

a.m. on July 14, 2011 through 8 p.m. on July 18, 2011. This rule will be enforced daily from 6 a.m. until 8 p.m. on July 14, 2011 through July 17, 2011. If the event is postponed due to inclement weather on any of these dates, then this rule will be enforced from 6 a.m. until 8 p.m. on July 18, 2011.

Dated: June 7, 2011.

**J.B. Loring,**

*Commander, U.S. Coast Guard, Captain of the Port Savannah.*

[FR Doc. 2011-14826 Filed 6-14-11; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-1096]

#### Safety Zones: Fireworks Displays in the Captain of the Port Columbia River Zone

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce the safety zones in 33 CFR 165.1315 for fireworks displays in the Captain of the Port Zone from May through September 2011. This action is necessary to ensure the safety of the crews onboard the vessels involved in the fireworks displays, the maritime public, and all observers. During the enforcement period for each specific safety zone, no person or vessel may enter or remain in the safety zone without permission of the Captain of the Port, Columbia River or his designated representative.

**DATES:** The regulations in 33 CFR 165.1315 will be enforced as follows:

(1) Portland Rose Festival Fireworks Display, Portland, OR: From 8:30 p.m. until 11:30 p.m. on May 27, 2011.

(2) Tri-City Chamber of Commerce Fireworks Display, Columbia Park, Kennewick, WA: From 8:30 p.m. until 11:30 p.m. on July 4, 2011.

(3) Cedco Inc. Fireworks Display, North Bend, OR: From 8:30 p.m. until 11:30 p.m. on July 3, 2011.

(4) Astoria 4th of July Fireworks, Astoria, OR: From 8:30 p.m. until 11:30 p.m. on July 4, 2011.

(5) Oregon Food Bank Blues Festival Fireworks, Portland, OR: From 8:30 p.m. until 11:30 p.m. on July 4, 2011.

(6) Florence Chamber 4th of July Fireworks Display, Florence, OR: On July 4, 2011 from 9 p.m. to 11 p.m.

(7) Oaks Park July 4th Celebration, Portland, OR: On July 4, 2011 from 9 p.m. to 11 p.m.

(8) Rainier Days Fireworks Celebration, Rainier, OR: On July 9, 2011 from 9 p.m. to 11 p.m.

(9) Ilwaco July 4th Committee Fireworks, Ilwaco, WA: On July 2, 2011 from 9 p.m. to 11 p.m.

(10) Milwaukie Centennial Fireworks Display, Milwaukie, OR: On July 23, 2011 from 9 p.m. to 11 p.m.

(11) Splash Aberdeen Waterfront Festival, Aberdeen, WA: On July 4, 2011 from 9 p.m. to 11 p.m.

(12) Arlington Chamber of Commerce Fireworks Display, Arlington, OR: On July 4, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(13) East County 4th of July Fireworks, Gresham, OR: On July 4, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(14) Port of Cascade Locks July 5th Fireworks Display, Cascade Locks, OR: On July 4, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(15) Astoria Regatta Association Fireworks Display, Astoria, OR: On August 13, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(16) City of Washougal July 4th Fireworks Display, Washougal, WA: On July 4, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(17) City of St. Helens 4th of July Fireworks Display, St. Helens, OR: On July 4, 2011 from approximately 8:30 p.m. to approximately 11:30 p.m.

(18) Waverly Country Club 4th of July Fireworks Display, Milwaukie, OR: On July 4, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(19) Hood River 4th of July, Hood River, OR: On July 4, 2011 from 8:30 p.m. to approximately 11:30 p.m.

(20) Rufus 4th of July Fireworks, Rufus, OR: On July 2, 2011 from 8:30 p.m. to approximately 11:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail MST1 Jaime Sayers, Waterways Management Division, MSU Portland, Coast Guard; telephone 503-240-9327, e-mail [Jaime.a.Sayers@uscg.mil](mailto:Jaime.a.Sayers@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone regulation in 33 CFR 165.1315 for fireworks displays in the Columbia River Captain of the Port Zone during the dates and times listed in **DATES**.

Under the provisions of 33 CFR 165.1315 and 33 CFR 165 Subparts C, no person or vessel may enter or remain in the safety zones without permission of the Captain of the Port, Columbia

River or his designated representative. See 33 CFR 165.1315 and 33 CFR 165 subparts C for additional information and prohibitions. Persons or vessels wishing to enter the safety zones may request permission to do so from the on-scene Captain of the Port representative via VHF Channel 16 or 13. The Coast Guard may be assisted by other Federal, State, or local enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.1315 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via the Local Notice to Mariners.

Dated: June 3, 2011.

