

Rules and Regulations

Federal Register

Vol. 84, No. 134

Friday, July 12, 2019

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1710, 1714, 1717, 1724, 1726, and 1730

RIN 0572-AC40

Streamlining Electric Program Procedures

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule; change of effective date.

SUMMARY: On July 9, 2019, the Rural Utilities Service (RUS), a Rural Development agency of the United States Department of Agriculture (USDA), published a final rule that revised several regulations to streamline its procedures for Electric Program borrowers. RUS has determined it is necessary to accelerate the effective date of the final rule.

DATES:

Effective date: The effective date of the final rule published at 84 FR 32607 on July 9, 2019 is changed from September 9, 2019, to July 12, 2019.

Applicability date: The final rule published at 84 FR 32607 on July 9, 2019, is applicable beginning July 9, 2019.

FOR FURTHER INFORMATION CONTACT:

Gerard Moore, Deputy Assistant Administrator, Office of Policy, Outreach, and Standards (OPOS), Rural Utilities Service, U.S. Department of Agriculture, STOP 1569, 1400 Independence Ave. SW, Washington, DC 20250-0787, telephone: (202) 720-1900. Email contact Gerard.Moore@wdc.usda.gov.

SUPPLEMENTARY INFORMATION: On July 9, 2019, RUS published a final rule implementing revisions to existing regulations to streamline procedures for Electric Program borrowers. The final rule should have been effective upon publication in the **Federal Register**. This document accelerates the effective

date of the final rule from September 9, 2019 to July 12, 2019, and provides an applicability date of July 9, 2019 for the final rule.

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2019-14875 Filed 7-11-19; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2019-0562]

Regulated Navigation Area; Straits of Mackinac, Mackinaw City, MI

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a temporary traffic rule prohibiting the transit of certain vessels under the Mackinac Bridge in the Straits of Mackinac on August 11, 2019, to provide for safety of life on navigable waterways during a swim event. Our regulation identifies the vessels that must comply with this temporary traffic rule. During the enforcement periods, the operator of any vessel in the regulated navigation area must comply with directions from the Patrol Commander or a Designated Representative of the Captain of the Port.

DATES: This temporary traffic rule permitted in 33 CFR 165.944 will be enforced from 7:30 a.m. through 10:30 a.m. on August 11, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Sean Murphy, Waterways Management, U.S. Coast Guard; telephone 906-635-3223, email Sean.V.Murphy@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a temporary traffic rule, that the Captain of the Port Sault Sainte Marie is establishing under 33 CFR 165.944(c)(7), to provide for safety of life on navigable waterways during a swim event near the Mackinac Bridge in the Straits of Mackinac. The temporary traffic rule will be enforced from 7:30 a.m. through 10:30 a.m. on August 11,

2019. During this period of enforcement, certain vessels, listed in 33 CFR 165.944(b), are prohibited from crossing underneath the Mackinac Bridge in the Straits of Mackinac, Michigan. If you are the operator of a vessel in the regulated navigation area you must comply with directions from the Patrol Commander or Designated Representative of the Captain of the Port.

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

Dated: July 3, 2019.

Patrick S. Nelson,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2019-14820 Filed 7-11-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2019-0154]

RIN 165-AA00

Safety Zones; Marine Events Held in the Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing seven temporary safety zones for fireworks displays within the Captain of the Port (COTP) Long Island Sound (LIS) Zone. These temporary safety zones are necessary to provide for the safety of life on navigable waters during these seven events. Entry into, transit through, mooring or anchoring within these limited access areas is prohibited unless authorized by the COTP LIS.

DATES: This rule is effective from July 12, 2019 through July 13, 2019. For the purposes of enforcement, actual notice will be used from June 29, 2019, through July 12, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2019-

0154 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, contact Petty Officer Melanie Hughes, Prevention Department, Coast Guard Sector Long Island Sound, telephone (203) 468-4583, email *Melanie.A.Hughes1@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
 DHS Department of Homeland Security
 FR Federal Register
 LIS Long Island Sound
 NPRM Notice of Proposed Rulemaking
 NAD 83 North American Datum 1983

II. Background Information and Regulatory History

This rulemaking establishes nine safety zones for fireworks displays. Each event and its corresponding regulatory history are discussed below.

Riverfest Fireworks is a recurring marine event. A permanent safety zone was established in 2010 and is cited in 33 CFR 165.151 at 7.23. This event has been included in this rule due to deviation from the cite date.

City of Masons Island Yacht Club Fireworks is a recurring marine event. A permanent safety zone was established in 2010 and is cited in 33 CFR 165.151 at 7.21. This event has been included in this rule due to deviation from the cite date.

City of West Haven Fireworks is a recurring marine event. A permanent safety zone was established in 2010 and

is cited in 33 CFR 165.151 at 7.13. This event has been included in this rule due to deviation from the cite date.

Madison Fireworks is a recurring marine event. A permanent safety zone was established in 2013 and is cited in 33 CFR 165.151 at 7.3. This event has been included in this rule due to deviation from the cite date.

