

Minimums and/or ODPs as identified in the amendatory language for Part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on July 8, 2022.

Thomas J. Nichols,

Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 11 August 2022

Louisville, GA, 2J3, RNAV (GPS) RWY 31, Orig–A
Mc Call, ID, KMYL, RNAV (GPS) RWY 34, Amdt 1B
Alexandria, LA, KAEX, RNAV (GPS) RWY 14, Amdt 1C
Alexandria, LA, KAEX, RNAV (GPS) RWY 36, Orig–D
Ann Arbor, MI, KARB, RNAV (GPS) RWY 24, Amdt 2F
Frankfort, MI, KFKS, RNAV (GPS) RWY 33, Amdt 1C
Greenwood, MS, KGWO, RNAV (GPS) RWY 5, Amdt 2B
Fremont, NE, KFET, Takeoff Minimums and Obstacle DP, Amdt 6B
Clearfield, PA, KFIG, RNAV (GPS) RWY 12, Orig–C
Bamberg, SC, 99N, Takeoff Minimums and Obstacle DP, Orig–A
Shelbyville, TN, KSYI, VOR RWY 18, Amdt 5C
Barre/Montpelier, VT, KMPV, RNAV (GPS) RWY 17, Amdt 1C

Effective 8 September 2022

Bonifay, FL, KBCR, RNAV (GPS) RWY 19, Orig–E
Milledgeville, GA, KMLJ, NDB RWY 28, Amdt 5
Hugoton, KS, KHQG, NDB RWY 2, Amdt 3, CANCELLED
Lake Charles, LA, KLCH, ILS OR LOC RWY 15, Amdt 23A
Falmouth, MA, KFMH, COPTER ILS Y OR LOC Y RWY 32, Orig
Falmouth, MA, KFMH, ILS Z OR LOC Z RWY 32, Amdt 2
Lawrence, MA, KLWM, RNAV (GPS) RWY 14, Orig
Lawrence, MA, KLWM, RNAV (GPS) RWY 32, Orig

Wiggins, MS, M24, RNAV (GPS) RWY 17, Orig
Wiggins, MS, M24, RNAV (GPS) RWY 35, Orig
Wiggins, MS, M24, Takeoff Minimums and Obstacle DP, Orig
Albemarle, NC, KVUJ, ILS OR LOC RWY 22L, Amdt 1D
Albemarle, NC, KVUJ, RNAV (GPS) RWY 22L, Orig–B
Newark, NJ, KEWR, Takeoff Minimums and Obstacle DP, Amdt 5A

RESCINDED: On July 6, 2022 (87 FR 40095), the FAA published an Amendment in Docket No. 31436, Amdt No. 4015, to Part 97 of the Federal Aviation Regulations under section 97.29, and 97.33. The following entries for, Selma, AL, Little Rock, AR, and Louisville, KY, effective August 11, 2022, are hereby rescinded in their entirety:

Selma, AL, KSEM, ILS Y OR LOC Y RWY 33, Amdt 1
Selma, AL, KSEM, ILS Z OR LOC Z RWY 33, Amdt 3
Little Rock, AR, KLIT, ILS OR LOC RWY 4L, Amdt 26C
Louisville, KY, KSDF, ILS OR LOC RWY 17R, Amdt 4A
Louisville, KY, KSDF, ILS OR LOC RWY 35L, ILS RWY 35L (SA CAT I), ILS RWY 35L (CAT II), ILS RWY 35L (CAT III), Amdt 4A
Louisville, KY, KSDF, RNAV (GPS) Y RWY 17L, Amdt 1G

[FR Doc. 2022–15463 Filed 7–20–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31439; Amdt. No. 4018]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective July 21, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 21, 2022.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops—M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, email fr.inspection@nara.gov or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs,

their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for Part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice

and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on July 8, 2022.

