

presented to the courts. It will be challenging for those that are harmed by the issuance of a generally-applicable policy to show aggravation before it is actually applied in a case. And by the time those harmed are able seek review, the damage of the stay will have been done and the stay will have been lifted. My pessimistic outlook is that despite this order's obvious infirmities, the Commission will avoid judicial scrutiny and thereby thwart the intent of Congress.

For these reasons, I respectfully dissent.

James P. Danly,  
*Commissioner.*

[FR Doc. 2021-16812 Filed 8-5-21; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2021-0162]

#### Special Local Regulations; Marine Events Within the Fifth Coast Guard District

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation; change of enforcement date.

**SUMMARY:** The Coast Guard will enforce the special local regulation for the 11th Annual Atlantic City Triathlon on August 7, 2021, from 6 a.m. through 9 a.m., to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Atlantic City, NJ. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

**DATES:** The regulation in 33 CFR 100.501 for the special local regulation listed in item (a)(12) in the table to § 100.501 will be enforced from 6 a.m. through 9 a.m. on August 7, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Petty Officer Jennifer Padilla, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215-271-4814, email [Jennifer.L.Padilla@uscg.mil](mailto:Jennifer.L.Padilla@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local

regulation as described in section (a), row (12) of the table to 33 CFR 100.501 for the 11th Annual Atlantic City Triathlon from 6 a.m. through 9 a.m. on August 7, 2021. The published enforcement periods for this event included the 2nd or 3rd Sunday in August. We are announcing a change of enforcement date for this year's event with this notice of enforcement because August 7, 2021, is the first Saturday in August. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the swim portion of the triathlon. Our regulation for marine events within the Fifth Coast Guard District, table to § 100.501, section (a), row (12), specifies the location of the regulated area as all waters of the New Jersey ICW bounded by a line connecting the following points: Latitude 39°21'20" N, longitude 074°27'18" W, thence northeast to latitude 39°21'27.47" N, longitude 074°27'10.31" W, thence northeast to latitude 39°21'33" N, longitude 074°26'57" W, thence northwest to latitude 39°21'37" N, longitude 074°27'03" W, thence southwest to latitude 39°21'29.88" N, longitude 074°27'14.31" W., thence south to latitude 39°21'19" N, longitude 074°27'22" W, thence east to latitude 39°21'18.14" N, longitude 074°27'19.25" W, thence north to point of origin, near Atlantic City, NJ.

During the enforcement periods, as reflected in § 100.501(c), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of the enforcement periods via broadcast notice to mariners.

Dated: July 29, 2021.

**Jonathan D. Theel,**

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

[FR Doc. 2021-16808 Filed 8-5-21; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2021-0146]

RIN 1625-AA08

#### Special Local Regulation; Delaware Bay, Lower Township, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a special local regulation for certain navigable waters of the Delaware Bay. This action is necessary to provide safety of life on these navigable waters near Lower Township, NJ, during a swimming competition on August 29, 2021. This regulation prohibits persons and vessels from entering, transiting, or remaining within the regulated area unless authorized by the Captain of the Port Delaware Bay or a designated representative.

**DATES:** This rule is effective from 6:30 a.m. through 9:30 a.m. on August 29, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0146 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 Jennifer Padilla, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division; telephone 215-271-4814, email [Jennifer.L.Padilla@uscg.mil](mailto:Jennifer.L.Padilla@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