

designated representative by contacting the on-scene patrol craft on VHF Ch 13 or Ch 16. Requests must include the reason why movement within this area is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene patrol craft until they are outside of the security zones.

In addition to this notice of enforcement, the Coast Guard will provide the maritime community with advanced notification of the security zones via the Local Notice to Mariners and marine information broadcasts on the day of the event. In the event that there are changes to the participating vessels, due to operational requirements, the Coast Guard will provide actual notice for any additional designated participating vessels not covered in this notice.

In addition, members of the public may contact Sector Puget Sound COTP at 206-217-6002 for an up-to-date list of designated participating vessels. If the COTP determines that the security zones need not be enforced for the full duration stated in this notice of enforcement, a Broadcast Notice to Mariners may be used to grant general permission to enter all portions of the regulated areas.

Dated: June 18, 2019.

**L.A. Sturgis,**

*Captain, U.S. Coast Guard, Captain of the Port Puget Sound.*

[FR Doc. 2019-13272 Filed 6-20-19; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2019-0315]

#### Safety Zone; Lower Mississippi River, New Orleans, LA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a temporary safety zone for a fireworks display located on the navigable waters of the Lower Mississippi River between Mile Marker (MM) 94.3 and MM 95.3. This action is needed to provide for the safety of life on these navigable waterways during this event. During the enforcement period, the operator of any vessel in the safety zone must comply with directions from the Captain of the Port Sector New Orleans or a designated representative.

**DATES:** The regulations in 33 CFR 165.801, Table 5, Line 3 will be enforced from 8:30 p.m. through 9:30 p.m. on July 4, 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504-365-2281, email [Benjamin.P.Morgan@uscg.mil](mailto:Benjamin.P.Morgan@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a temporary safety zone in 33 CFR 165.801, Table 5, line 3, for the Riverfront Marketing Group Independence Day celebration fireworks display event. This regulation will be enforced from 8:30 p.m. through 9:30 p.m. on July 4, 2019. This action is needed to provide for the safety of life on these navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District, 33 CFR 165.801, specifies the location of the regulated area on the Lower Mississippi River, between Mile Marker (MM) 94.3 and MM 95.3. During the enforcement period, as reflected in § 165.801, if you are the operator of a vessel in the temporary safety zone, you must comply with directions from the Captain of the Port Sector New Orleans or a designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via a Broadcast Notice to Mariners.

Dated: June 17, 2019.

**W.E. Watson,**

*Captain, U.S. Coast Guard, Acting Captain of the Port Sector New Orleans.*

[FR Doc. 2019-13206 Filed 6-20-19; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2019-0459]

#### Safety Zone; Fleet Week Maritime Festival, Pier 66, Elliot Bay, Seattle, Washington

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard does not plan to enforce the Fleet Week Maritime Festival's Pier 66 Safety Zone in Elliott Bay, WA in 2019. The Captain of the Port has determined that enforcement of this regulation is not presently needed

to ensure participant and spectator safety for this year's Fleet Week Maritime Festival. During this year's Fleet Week Maritime Festival, entry into, transit through, mooring, or anchoring within this safety zone is authorized unless directed otherwise by the Captain of the Port, Puget Sound, or her designated representative.

**DATES:** The Coast Guard does not plan to enforce the regulations in 33 CFR 165.1330 in 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of non-enforcement, call or email Lieutenant Ellie Wu, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone (206) 217-6051, email [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard does not plan to enforce the safety zone for the Fleet Week Maritime Festival in 33 CFR 165.1330 in 2019. We normally enforce this regulation for the Parade of Ships during the festival, but do not plan to enforce it this year because based on the Captain of the Port's current assessment, enforcement of this regulation is not needed to ensure participant and spectator safety for this year's Fleet Week Maritime Festival.

In addition to this notice of non-enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification via the Local Notice to Mariners and marine information broadcasts. If the Captain of the Port determines that the regulated area needs to be enforced, she will issue a Broadcast Notice to Mariners and provide actual notice of enforcement.

Dated: June 18, 2019.

**L.A. Sturgis,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 2019-13275 Filed 6-20-19; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0211]

**RIN 1625-AA00**

#### Safety Zone; Cuyahoga 50th Parade of Lights; Cuyahoga River, Cleveland, OH

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a moving safety zone to provide for the safety of life on these navigable waters in the Cuyahoga River, Cleveland, OH, during the Cuyahoga 50th Parade of Lights on June 22, 2019. This temporary safety zone is necessary to protect personnel, vessels, and the marine environment from the potential hazards created by 125 vessels transiting in the river with decorative lights not normally used as navigation lights. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Buffalo.

**DATES:** This rule is effective from 9:15 p.m. until 11:15 p.m. on June 22, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2019–0211 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Ryan Junod, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email [ryan.s.junod@uscg.mil](mailto:ryan.s.junod@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**

On January 30, 2019, the Lake Erie Marine Trades Association notified the Coast Guard that it will be conducting a Boat Parade from 9:30 to 11:00 p.m. on June 22, 2019, to commemorate the 50th Anniversary of the Burning River. The boat parade will begin in Cleveland Harbor west basin and proceed upriver to Merwin’s Wharf where they will turn around and head back down river to Lake Erie. In response, on April 26, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Cuyahoga 50th Parade of Lights; Cuyahoga River, Cleveland, OH (84 FR 17760). We stated why we proposed this rulemaking, and invited comments on our regulatory action related to this Boat Parade. During the comment period that ended May 28, 2019, we received one comment.

