

(iii) A launch operator need not apply paragraph (b)(5) of this section to VAHRR evaluation points outside the flight path but within one nautical mile of the flight path.

(6) VAHRR is the product, expressed in units of dBZ-km or dBZ-kft, of the volume-averaged radar reflectivity defined in paragraph (b)(3) of this section and the average cloud thickness defined in paragraph (b)(4) of this section in the specified volume defined in paragraph (b)(2) of this section.

(c) *Electric field measurement.* A launch operator who measures an electric field to comply with this appendix must—

(1) Employ a ground-based field mill,  
(2) Use only the one-minute arithmetic average of the instantaneous readings from that field mill,

(3) Ensure that all field mills are calibrated so that the polarity of the electric field measurements is the same as the polarity of a voltage placed on a test plate above the sensor,

(4) Ensure that the altitude of the flight path of the launch vehicle is equal to or less than 20 kilometers (66 thousand feet) everywhere above a horizontal circle of 5 nautical miles centered on the field mill being used,

(5) Use only direct measurements from a field mill, and

(6) Not interpolate based on electric-field contours.

Issued in Washington, DC, on May 23, 2011.

**J. Randolph Babbitt,**

*Administrator.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2011-0265]

RIN 1625-AA00

#### Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the Captain of the Port Sault Sainte Marie zone. This zone is intended to restrict vessels from certain portions of water areas within Sector Sault Sainte Marie Captain of the Port zone, as defined by 33 CFR 3.45-45. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

**DATES:** This rule is effective from 9 p.m. to 11 p.m. on June 23, 2011.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2011-0265 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0265 in the “Keyword” box, and then clicking “Search”. They are also available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or email BMC Gregory Ford, Prevention Department, Coast Guard, Sector Sault Sainte Marie, MI, telephone (906) 635-3222, email [Gregory.C.Ford@uscg.mil](mailto:Gregory.C.Ford@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:

##### Regulatory Information

On April 20, 2011, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). We received 0 public submissions commenting on the proposed rule. No public meeting was requested, and none was held.

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**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because it would inhibit the Coast Guard from ensuring the safety of vessels and the public during the fireworks display.

##### Background and Purpose

From June 21, 2011 through June 24, 2011, the Michigan Bankers Association’s will celebrate its 125th anniversary. The celebration will take place on and around Mackinac Island. On the evening of June 23, 2011, the celebration will include a fireworks display to be launched from a water location. The Captain of the Port Sault Sainte Marie has determined that the fireworks event poses various hazards to the public, including obstructions to the navigable channel, explosive dangers associated with fireworks, and debris falling into the water. To minimize

these and other hazards, this rule will establish a temporary safety zone around the fireworks display.

#### Discussion of Comments and Changes

The Coast Guard received 0 public submissions commenting on this rule.

#### Regulatory Analyses

We developed this 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.

##### Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this 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 rule will not have a significant economic impact on a substantial number of small entities. On April 20, 2011, the Coast Guard published a notice of proposed

rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed. This rule would affect the following entities, some of which might be small entities: the owners and operators of vessels intending to transit or anchor in the area of the safety zone while it is being enforced. The safety zone will be in effect only for a short time. Furthermore, the safety zone has been designed to allow traffic to pass safely around it. Moreover, vessels will be allowed to pass through the zone at the discretion of the Captain of the Port.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

#### Collection of Information

This rule calls 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 rule under that Order and have determined that it does not have implications for federalism. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule.

#### 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 will not result in such an expenditure, we do discuss the effects of it elsewhere in this preamble. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule. There have been no changes made to the rule as proposed.

#### Taking of Private Property

This rule will 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. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule. There have been no changes made to the rule as proposed.

#### 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. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule. There have been no changes made to the rule as proposed.

#### 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 does not create an environmental risk to health or risk to safety that may disproportionately affect children. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule.

There have been no changes made to the rule as proposed.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule. There have been no changes made to the rule as proposed.

#### Energy Effects

We have analyzed this 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. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, Michigan, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule. There have been no changes made to the rule as proposed.

#### 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. On April 20, 2011, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, MI, in the **Federal Register** (76 FR 22064). The Coast Guard received 0 public submissions commenting on the proposed rule. There have been no changes made to the rule as proposed.

#### Environment

We have analyzed this 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 concluded 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 is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone. 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, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09-0265 to read as follows:

#### § 165.T09-0265 Safety Zone; Michigan Bankers Association Fireworks, Lake Huron, Mackinac Island, MI.

(a) *Location.* The following area is a temporary safety zone: all waters of Lake Huron within a 500-foot radius from the fireworks launch site, approximately 460 yards south of Biddle Point, at position 45°50'32.82"N, 084°37'03.18"W: [DATUM: NAD 83].

(b) *Effective and enforcement period.* This regulation is effective and will be enforced from 9 p.m. until 11 p.m. on June 23, 2011.

(1) The Captain of the Port, Sector Sault Sainte Marie may suspend at any time the enforcement of the safety zone established under this section.

(2) The Captain of the Port, Sector Sault Sainte Marie, will notify the public of the enforcement and suspension of enforcement of the safety zone established by this section via any means that will provide as much notice as possible to the public. These means might include some or all of those listed in 33 CFR 165.7(a). The primary method of notification, however, will be through Broadcast Notice to Mariners and local Notice to Mariners.

(c) *Definitions.* The following definitions apply to this section:

(1) Designated representative means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Sault Sainte Marie to monitor these safety zones, permit entry into these safety zones, give legally enforceable orders to persons or vessels within these safety zones, or take other actions authorized by the Captain of the Port.

(2) Public vessel means a vessel owned, chartered, or operated by the United States or by a State or political subdivision thereof.

(d) *Regulations.* (1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Sault Sainte Marie or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) When the safety zone established by this section is being enforced, all vessels must obtain permission from the Captain of the Port Sault Sainte Marie or his designated representative to enter, move within, or exit that safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port or his designated representative. While within the safety zone, all vessels shall operate at the

minimum speed necessary to maintain a safe course.

(e) *Exemption.* Public vessels, as defined in paragraph (c) of this section, are exempt from the requirements in this section.

Dated: May 18, 2011.

G. J. Paitl,

Commander, U.S. Coast Guard, Acting Captain of the Port, Sector Sault Sainte Marie.

[FR Doc. 2011-14132 Filed 6-7-11; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2011-0456]

#### 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 various safety zones for annual fireworks events in the Captain of the Port Detroit zone from 9:40 p.m. on May 27, 2011 through 9:45 p.m. on September 4, 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 each enforcement period, no person or vessel may enter the respective safety zone without permission of the Captain of the Port.

**DATES:** The regulations in 33 CFR 165.941 will be enforced at various times between June 8, 2011 until September 4, 2011.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail BM1 Tracy Girard, Response Department, U.S. Coast Guard Marine Safety Unit Toledo, 420 Madison Avenue, Toledo, OH 43604; telephone (419)-418-6036, e-mail [Tracy.M.Girard@uscg.mil](mailto:Tracy.M.Girard@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.941, Annual Fireworks Events in the Captain of the Port Detroit Zone, at the following time for the following events: