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

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 above.

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 COMDINST 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 establishes a
temporary safety zone lasting only a half
hour that will prohibit entry within the
established safety zone for the fireworks
display. It is categorically excluded
from further review under paragraph
L[60]a(1) 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

§ 165.465 Safety Zone; Upper Mississippi River,
between Mile Marker 483 and Mile Marker 484.

§ 165.465 Safety Zone; Lake Erie, Buffalo, NY.
(a) Location. The safety zone will
encompass all waters of Lake Erie at the
Buffalo Outer Harbor; Buffalo, NY
located within a 960-foot radius of:
42°32’07.93” N, 078°53’01.86” W.
(b) Enforcement period. The
regulation in this section will be
enforced from 10 a.m. through 10:30
p.m. on July 4, 2019. In the case of
inclement weather on July 4, the safety
zone will be enforced at the same times
on July 5, 2019.
(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 his or her 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 has been
designated by the Captain of the Port Buffalo to act
on his or her behalf.
(4) Vessel operators desiring to enter
or operate within the safety zone must
contact the Captain of the Port Buffalo
or his or her on-scene representative to
obtain permission to do so. The Captain
of the Port Buffalo or his or her on-scene
representative may be contacted via
VHF Channel 16 or alternatively they
may contact the Captain of the Port
Buffalo via landline 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 his or her on-scene representative.

Dated: June 25, 2019.
Joseph S. Dufresne,
Captain, U.S. Coast Guard, Captain of the
Port Buffalo.

BILLS送 CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0513]

RIN 1625–AA00

Safety Zone; Upper Mississippi River,
Miles 483 to 484, Rock Island, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is
establishing a temporary safety zone for
all navigable waters of the Upper
Mississippi River between Mile Marker
(MM) 483 and MM 484. The safety zone
is needed to protect personnel, vessels,
and the marine environment from
potential hazards created by a fireworks
display. 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 from 9 p.m. to 10:30 p.m. on 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–2019–0513 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

COTP Captain of the Port Sector Upper Mississippi River
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section

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 it is impracticable. Recent flooding in the area prompted the need for a sudden change in the launch site for the annual fireworks display from the location published in 33 CFR 165.801 Table 2, line 19, Davenport One Chamber, Red White and Boom. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone before, during, and after the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 9 p.m. until 10:30 p.m. on July 3, 2019. The safety zone will cover all navigable waters of the Upper Mississippi River between MM 483 and 484. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters before, during, and after an annual fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The COTP or a designated representative will inform the public of the enforcement date and times for this safety zone, as well as any emergent safety concerns that may delay the enforcement of the zone through Broadcast Notice to Mariners (BNM), Local Notices to Mariners (LNMs), and/or actual notice.

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 protesters.

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 duration and location of the temporary safety zone. This action involves an annually recurring fireworks display that is only changing location to a site approximately one-half mile up-river due to recent flooding in the area and only impacts a one-mile stretch of the Upper Mississippi River for a short amount of time. All other details of this event remain as published in 33 CFR 165.801 Table 2, line 19, Davenport One Chamber, Red White and Boom.

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 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...
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 one and one-half hours that will prohibit entry on the Upper Mississippi River between MM 483 and MM 484. It is categorically excluded from further review under paragraph L60(d) 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.T06–0513 to read as follows:

§165.T06–0513 Safety Zone; Upper Mississippi River, Miles 483 to 483, Rock Island, IL.

(a) Location. The following area is a safety zone: All navigable waters of the Upper Mississippi River between Mile Marker (MM) 483 and MM 484.

(b) Period of enforcement. This section will be enforced from 9 p.m. through 10:30 p.m. on July 3, 2019.

(c) Regulations. (1) In accordance with the general regulations in §165.23, persons and vessels are prohibited from entering the safety zone unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted by telephone at 314–269–2332.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) Informational broadcasts. The COTP or a designated representative will inform the public of the enforcement date and times for this safety zone, as well as any emergent safety concerns that may delay the enforcement of the zone through Broadcast Notice to Mariners (BNM), Local Notices to Mariners (LNMs), and/or actual notice.

Dated: June 25, 2019.

R.M. Scott,
Commander, U.S. Coast Guard, Acting
Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2019–13947 Filed 6–28–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Air Plan Approval; New Mexico; Albuquerque/Bernalillo County; Minor New Source Review (NSR) Preconstruction Perempting Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the New Mexico State Implementation Plan (SIP) for the City of Albuquerque-Bernalillo County minor New Source Review (NSR) program submitted on January 18, 2018. The EPA is also converting our earlier conditional approval of the