July 4, 2018, 30 minutes prior to the commencement of the 18-minute fireworks display, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius of 420 feet in approximate position 38°06'03" N, 122°16'00" W (NAD 83) for the City of Vallejo Fourth of July Fireworks Display. The safety zone shall terminate at 10:30 p.m. on July 4, 2018.

The effect of the temporary safety zone are to restrict navigation in the vicinity of the fireworks loading, transit, and firing site. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted area. This regulation is needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing site to ensure the safety of participants, spectators, and transiting vessels.

##### V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and