Village of Asharoken Fireworks is a recurring marine event. A permanent safety zone was established in 2010 and is cited in 33 CFR 165.151 at 7.24. This event has been included in this rule due to deviation from the cite position.

City of Norwich July Fireworks is a recurring marine event. A permanent safety zone was established in 2010 and is cited in 33 CFR 165.151 at 7.11. This event has been included in this rule due to deviation from the cite date.

City of Middletown Fireworks is a recurring marine event. A permanent safety zone was established in 2010 and is cited in 33 CFR 165.151 at 7.9. This event has been included in this rule due to deviation from the cite date.

The Coast Guard is issuing this temporary final 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 NPRM with respect to this rule because

doing so would be impracticable and contrary to the public interest. The Coast Guard was not provided enough notice that these events were occurring by the event sponsors to allow for publishing an NPRM, taking public comments, and issuing a final rule before these events take place. It is impracticable to publish an NPRM because we must establish these safety zones by June 29, 2019. Thus, waiting for a comment period to run is also contrary to the public interest as it would inhibit the Coast Guard’s mission to keep the ports and waterways safe.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this temporary rule under authority in 33 U.S.C. 1231. The COTP LIS has determined that the safety zones established by this temporary final rule are necessary to provide for the safety of life on navigable waterways before, during and after the nine scheduled fireworks displays.

IV. Discussion of the Rule

This rule establishes seven safety zones for seven fireworks displays. Each safety zone covers all navigable waters within a 1,000 foot radius of the launch platform or launch site for each fireworks display at the following locations:

Fireworks Displays Safety Zones

| | |
|--|--|
| 1 Riverfest Fireworks | Location: Waters of the Connecticut River within a 600-foot radius of the fireworks barge located in approximate position, 41°45'34" N, 072°39'37" W (NAD 83). |
| 2 Masons Island Yacht Club Fireworks | Location: Waters of Fishers Island Sound, Noank, CT in approximate position, 41°19'30.61" N, 071°57'48.22" W (NAD 83). |
| 3 City of West Haven Fireworks | Location: Waters of New Haven Harbor, off Bradley Point, West Haven, CT in approximate position, 41°15'07" N, 072°57'26" W (NAD 83). |
| 4 Madison Fireworks | Location: Waters of Long Island Sound off Madison Beach, Madison, CT in approximate position, 41°16'03.93" N, 072°36'15.97" W (NAD 83). |
| 5 Village of Asharoken Fireworks | Location: Waters of Northport Bay, Asharoken, NY in approximate position, 40°55'54.04" N, 073°21'27.97" W (NAD 83). |
| 6 City of Norwich July Fireworks | Location: Waters of the Thames River, Norwich, CT in approximate position, 41°31'16.835" N, 072°04'43.327" W (NAD 83). |
| 7 City of Middletown Fireworks | Location: Waters of the Connecticut River, Middletown Harbor, Middletown, CT in approximate position, 41°33'44.47" N, 072°38'37.88" W (NAD 83). |

This rule restricts vessel movement within the areas specifically designated as a safety zone to reduce the safety risks associated with specific marine events. Vessels are prohibited from

entering, transiting, mooring, or anchoring within the safety zones during the period of enforcement unless authorized by the COTP or designated representative.

The Coast Guard will notify the public and local mariners of these safety zones through appropriate means, which may include, but are not limited to, publication in the **Federal Register**,

the Local Notice to Mariners, and Broadcast Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on 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, it has not been reviewed by the Office of Management and Budget, and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

The Coast Guard determined that this rulemaking is not a significant regulatory action for the following reasons: (1) The enforcement of these safety zones will be relatively short in duration, lasting at most three hours; (2) persons or vessels desiring to enter these safety zones may do so with permission from the COTP LIS or a designated representative; (3) these safety zones are designed in a way to limit impacts on vessel traffic, permitting vessels to navigate in other portions of the waterway not designated as a safety zone; and (4) the Coast Guard will notify the public of the enforcement of this rule via appropriate means, such as via Local Notice to Mariners and Broadcast Notice to Mariners to increase public awareness of these safety zones.

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 these regulated areas 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 proposed 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 Orders 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. 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 Management Directive 023–01 and Commandant Instruction M16475.ID, 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 temporary rule involves the establishment of seven temporary safety zones. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination will be available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

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: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1

■ 2. Add § 165.T01–0154 to read as follows:

§ 165.T01–0154 Safety Zones; Marine Events held in the Captain of the Port Long Island Sound Zone.

(a) *Location.* This section will be enforced at the locations listed for each event in Table 1 to this section.

(b) *Enforcement period.* This rule will be enforced on the dates and times listed for each event in Table 1 to this section.

(c) *Definitions.* The following definitions apply to this section: A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has

been designated by the Captain of the Port (COTP) Long Island Sound to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. “Official patrol vessels” may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Long Island Sound. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(d) *Regulations.* (1) The general regulations contained in § 165.23 apply.

(2) In accordance with the general regulations in § 165.23, entry into or movement within these zones is prohibited unless authorized by the COTP Long Island Sound.