Thomas J. Nichols,

Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * *Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
11-Aug-22 ...	PA	Clearfield	Clearfield-Lawrence	2/0679	5/31/22	This NOTAM, published in Docket No. 31437, Amdt No. 4016, TL 22-17, (87 FR 40091, July 6, 2022) is hereby rescinded in its entirety.
11-Aug-22 ...	OH	Youngstown/Warren	Youngstown/Warren Rgnl	2/1508	6/15/22	This NOTAM, published in Docket No. 31437, Amdt No. 4016, TL 22-17, (87 FR 40091, July 6, 2022) is hereby rescinded in its entirety.
11-Aug-22 ...	MS	Natchez	Hardy-Anders Fld/Natchez-Adams County.	2/3146	4/26/22	This NOTAM, published in Docket No. 31437, Amdt No. 4016, TL 22-17, (87 FR 40091, July 6, 2022) is hereby rescinded in its entirety.
11-Aug-22 ...	GA	Canton	Cherokee County Rgnl	2/5042	5/20/22	This NOTAM, published in Docket No. 31437, Amdt No. 4016, TL 22-17, (87 FR 40091, July 6, 2022) is hereby rescinded in its entirety.
11-Aug-22 ...	GA	Savannah	Savannah/Hilton Head Intl	2/6225	5/31/22	This NOTAM, published in Docket No. 31437, Amdt No. 4016, TL 22-17, (87 FR 40091, July 6, 2022) is hereby rescinded in its entirety.
11-Aug-22 ...	LA	New Iberia	Acadiana Rgnl	2/0592	6/21/22	ILS OR LOC RWY 35, Amdt 2.
11-Aug-22 ...	OH	Wauseon	Fulton County	2/0629	6/21/22	RNAV (GPS) RWY 27, Orig-B.
11-Aug-22 ...	OH	Wauseon	Fulton County	2/0630	6/21/22	RNAV (GPS) RWY 9, Orig-B.
11-Aug-22 ...	TN	Somerville	Fayette County	2/0721	6/23/22	RNAV (GPS) RWY 1, Orig-B.
11-Aug-22 ...	TN	Somerville	Fayette County	2/0722	6/23/22	RNAV (GPS) RWY 19, Amdt 2B.
11-Aug-22 ...	IA	Dubuque	Dubuque Rgnl	2/0875	6/21/22	Takeoff Minimums and Obstacle DP, Orig.
11-Aug-22 ...	PA	Pottstown	Heritage Fld	2/0883	6/27/22	VOR/DME-A, Amdt 4A.
11-Aug-22 ...	NY	Montauk	Montauk	2/1776	6/23/22	RNAV (GPS) RWY 24, Amdt 1B.
11-Aug-22 ...	MI	Fremont	Fremont Muni	2/1779	6/21/22	RNAV (GPS) RWY 1, Amdt 1C.
11-Aug-22 ...	MI	Fremont	Fremont Muni	2/1780	6/21/22	RNAV (GPS) RWY 19, Amdt 1D.
11-Aug-22 ...	NY	Montauk	Montauk	2/1812	6/23/22	RNAV (GPS) RWY 6, Orig-B.
11-Aug-22 ...	IN	Gary	Gary/Chicago Intl	2/1864	6/23/22	RNAV (GPS) RWY 2, Orig.
11-Aug-22 ...	KS	Hays	Hays Rgnl	2/1919	6/22/22	RNAV (GPS) RWY 22, Orig-A.
11-Aug-22 ...	IN	Richmond	Richmond Muni	2/1953	4/25/22	Takeoff Minimums and Obstacle DP, Orig.
11-Aug-22 ...	OH	Mount Vernon	Knox County	2/2005	6/22/22	VOR-A, Amdt 8A.
11-Aug-22 ...	PA	State College	University Park	2/2108	6/23/22	RNAV (GPS) RWY 6, Amdt 2A.
11-Aug-22 ...	MN	Winona	Winona Muni-Max Conrad Fld	2/2356	6/23/22	ILS Y OR LOC Y RWY 30, Orig-A.
11-Aug-22 ...	MO	West Plains	West Plains Rgnl	2/2391	6/23/22	RNAV (GPS) RWY 18, Amdt 1.
11-Aug-22 ...	MO	West Plains	West Plains Rgnl	2/2394	6/23/22	RNAV (GPS) RWY 36, Amdt 1.
11-Aug-22 ...	ND	Linton	Linton Muni	2/2431	6/23/22	RNAV (GPS) RWY 9, Orig-B.
11-Aug-22 ...	ME	Bar Harbor	Hancock County/Bar Harbor ..	2/2539	6/23/22	ILS OR LOC RWY 22, Amdt 6E.
11-Aug-22 ...	PA	Pottstown	Heritage Fld	2/3289	6/27/22	RNAV (GPS)-A, Orig.
