9110-04-P

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: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish twenty three new fireworks display safety zones at various locations in the Sector Columbia River Captain of the Port zone. The Coast Guard previously published a notice of proposed rulemaking with respect to this proposed rule on June 18, 2014. This supplemental notice of proposed rulemaking changes the proposed regulation in the following respects. First, the Coast Guard proposes to amend the regulatory text to clarify that the coordinates for all safety zones addressed by the proposed rule are approximate. Second, the Coast Guard proposes to make corrections to the location of nine existing and ten new fireworks events in the Sector Columbia River Captain of the Port zone. Third, the Coast Guard will be removing a duplicate

entry of the Hood River 4th of July event.

DATES: Comments and related material must be received by the Coast Guard on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Requests for public meetings must be received by the Coast Guard on or before [INSERT DATE 7 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: 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: 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 e-mail LT Sean Morrison, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone

503-240-9319, e-mail 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. 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.

1. Submitting comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at http://www.regulations.gov, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment.

If you fax, hand deliver, or mail your comment, it will be 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 e-mail 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, type the docket number [USCG-2014-0300] in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking.

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 during the comment period and may change the rule based on your comments.

2. Viewing comments and documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to http://www.regulations.gov type the docket number [USCG-2014-0300] 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.

3. 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 in the January 17, 2008, issue of the Federal Register (73 FR 3316).

4. Public meeting

We do not plan on holding a public meeting. But you may submit a request for one on or before [INSERT DATE 7 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], using one of the methods specified under ADDRESSES. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the Federal Register.

B. Regulatory History and Information

A Notice of Proposed Rulemaking (NPRM) entitled "Safety Zones; Fireworks Displays in the Sector Columbia River Captain of the Port Zone" was published in the Federal Register on June

18, 2014 with the comment period ending on July 18, 2014 (see 79 FR 34669). We did not receive any comments on the proposed rule and did not receive any requests for a public meeting. A public meeting was not held. While creating the final rule, we determined that additional language should be added to the regulation in order to clarify that the coordinates for the locations of the fireworks display safety zones are approximate. Additionally, we found inconsistencies in the coordinates provided in the published NPRM for nineteen of the fireworks displays. With this SNPRM we are proposing to amend these coordinates. The inconsistencies found were in relation to 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.

C. Basis and Purpose

The legal basis for this proposed 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, and 160.5; Public Law 107-295, 116 Stat. 2064; 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 proposed 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.

D. Discussion of the Proposed Rule

This SNPRM amends the regulatory language of the proposed rule to clarify that the coordinates contained in the published table are approximate locations. The language will specify that the proposed safety zones will encompass waters within a 450 yard radius of the launch site at the approximate locations

listed in the tables.

This SNPRM will also remove a duplicate entry of the Hood River 4th of July event.

Additionally, this SNPRM amends the positions of the following fireworks displays in the proposed rule 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

1. Regulatory Planning and Review

This proposed 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 proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact

on a substantial number of small entities.

(1) This proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed 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 proposed 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 proposed 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 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.

9. 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.

10. Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed 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 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.

12. Energy Effects

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

14. Environment

We have analyzed this proposed 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 proposed rule involves the amendment and addition of safety zones in 33 CFR 165.1315. This proposed 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 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:

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

2. Amend § 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° 11’34” N	123° 49’28” 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
Astoria Regatta	Astoria, OR	One day in August	46° 11’34” N	123° 49’28” W
Washougal 4th of July	Washougal, WA	One day in July	45° 34’32” N	122° 22’53” 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
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 and approve a marine event permit for each fireworks display and then 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: January 30, 2015

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

[FR Doc. 2015-03607 Filed 02/23/2015 at 8:45 am; Publication Date: 02/24/2015]