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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2016-0207]

Safety Zones; Fireworks and Swim Events in Captain of the Port New York Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various safety zones within the Captain of the Port New York Zone on the specified dates and times. This action is necessary to ensure the safety of vessels, participants and spectators from hazards associated with fireworks displays and swim events. During the enforcement period, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP).

DATES: The regulation for the safety zones described in 33 CFR 165.160 will be enforced on the dates and times listed in the table below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer First Class Ronald Sampert U.S. Coast Guard; telephone 718-354-4197, email ronald.j.sampert@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Tables 1 and 2 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

1. Schnider Party, Poughkeepsie, NY, Hudson River Safety Zone, 33 CFR 165.160(5.13).	<ul style="list-style-type: none"> • Launch site: A barge located in approximate position 41°42'24.50" N. 073°56'44.16" W. (NAD 1983), approximately 420 yards north of the Mid Hudson Bridge. This Safety Zone is a 300-yard radius from the barge. • Date: March 25, 2016. • Time: 8:30 p.m.–10:20 p.m.
2. The Battery, The Battery, Hudson River Safety Zone, 33 CFR 165.160(5.2).	<ul style="list-style-type: none"> • Launch site: A barge located in approximate position 40°42'00" N. 074°01'17" W. (NAD 1983) approximately 500 yards south of The Battery, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge. • Date: April 18, 2016. • Time: 8:45 p.m.–10:00 p.m.
3. N.E.C.O. Awards, Liberty Island Safety Zone, 33 CFR 165.160(2.1)	<ul style="list-style-type: none"> • Launch site: A barge located in approximate position 40°41'16.5" N. 074°02'23" W. (NAD 1983) located in Federal Anchorage 20–C, about 360 yards east of Liberty Island. This Safety Zone is a 360-yard radius from the barge. • Date: May 7, 2016. • Time: 11:00 p.m.–12:10 a.m.
4. Town of North Hempstead Summer Kick Off, Bar Beach, Hempstead Harbor Safety Zone, 33 CFR 165.160(3.9).	<ul style="list-style-type: none"> • Launch site: A barge located in approximate position 40°49'50" N. 073°39'12" W. (NAD 1983), approximately 190 yards north of Bar Beach, Hempstead Harbor, New York. This Safety Zone is a 180-yard radius from the barge. • Date: May 28, 2016. • Time: 9:00 p.m.–10:30 p.m.

TABLE 2

1. Swim Across America Swim Event, 33 CFR 165.160(3.0) Date: July 30, 2016.	<ul style="list-style-type: none"> • Location: Participants will swim between Glen Cove and Larchmont, New York and an area of Hempstead Harbor between Glen Cove and the vicinity of Umbrella Point. This Safety Zone includes all waters within a 100-yard radius of each participating swimmer. • Date: July 30, 2016. • Time: 5:30 a.m.–12:00 p.m.
2. Newburgh Beacon Swim, Swim Event, 33 CFR 165.160(1.2) Date: August 6, 2016.	<ul style="list-style-type: none"> • Location: Participants will cross the Hudson River between Newburgh and Beacon, New York approximately 1300 yards south of the Newburgh-Beacon Bridges. This Safety Zone includes all waters within a 100-yard radius of each participating swimmer.

TABLE 2—Continued

	<div>• Date: August 6, 2016.</div> <div>• Time: 09:15 a.m.–1:15 p.m.</div>
<div><p>Under the provisions of 33 CFR 165.160, vessels may not enter the safety zones unless given permission from the COTP or a designated representative. Spectator vessels may transit outside the safety zones but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.</p><p>This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice in the Federal Register, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that a safety zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the safety zone.</p><p>Dated: March 18, 2016.</p><p>M.H. Day, <i>Captain, U.S. Coast Guard, Captain of the Port New York.</i></p><p>[FR Doc. 2016–09024 Filed 4–18–16; 8:45 am]</p><p>BILLING CODE 9110–04–P</p></div>	<div><div><div><div><div>DATES:</div><div>This rule is effective without actual notice from April 19, 2016 through April 30, 2016. For the purposes of enforcement, actual notice will be used from April 7, 2016 through April 19, 2016.</div></div><div><div>ADDRESSES:</div><div>To view documents mentioned in this preamble as being available in the docket, go to http://www.regulations.gov, type USCG–2016–0237 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.</div></div><div><div>FOR FURTHER INFORMATION CONTACT:</div><div>If you have questions on this rule, call or email Mr. Kenneth Lawrenson, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503–240–9319, email msupdxwmm@uscg.mil.</div></div><div><div>SUPPLEMENTARY INFORMATION:</div><div></div></div><div><div>I. Table of Abbreviations</div><div><div>CFR</div><div>Code of Federal Regulations</div><div>DHS</div><div>Department of Homeland Security</div><div>FR</div><div>Federal Register</div><div>NPRM</div><div>Notice of proposed rulemaking</div><div>§</div><div>Section</div><div>U.S.C.</div><div>United States Code</div></div></div><div><div>II. Background Information and Regulatory History</div><div><p>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 to do so would be impracticable since the salvage operations are on-going and delaying promulgation of the regulation could result in injury or damage to the persons and vessels conducting those operations.</p><p>We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the Federal Register. Delaying the effective date until 30 days after publication would be</p></div></div><div><div>III. Legal Authority and Need for Rule</div><div><p>The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Columbia River (COTP) has determined that the wake created by vessels transiting the waters of the Columbia River, between river miles 71 and 73, creates a safety hazard for the persons, including divers, and vessels engaged in salvage operations involving the M/V SPARNA at the Port of Kalama in Kalama, WA. As such, this rule is necessary to ensure the safety of those persons, including divers, and vessels.</p></div><div><div>IV. Discussion of the Rule</div><div><p>The on-going salvage operations at the Port of Kalama, in Kalama, WA, involve underwater dive operations with support vessels. These operations are, by their nature, hazardous and sensitive to water movement. Wakes from passing vessels could pose significant risks of injury or death to the involved personnel and risks of damage to involved vessels. In order to mitigate the safety risks vessel wakes pose to these operations, it is necessary to control vessel movement through the area. The purpose of this regulation is to ensure the safety of waterway users for the duration of this salvage operation. In order to minimize such unexpected or uncontrolled movement of water, the RNA requires all vessels transiting this area to operate in such a manner as to create no wake. The RNA will encompass all waters of the Columbia River between river miles 71 and 73.</p></div><div><div>V. Regulatory Analyses</div><div><p>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.</p><div><div>A. Regulatory Planning and Review</div><div><p>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</p></div></div></div></div></div></div></div></div></div>