11-Aug-22 ...	LA	Alexandria	Alexandria Intl	2/3852	6/24/22	ILS OR LOC RWY 14, Amdt 1B.
11-Aug-22 ...	LA	Alexandria	Alexandria Intl	2/3854	6/24/22	VOR RWY 14, Orig-E.
11-Aug-22 ...	OK	Idabel	Mc Curtain County Rgnl	2/4507	6/22/22	RNAV (GPS) RWY 20, Amdt 1.
11-Aug-22 ...	MO	Mosby	Midwest Ntl Air Center	2/4515	5/16/22	ILS OR LOC/DME RWY 18, Orig-B.
11-Aug-22 ...	MS	Tupelo	Tupelo Rgnl	2/6171	6/27/22	COPTER VOR 023, Orig-B.
11-Aug-22 ...	AZ	Phoenix	Phoenix-Mesa Gateway	2/6266	4/25/22	RNAV (GPS) RWY 30R, Orig.
11-Aug-22 ...	SC	Columbia	Columbia Metro	2/6269	6/21/22	RNAV (GPS) RWY 23, Amdt 2C.
11-Aug-22 ...	TX	Lampasas	Lampasas	2/6638	5/6/22	VOR-A, Amdt 4A.
11-Aug-22 ...	PA	Clearfield	Clearfield-Lawrence	2/6940	7/5/22	RNAV (GPS) RWY 30, Amdt 1C.
11-Aug-22 ...	UT	Nephi	Nephi Muni	2/7023	6/28/22	RNAV (GPS) RWY 17, Orig-A.
11-Aug-22 ...	UT	Nephi	Nephi Muni	2/7032	6/28/22	RNAV (GPS) RWY 35, Orig-B.
11-Aug-22 ...	CO	Denver	Colorado Air And Space Port	2/7610	7/5/22	Takeoff Minimums and Obstacle DP, Amdt 3A.
11-Aug-22 ...	TX	Sulphur Springs	Sulphur Springs Muni	2/8451	6/23/22	RNAV (GPS) RWY 1, Amdt 1C.
11-Aug-22 ...	TX	Sulphur Springs	Sulphur Springs Muni	2/8452	6/23/22	RNAV (GPS) RWY 19, Orig-C.
11-Aug-22 ...	TX	Sulphur Springs	Sulphur Springs Muni	2/8454	6/23/22	VOR-B, Amdt 7.
11-Aug-22 ...	CO	La Junta	La Junta Muni	2/8750	6/28/22	RNAV (GPS) RWY 8, Amdt 1.
11-Aug-22 ...	VA	Staunton/Waynesboro/Harrisonburg.	Shenandoah Valley Rgnl	2/9070	6/27/22	RNAV (GPS) RWY 23, Orig-A.
11-Aug-22 ...	VA	Staunton/Waynesboro/Harrisonburg.	Shenandoah Valley Rgnl	2/9075	6/27/22	Takeoff Minimums and Obstacle DP, Amdt 6.
11-Aug-22 ...	RI	Pawtucket	North Central State	2/9234	6/28/22	RNAV (GPS) RWY 5, Amdt 1B.
11-Aug-22 ...	OH	Bryan	Williams County	2/9302	6/22/22	RNAV (GPS) RWY 25, Amdt 1A.
11-Aug-22 ...	OH	Bryan	Williams County	2/9304	6/22/22	RNAV (GPS) RWY 7, Amdt 1A.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
11-Aug-22 ...	CT	Danbury	Danbury Muni	2/9319	6/23/22	RNAV (GPS)—A, Orig—A.
11-Aug-22 ...	CA	Santa Barbara	Santa Barbara Muni	2/9350	6/28/22	ILS OR LOC RWY 7, Amdt 5B.
11-Aug-22 ...	CA	Santa Barbara	Santa Barbara Muni	2/9351	6/28/22	RNAV (GPS) RWY 7, Orig—B.
11-Aug-22 ...	CA	Santa Barbara	Santa Barbara Muni	2/9352	6/28/22	VOR OR GPS RWY 25, Amdt 6C.
11-Aug-22 ...	VA	Staunton/Waynes- boro/Harrisonburg.	Shenandoah Valley Rgnl	2/9439	6/27/22	ILS OR LOC RWY 5, Amdt 9A.
11-Aug-22 ...	MS	Holly Springs	Holly Springs-Marshall County	2/9499	6/24/22	RNAV (GPS) RWY 18, Orig—A.
11-Aug-22 ...	MS	Holly Springs	Holly Springs-Marshall County	2/9500	6/24/22	RNAV (GPS) RWY 36, Orig.
11-Aug-22 ...	CO	La Junta	La Junta Muni	2/9646	6/28/22	RNAV (GPS) RWY 26, Amdt 1.
11-Aug-22 ...	GA	Macon	Macon Downtown	2/9677	6/27/22	RNAV (GPS) RWY 28, Amdt 2A.
11-Aug-22 ...	ME	Bar Harbor	Hancock County/Bar Harbor ..	2/9698	6/23/22	RNAV (GPS) RWY 4, Amdt 1C.
11-Aug-22 ...	ME	Bar Harbor	Hancock County/Bar Harbor ..	2/9700	6/23/22	RNAV (GPS) RWY 22, Amdt 1B.

