

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 that will prohibit entry within 100 yards of dive vessels and working barges being used for diving and debris recovery operations in the Cape May Canal. It is categorically excluded from further review under paragraph L[60a] 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; 50 U.S.C. 191; 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.T05–0435 to read as follows:

§ 165.T05–0435 Safety Zone, Dive Operations; Cape May Canal, Cape May, NJ.

(a) *Location*. The following area is a safety zone: All navigable waters within 100 yards of dive vessels and working barges being used for diving and debris recovery operations within the Cape May Canal.

(b) *Definitions* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board

a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Delaware Bay in the enforcement of the safety zone.

Working barges means those vessels associated with debris removal near the Cape May Canal Railroad Bridge in the Cape May Canal.

Dive vessels means those vessels used for dive operations, and marked appropriately in accordance with navigation rules of the road, which are associated with debris removal near the Cape May Canal Railroad Bridge in the Cape May Canal.

(c) *Regulations*. (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) Vessels with a beam greater than 15 feet must contact working vessels, via VHF–FM channel 13 or 16, at least 30 minutes prior to arrival in order to arrange safe passage.

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period*. This zone will be enforced from 6 a.m. on June 3, 2019, through 4 p.m. on June 13, 2019.

Dated: May 31, 2019.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0409]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation; changes of enforcement.

SUMMARY: The Coast Guard will enforce two safety zones for fireworks displays: The first taking place over the Chester River, at Kent Island Narrows, MD, on July 2, 2019, (an alternate date on July 3, 2019) and the second over the Chesapeake Bay, at Chesapeake Beach, MD, on July 3, 2019, (an alternate date on July 5, 2019). This action is necessary to ensure the safety of life on navigable waterways during these fireworks displays. Our regulation for recurring Fireworks Displays in the Fifth Coast Guard District identifies the safety zones for these fireworks display events. During the enforcement periods, vessels may not enter, remain in, or transit through the safety zones unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on scene.

DATES: The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506 at (b)(24) Coast Guard Sector Maryland-National Capital Region—COTP Zone from 8:30 p.m. through 11 p.m. on July 2, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8:30 p.m. through 11 p.m. on July 3, 2019.

The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506 at (b)(9) Coast Guard Sector Maryland-National Capital Region—COTP Zone from 8 p.m. until 10:30 p.m. on July 3, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8 p.m. through 10:30 p.m. on July 5, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region, Waterways Management Division; telephone 410–576–2674, email D05-DG-SectorMD-NCR-MarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (b)(24) for the Kent Island Narrows, MD, fireworks display from 8:30 p.m. through 11 p.m. on July 2, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8:30 p.m. through 11 p.m. on July 3, 2019. This date is a slight change from the anticipated date and times of enforcement appearing in the CFR for this event—Thursday before July 4th (observed); and on July 4th, from 5:30 p.m. to 1 a.m. This action is being taken to provide for the safety of life on

navigable waterways during the fireworks display. Our regulation for recurring Fireworks Displays in the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area for this safety zone for the Kent Island Narrows, MD, fireworks display, which encompasses portions of the Chester River in Queen Anne's County, MD. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port Sector Maryland-National Capital Region (COTP) or designated Coast Guard patrol personnel on scene. The Coast Guard may be assisted by other federal, state, or local agencies in the enforcement of the safety zone.

The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (b)(9) for the Town of Chesapeake Beach, MD, fireworks display from 8 p.m. through 10:30 p.m. on July 3, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8 p.m. through 10:30 p.m. on July 5, 2019. This date is a slight change from the anticipated date and times of enforcement appearing in the CFR for this event—July 4th or the Sunday before, from 5:30 p.m. to 1 a.m. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. The table to § 165.506 at (b)(9) specifies the location of the regulated area for this safety zone for the Town of Chesapeake Beach, MD, fireworks display, which encompasses portions of the Chesapeake Bay near Chesapeake Beach, MD. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port Sector Maryland-National Capital Region (COTP) or designated Coast Guard patrol personnel on scene. The Coast Guard may be assisted by other federal, state, or local agencies in the enforcement of the safety zone. (b)(9).

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of these enforcement periods via the Local Notice to Mariners and marine information broadcasts.

Dated: May 30, 2019.

Joseph B. Loring,

Captain, U.S. Coast Guard Captain of the Port Maryland-National Capital Region.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2019-0171]

RIN 1625-AA00

Safety Zone; Illinois River, Miles 0 to 187, Grafton, IL to Peoria, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending a temporary safety zone on the navigable waters of the Illinois River from mile marker (MM) 0 to MM 187 between Grafton, IL and Peoria, IL. This action is necessary to provide for the safety of persons, vessels, and the marine environment on these navigable waters as a result of increasing flood conditions on the river that threaten to overtop levees. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective without actual notice from June 7, 2019 through July 7, 2019. For the purposes of enforcement, actual notice will be used from June 7, 2019, through June 7, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0171 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 Lieutenant Commander Christian Barger, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314-269-2560, email Christian.J.Barger@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Upper Mississippi River
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 May 5, 2019, Coast Guard Sector Upper Mississippi River received

multiple reports from the Illinois State Emergency Operations Center and private citizens located along the Illinois River between mile marker (MM) 0 at Grafton, IL and MM 187 at Peoria, IL of water surge impacts from vessel traffic on the Illinois River overtopping levees resulting in damage to the levees and increased flooding. In response, on May 10, 2019, the Coast Guard published a temporary final rule titled *Safety Zone; Illinois River, Miles 0 to 187, Grafton, IL to Peoria, IL* (84 FR 20547). The safety zone was established on May 10, 2019 and is scheduled to expire on June 6, 2019.

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 it is impracticable. It is impracticable because we must establish this safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone and compromise public safety.

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 this rule would be contrary to public interest because immediate action is necessary to respond to the potential safety hazards associated with floodwaters threatening to overtop levees along the river.

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 Sector Upper Mississippi River (COTP) has determined that potential hazards associated with flood waters threaten to overtop levees along the river due to reports that vessel traffic in the affected area is causing water to overtop levees resulting in increased damage to the levees and flooding impacts to local communities and residential areas. This rule is necessary to ensure the safety of persons, vessels, and the marine environment on these navigable waters