(3) Any vessel given permission to deviate from these regulations must comply with all directions given to them by the COTP Long Island Sound, or a designated representative.

(4) Any vessel given permission to enter or operate in these safety zones must comply with all directions given to them by the COTP Long Island Sound or a designated representative.

(5) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(6) The regulated area for all fireworks displays listed in Table 1 to this section is that area of navigable waters within a 1000 foot radius of the launch platform or launch site for each fireworks display.

TABLE 1 TO § 165.T01–0154

| Fireworks Events | |
|--|--|
| 1 Riverfest Fireworks | <ul style="list-style-type: none"> • Date: July 13, 2019. • Rain Date: July 14, 2019. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Connecticut River, Hartford, CT in approximate positions, 41°45'39.93" N, 072°39'49.14" W (NAD 83). |
| 2 Masons Island Yacht Club Fireworks | <ul style="list-style-type: none"> • Date: July 6, 2019. • Rain Date: July 7, 2019. • Time: 8:30 p.m. to 10:00 p.m. • Location: Waters of Fishers Island Sound, Noank, CT in approximate position, 41°19'30.61" N, 071°57'48.22" W (NAD 83). |
| 3 City of West Haven Fireworks | <ul style="list-style-type: none"> • Date: July 3, 2019. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of New Haven Harbor, off Bradley Point, West Haven, CT in approximate position, 41°15'07" N, 072°57'26" W (NAD 83). |
| 4 Madison Fireworks | <ul style="list-style-type: none"> • Date: July 3, 2019. • Rain Date: July 5, 2019. • Time: 9:00 p.m. to 11:00 p.m. • Location: Waters of Long Island Sound off Madison Beach, Madison, CT in approximate position 41°16'03.93" N, 072°36'15.97" W (NAD 83). |
| 5 Village of Asharoken Fireworks | <ul style="list-style-type: none"> • Date: July 4, 2019. • Rain Date: July 5, 2019. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Northport Bay, Asharoken, NY in approximate position, 40°55'54.04" N, 073°21'27.97" W (NAD 83). |
| 6 City of Norwich July Fireworks | <ul style="list-style-type: none"> • Date: July 3, 2019. • Rain Date: July 6, 2019. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Thames River, Norwich, CT in approximate position, 41°31'16.835" N, 072°04'43.327" W (NAD 83). |
| 7 City of Middletown Fireworks | <ul style="list-style-type: none"> • Date: June 29, 2019. • Time: 8:00 p.m. to 10:30 p.m. • Location: Waters of the Connecticut River, Middletown Harbor, and Middletown, CT in approximate position 41°33'44.47" N, 072°38'37.88" W (NAD 83). |

Dated: June 17, 2019.

K.B. Reed,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 2019-14792 Filed 7-11-19; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2019-0534]

RIN 1625-AA00

Safety Zone; Fireworks Display, Great Egg Harbor Bay, Ocean City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Great Egg Harbor Bay in Ocean City, NJ, from 9:30 p.m. to 10:30 p.m. on July 13, 2019, during the Ocean City Nights in Venice fireworks display. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the boating public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Delaware Bay or a designated representative.

DATES: This rule is effective from 9:30 p.m. through 10:30 p.m. on July 13, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0534 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 Petty Officer Thomas Welker, Sector Delaware Bay, Waterways Management Division, U.S. Coast Guard; telephone (215) 271-4814, email Thomas.j.welker@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
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 it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the date of the event. The rule must be in force by July 13, 2019. We are taking immediate action to ensure the safety of spectators and the general public from hazards associated with the fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

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 of this rule would be impracticable and contrary to the public interest because immediate action is needed to mitigate the potential safety hazards associated with a fireworks displays in this location by July 13, 2019.

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 Delaware Bay (COTP) has determined that potential hazards associated with this display will be a safety concern for anyone within a 600-foot radius of the barge launching the fireworks. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary safety zone on the waters of the Great Egg Harbor Bay in Ocean City, NJ, during a fireworks display scheduled to take place between 9:30 p.m. and 10:30 p.m. on July 13, 2019. The fireworks will be set off from a barge in the bay, which will be anchored at approximate position latitude 39°17'23.65" N, longitude 074°34'31.29" W. The safety

zone includes all navigable waters within 600 feet of the fireworks barge. No person or vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP Delaware Bay or a designated representative. If the COTP Delaware Bay or a designated representative grants authorization to enter, transit through, anchor in, or remain within the safety zone, all persons and vessels receiving such authorization must comply with the instructions of the COTP Delaware Bay or a designated representative. The Coast Guard will provide public notice of the safety zone by Local Notice to Mariners and Broadcast Notice to Mariners.

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, the 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.

The impact of this rule is not significant for the following reasons: (1) The enforcement period will last one hour when vessel traffic is usually low; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP Delaware Bay or a designated representative, portions of the channel will remain open. Persons and vessels will be able to operate in the surrounding area during the enforcement period; (3) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Delaware Bay or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to