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 would be contrary to the rule’s objectives of ensuring safety of life on the navigable waters and protection of persons and vessels near the boat parade.

#### **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 Captain of the Port Buffalo determined that potential hazards associated with 125 vessels displaying decorative lights that are not used for navigation will be a safety concern for other vessels underway. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the Cuyahoga 50th Parade of Lights.

#### **IV. Discussion of Comments, Changes, and the Rule**

We received one comment on our NPRM published April 26, 2019. The comment requested information on how the rule will be enforced, and how local communities are being notified. The rule will be enforced by U.S. Coast Guard Station personnel on behalf of the Captain of the Port Buffalo, the event was published in the Local Notice to Mariners and there will be a Broadcast Notice to Mariners for notification to the public. There are no changes in the regulatory text of this temporary final rule from the proposed rule in the NPRM due to the comments.

This rule establishes a safety zone from 9:30 p.m. through 11:15 p.m. on June 22, 2019. The moving safety zone will encompass all waters within 25 feet of the vessels participating in the Cuyahoga 50th Parade of Lights in the Cuyahoga River. The safety zone will move with participating vessels as they transit from the mouth of the Cuyahoga River in the vicinity of position 41°29’59” N, 081°43’31” W, to Merwin’s Wharf in the vicinity of 41°29’23” N, 081°42’16” W, and returning to the mouth of the Cuyahoga River in the vicinity of 41°29’59” N, 081°43’31” W (NAD 83). Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16.

#### **V. Regulatory Analyses**

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.

##### *A. Regulatory Planning and Review*

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 approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on this rule not being 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 a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone is 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.

##### *B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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 received no comments from the Small Business Administration on this rulemaking. 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.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this 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** section.

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.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

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 rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### E. 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.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined 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 rule involves a safety zone lasting two hours that will encompass all waters within 25 feet of the vessels participating in the Cleveland 50th Parade of Lights in the Cuyahoga River. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### G. 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.

#### 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:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0211 to read as follows:

#### § 165.T09–0211 Safety Zone; Cuyahoga 50th Parade of Lights; Cuyahoga River, Cleveland, OH.

(a) *Location.* The moving safety zone will encompass all waters within 25 feet of the vessels participating in the Cleveland 50th Parade of Lights in the Cuyahoga River. The safety zone will move with participating vessels as they transit from the mouth of the Cuyahoga River in the vicinity of position 41°29'59" N, 081°43'31" W, to Merwin's Wharf in the vicinity of 41°29'23" N, 081°42'16" W, and returning to the mouth of the Cuyahoga River in the vicinity of 41°29'59" N, 081°43'31" W (NAD 83).

(b) *Effective and enforcement period.* This regulation is effective and will be enforced on June 22, 2019, from 9:15 p.m. until 11:15 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or a designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or a designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who is designated by the Captain of the Port Buffalo to act on their behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or an on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or an on-scene representative may be contacted via VHF Channel 16 or at 716–843–9525. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or their on-scene representative.

Dated: June 18, 2019.

Joseph S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2019-13261 Filed 6-20-19; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0472]

RIN 1625-AA00

#### Safety Zones; Milwaukee's July 3rd Fireworks, Milwaukee Harbor, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone around three barges moored in Milwaukee Harbor in the vicinity of Pier Wisconsin. The safety zone is needed to protect personnel and vessels from potential hazards created by the outfall of the fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Lake Michigan or a designated representative.

**DATES:** This rule is effective from 8 p.m. through 11 p.m. July 3, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0472 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email the marine event coordinator, MSTC Kaleena Carpino, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7148, email [D09-SMB-SECLakeMichigan-WWM@uscg.mil](mailto:D09-SMB-SECLakeMichigan-WWM@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 final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public, vessels, mariners, and property from the hazards associated with the fireworks display on July 3, 2019.

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 discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

##### 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 Captain of the Port Lake Michigan will enforce a safety zone from 8 p.m. through 11 p.m. on July 3, 2019, for a fireworks display on Lake Michigan in Milwaukee, WI. The Captain of the Port Lake Michigan has determined that this fireworks display will pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, falling and burning debris, and collisions among spectator vessels.

##### IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that this temporary safety zone is necessary to protect persons and vessels during the fireworks display in the waters of Milwaukee Harbor, on Lake Michigan. This zone is effective and will be enforced from 8 p.m. through 11 p.m. on July 3, 2019. The safety zone will be enforced for all navigable waters within an area bounded by the following coordinates; at 43°02'32.9" N

087°53'34.9" W (NAD 83) continuing East across Milwaukee Harbor to 43°02'42.0" N 087°53'06.0" W (NAD 83) then South to 43°02'00.00" N 087°53'06.0" W (NAD 83) then West across the Milwaukee Harbor to 43°02'00.00" N 087°53'41.0" W (NAD 83) then North returning to the point of origin on Lake Michigan in Milwaukee, WI.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his or her designated on-scene representative. The Captain of the Port or his or her designated on-scene representative may be contacted via VHF Channel 16.

##### V. Regulatory Analyses

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.

##### A. Regulatory Planning and Review

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 approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. The safety zone created by this rule will be relatively small and enforced for only three hours. Under certain conditions, vessels may still transit through the safety zone when permitted by the Captain of the Port. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their