

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0376]

Safety Zones; Annual Events in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various safety zones for annual marine events in the Captain of the Port Detroit zone. Enforcement of these zones is necessary and intended to protect safety of life and property on the navigable waters immediately prior to, during, and immediately after these fireworks events. During the aforementioned period, the Coast Guard will enforce 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 Detroit or his designated representative.

DATES: The regulations in 33 CFR 165.941, Table 1, will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Tracy Girard, Prevention Department, telephone (313) 568–9564, email Tracy.M.Girard@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.941, Table 1, Safety Zones; Annual Events in the Captain of the Port Detroit Zone, at the following dates and times for the following events:

(1) *Bay-Rama Fish Fly Festival Fireworks, New Baltimore, MI.* The safety zone listed in § 165.941, Table 1(3), will be enforced from 10 p.m. to 10:30 p.m. on June 24, 2021. In the case of inclement weather on June 24, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on June 25, 2021.

(2) *Algonac Fireworks Festival, Algonac, MI.* The safety zone listed in § 165.941, Table 1(7), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 13:30 p.m. on July 2, 2021.

(3) *Bay City Fireworks Festival, Bay City, MI.* The safety zone listed in

§ 165.941, Table 1(8), will be enforced from 9 p.m. to 11 p.m. on July 1, July 2, and July 3, 2021. In the case of inclement weather on any scheduled day, this safety zone will be enforced from 9 p.m. to 11 p.m. on July 4, 2021.

(4) *Caseville Fireworks, Caseville, MI.* The safety zone listed in § 165.941, Table 1(9), will be enforced from 10 p.m. to 11 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on July 5, 2021.

(5) *Ecorse Fireworks, Ecorse, MI.* The safety zone listed in the § 165.941, Table 1(10), will be enforced from 9:30 p.m. to 10:30 p.m. on July 10, 2021. In the case of inclement weather on July 10, 2021, this safety zone will be enforced from 9:30 p.m. to 10:30 p.m. on July 11, 2021.

(6) *Grosse Ile Fireworks, Grosse Ile, MI.* The safety zone listed in the § 165.941 Table 1(11), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021.

(7) *Grosse Pointe Yacht Fireworks, Grosse Pointe Shores, MI.* The safety zone listed in § 165.941, Table 1(13), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(8) *Harbor Beach Fireworks, Harbor Beach, MI.* The safety zone listed in § 165.941, Table 1(14), will be enforced from 10 p.m. to 10:30 p.m. on July 10, 2021. In the case of inclement weather on July 10, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 11, 2021.

(9) *Belle Maer Harbor Fireworks, Harrisville, MI.* The safety zone listed in § 165.941, Table 1(15), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(10) *Harrisville Fireworks, Harrisville, MI.* The safety zone listed in § 165.941, Table 1(16), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021.

(11) *Lexington Fireworks, Lexington, MI.* The safety zone listed in § 165.941, Table 1(17), will be enforced from 10 p.m. to 10:30 p.m. on July 2, 2021. In the case of inclement weather on July 2, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021.

(12) *Oscoda Township Fireworks, Oscoda, MI.* The safety zone listed in § 165.941, Table 1(18), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather

on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(13) *Port Austin Fireworks, Port Austin, MI.* The safety zone listed in § 165.941, Table 1(19), will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 5, 2021.

(14) *Port Sanilac Fireworks, Port Sanilac, MI.* The safety zone listed in § 165.941, Table 1(20), will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2021. In the case of inclement weather on July 3, 2021, this safety zone will be enforced from 10 p.m. to 10:30 p.m. on July 4, 2021.

(15) *St. Clair Fireworks, St. Clair, MI.* The safety zone listed in § 165.941, Table 1(21), will be enforced from 10 p.m. to 10:45 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 10:45 p.m. on July 5, 2021.

(16) *St. Clair Shores Fireworks, St. Clair Shores, MI.* The safety zone listed in § 165.941, Table 1(22), will be enforced from 9:30 p.m. to 10:15 p.m. on June 25, 2021. In the case of inclement weather on June 25, 2021, this safety zone will be enforced from 9:30 p.m. to 10:15 p.m. on June 26, 2021.

(17) *Tawas Fireworks, Tawas, MI.* The safety zone listed in § 165.941, Table 1(23), will be enforced from 10 p.m. to 11 p.m. on July 4, 2021. In the case of inclement weather on July 4, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on July 5, 2021.