[FR Doc. 2022–15464 Filed 7–20–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0525]

RIN 1625–AA00

Safety Zone; Fireworks Display, Boothbay Harbor, Boothbay, ME

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display on the navigable waters of the Boothbay Harbor in the vicinity of McFarland Island, Boothbay, ME. The safety zone is needed to protect personnel, spectators, and vessels 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 Northern New England.

DATES: This rule is effective from 9 p.m. on Thursday, July 21, 2022, through 11 p.m. on Friday, July 22, 2022. The rule will only be subject to enforcement from 9 p.m. through 11 p.m. on July 21, 2022, unless the event is delayed because of weather conditions in which case it may be subject to enforcement those same hours on July 22, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0525 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Marine Science Technician Zachary Wetzel, Waterways

Management Division at Coast Guard Sector Northern New England, telephone 207–347–5003, email Zachary.r.Wetzel@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Northern New England
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 Coast Guard was not provided the final details for this event until June 8, 2022, and therefore, insufficient time exists to execute the full NPRM process. Waiting for a full comment period to run would inhibit the Coast Guard’s ability to keep the public safe from the hazards associated with a nighttime maritime fireworks display and the ability to minimize the impact to vessel traffic on the navigable waterway.

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.

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 Northern New England (COTP) has determined that potential hazards associated with firework display starting July 21, 2022, will be a safety concern for anyone within a 200-yard radius or the launch location. 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 navigable waters of the Boothbay Harbor in the vicinity of McFarland Island, Boothbay, ME, during a fireworks display from a barge. The event is scheduled to take place between 9 p.m. and 11 p.m. on July 21, 2022, unless the event is delayed because of weather conditions in which case it may take place between 9 p.m. and 11 p.m. on July 22, 2022. The safety zone will extend 200 yards around the barge, which will be anchored in approximate position latitude 43°50′46.91″ N, longitude 069°37′30.73″ W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the firework display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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