**D.E. Kaup,**

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

[FR Doc. 2011-14832 Filed 6-14-11; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0939]

**RIN 1625-AA00**

#### Safety Zone; M/V DAVY CROCKETT, Columbia River

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The U.S. Coast Guard is extending the enforcement of a safety zone established on the waters of the Columbia River surrounding the M/V DAVY CROCKETT at approximate river mile 117. The original safety zone was established on January 28, 2011. The safety zone is necessary to help ensure the safety of the response workers and maritime public from the hazards associated with ongoing salvage operations involving the M/V DAVY CROCKETT. All persons and vessels are prohibited from entering or remaining in the safety zone unless authorized by the Captain of the Port, Columbia River or his designated representative.

**DATES:** This rule is effective from June 15, 2011 through July 31, 2011. This rule is effective with actual notice for purposes of enforcement on May 23, 2011. This rule will remain in effect through July 31, 2011.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0939 and are available online by going

to <http://www.regulations.gov>, inserting USCG-2010-0939 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 e-mail MST1 Jaime Sayers, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503-240-9319, e-mail [Jaime.A.Sayers@uscg.mil](mailto:Jaime.A.Sayers@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

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 because to do so would be contrary to public interest. The safety zone is immediately necessary to help ensure the safety of the response workers and the maritime public due to the ongoing salvage operations involving the M/V DAVY CROCKETT.

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** because the safety zone is immediately necessary to help ensure the safety of the response workers and the maritime public due to the ongoing salvage operations involving the M/V DAVY CROCKETT.

##### Background and Purpose

The M/V DAVY CROCKETT, a 431 ft barge, is anchored on the Washington State side of the Columbia River at approximately river mile 117. The vessel is in a severe state of disrepair. The Coast Guard, other state and Federal agencies, and Federal contractors are working to remove the

vessel. The salvage operations require a minimal wake in the vicinity of the vessel to help ensure the safety of response workers on or near the vessel and in the water. In addition, due the deleterious state of the vessel only authorized persons and/or vessels can be safely allowed on or near it.

A 300 ft safety zone is necessary to keep vessels clear of the ongoing salvage operations surrounding the M/V DAVY CROCKETT. The previous 300 ft safety zone expired on May 17, 2011.

##### Discussion of Rule

The Coast Guard is extending the enforcement of the safety zone created by this rule until July 31, 2011. The safety zone will cover all waters of the Columbia River encompassed within the following four points: point one at 45°34'59.74" N., 122°28'35.00" W. on the Washington bank of the Columbia River then proceeding into the river to point two at 45°34'51.42" N., 122°28'35.47" W., then proceeding upriver to the third point at 45°34'51.02" N., 122°28'07.32" W., then proceeding to the shoreline to the fourth point on the Washington Bank at 45°34'56.06" N., 122°28'07.36" W., then back along the shoreline to point one. Geographically this encompasses all the waters within an area starting at approximately 300 ft upriver from the M/V DAVY CROCKETT extending to 300 ft abreast of the M/V DAVY CROCKETT and then ending 300 ft down river of the M/V DAVY CROCKETT.

##### 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.

The Coast Guard has made this determination based on the fact that the safety zones created by this rule will not significantly affect the maritime public because the areas covered are limited in size and/or have little commercial or recreational activity. In addition, vessels may enter the safety zones with the permission of the Captain of the Port,

Columbia River or his designated representative.

##### 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. 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 areas covered by the safety zones created in this rule. The safety zones will not have a significant economic impact on a substantial number of small entities because the areas covered are limited in size. In addition, vessels may enter the safety zones with the permission of the Captain of the Port, Columbia River or his designated representative.

##### Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). 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.

##### 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.

## 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 this rule elsewhere in this preamble.

## 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.

## 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, eliminates ambiguity, and reduce burden.

## 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.

## 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.

## 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.

## 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.

## Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, 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 creation of safety zones. An environmental analysis checklist and a categorical exclusion determination will be 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.T13–175 to read as follows:

### § 165.T13–175 Safety Zone; M/V DAVY CROCKETT, Columbia River

(a) *Location:* The following area is a safety zone:

(1) All waters of the Columbia River encompassed within the following four points: point one at 45°34′59.74″ N, 122°28′35.00″ W on the Washington bank of the Columbia River then proceeding into the river to point two at 45°34′51.42″ N, 122°28′35.47″ W, then proceeding upriver to the third point at 45°34′51.02″ N, 122°28′07.32″ W, then proceeding to the shoreline to the fourth point on the Washington Bank at 45°34′56.06″ N, 122°28′07.36″ W, then back along the shoreline to point one. Geographically this encompasses all the waters within an area starting at approximately 300 ft upriver from the M/V DAVY CROCKETT extending to 300 ft abreast of the M/V DAVY CROCKETT and then ending 300 ft down river of the M/V DAVY CROCKETT.

(b) *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, Columbia River or his designated representative.

(c) *Enforcement period.* The safety zone created in this section will be in effect from May 23, 2011 through July 31, 2011 unless cancelled sooner by the Captain of the Port, Columbia River.

Dated: May 23, 2011.

**L.R. Tumbarello,**

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

[FR Doc. 2011–14775 Filed 6–14–11; 8:45 am]

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