(18) *Port Huron Blue Water Festival Fireworks, Port Huron, MI.* The safety zone listed in § 165.941, Table 1(27), will be enforced from 10 p.m. to 11 p.m. on July 22, 2021. In the case of inclement weather on July 22, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on July 23, 2021.

(19) *Marine City Maritime Days Fireworks, Marine City, MI.* The safety zone listed in § 165.941, Table 1(33), will be enforced from 10 p.m. to 11 p.m. on August 6, 2021. In the case of inclement weather on August 6, 2021, this safety zone will be enforced from 10 p.m. to 11 p.m. on August 7, 2021.

(20) *Washington Township Summerfest Fireworks, Toledo, OH.* The safety zone listed in § 165.941, Table 1(35), will be enforced from 9:30 p.m. until 10:30 p.m. on June 26, 2021.

(21) *Toledo Country Club 4th of July Fireworks, Toledo, OH.* The safety zone listed in § 165.941, Table 1(39), will be enforced from 9:30 p.m. until 10:30 p.m. on July 2, 2021.

(22) *Lakeside July 4th Fireworks, Lakeside, OH.* The safety zone listed in § 165.941, Table 1(40), will be enforced from 9:15 p.m. until 10:15 p.m. on July 4, 2021. In case of inclement weather on July 4, 2021. This safety zone will be enforced on July 5, 2021.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during the enforcement period is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port Detroit before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port Detroit may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM or by calling (313) 568-9564. The Coast Guard will give notice to the public via Local Notice to Mariners and VHF radio broadcasts that the regulation is in effect.

This document is issued under authority of 33 CFR 165.941, Table 1, and 5 U.S.C. 552(a). If the Captain of the Port Detroit determines that any of these safety zones need not be enforced for the full duration stated in this document, he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: June 14, 2021.

Brad W. Kelly,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0419]

RIN 1625-AA00

Safety Zone; Charlevoix Venetian Festival Air Show, Lake Charlevoix, MI, Sector Sault Ste. Marie Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Sault Ste. Marie Captain of the Port

zone. This safety zone is intended to restrict vessels from certain portions of Lake Charlevoix, MI during air show activities. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the air show. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sault Ste. Marie.

DATES: This rule is effective from 9:45 p.m. on July 23, 2021 through 10 p.m. on July 23, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0419 in the "SEARCH" box and click "SEARCH." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Deaven Palenzuela, Sector Sault Ste. Marie Waterways Management Division, U.S. Coast Guard; telephone 906-635-3223, email ssmprevention@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary 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 doing so would be impracticable and contrary to the public interest. The Coast Guard received the safety zone request on June 7, 2021. The Coast Guard did not receive the final details of the requested safety zone with sufficient time for a comment period to run before the start of the air show. Delaying this rule to wait for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability

to protect the public from the potential hazards associated with the air show.

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**. For the same reasons as discussed in the preceding paragraph, a 30 day notice period would be impracticable and contrary to the public interest. It is impracticable to publish an NPRM because we must establish this safety zone by 9:45 p.m. on July 23, 2021 to protect the public from the hazards associated with the air show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Federal Aviation Administration regulates air shows. This action is only for the safety zone. The Captain of the Port Sault Ste. Marie (COTP) has determined that potential hazards associated with the air show (*i.e.* noise levels and possible crashing of the aircraft(s)) will be a safety concern for anyone within Lake Charlevoix waters encompassed by a line connecting the following points beginning at 45°19'16" N, 085°14'22" W; thence to 45°19'11" N, 085°13'49" W; thence to 45°18'39" N, 085°13'59" W; thence to 45°18'45" N, 085°14'33" W; and back to the beginning point. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the air show.

IV. Discussion of the Rule

This rule is necessary to ensure the safety of vessels during the aforementioned air show. The temporary safety zone will encompass all U.S. navigable waters of Lake Charlevoix bounded by a line drawn from 45°19'16" N, 085°14'22" W; thence to 45°19'11" N, 085°13'49" W; thence to 45°18'39" N, 085°13'59" W; thence to 45°18'45" N, 085°14'33" W; and back to the beginning point of origin. The safety zone will be enforced from 9:45 p.m. to 10 p.m. on July 23, 2021. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16 or telephone at 906-635-3233.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses