

TABLE 1 TO § 165.941—Continued
[COTP Zone Detroit]

Event	Sector Detroit safety zones	Date
(38) Freedom Festival Luna Pier, MI.	All waters of Lake Erie within a 300-yard radius of the fireworks launch site located on the Clyde E. Evens Municipal Pier at position 41°48.39' N, 083°26.20' W.	One evening between June 15 and July 15.
(39) Toledo Country Club 4th of July Fireworks Toledo, OH.	All waters of the Maumee River within a 250-yard radius of the fireworks launch site located on shore on the Toledo Country Club's 18th Green at position 41°35.37' N, 083°35.5' W.	One evening between June 15 and July 15.
(40) Lakeside July 4th Fireworks Lakeside, OH.	All waters of Lake Erie within a 200-yard radius of the fireworks launch site located on the Lakeside Association Dock at position 41°32.52' N, 082°45.03' W.	One evening between June 15 and July 15.
(41) Catawba Island Club Fireworks Catawba Island, OH.	All waters of Lake Erie within a 300-yard radius of the fireworks launch site located on the northwest end of the Catawba Cliffs Harbor Light Pier at position 41°34.18' N, 082°51.18' W.	One evening between June 15 and July 15.
(42) Red, White and Blues Bang Fireworks Huron, OH.	All waters of the Huron River within a 300-yard radius of the fireworks launch site located on the Huron Ore Docks at position 41°23.29' N, 082°32.55' W.	One evening in July.
(43) Huron Riverfest Fireworks Huron, OH.	All waters of the Huron River within a 350-yard radius of the fireworks launch site located on the Huron Ore Docks at position 41°23.38' N, 082°32.59' W.	One evening in July.
(44) End of Season Fireworks Lakeside, OH.	All waters of Lake Erie within a 200-yard radius of the fireworks launch site located on the Lakeside Association Dock at position 41°32.52' N, 082°45.03' W.	One evening between September 1 and September 15.
(45) Annual Labor Day Weekend Fireworks Show Catawba Island, OH.	All waters of Lake Erie within a 300-yard radius of the fireworks launch site located on the northwest end of the Catawba Cliffs Harbor Light Pier at position 41°34.3' N, 082°51.3' W.	One evening between September 1 and September 15.
(46) Toledo July 4th Fireworks Toledo, OH.	All waters of the Maumee River within a 300-yard radius of the fireworks launch site located in International Park, Toledo, OH, at position 41°38.44' N, 083°31.49' W.	One evening between June 15 and July 15.
(47) Memorial Day Weekend Fireworks Show Catawba Island, OH.	All waters of Lake Erie within a 300-yard radius of the fireworks launch site located on the northwest end of the Catawba Cliffs Harbor Light Pier at position 41°34.18' N, 082°51.18' W.	One evening between May 15 and May 31.
(48) Put-In-Bay Chamber of Commerce Fireworks Put-In-Bay, OH.	All waters of Lake Erie within a 350-yard radius of the fireworks launch site located in Put-In-Bay Harbor at position 41°39.3' N, 082°49.0' W.	Two separate evenings between June 15 and June 31, and two separate evenings between September 1 and September 15.
(49) Bay Point Fireworks Display Marblehead, OH.	All waters of Lake Erie within a 250-yard radius of the fireworks launch site located on shore in the vicinity of Bay Point, Marblehead, OH, at position 41°30.3' N, 082°43.1' W.	One evening between June 15 and July 15.
(50) LAZ Trommler Fireworks Marblehead, OH.	All waters of the Sandusky Bay within a 500 foot radius of the fireworks launch site located at position 41°30'16" N, 083°48'08" W.	One evening between June 15 and July 15.
(51) Downtown Sandusky Fireworks Sandusky, OH.	All waters of the Sandusky Bay within a 280-foot radius of the fireworks launch site located at position 41°27'32.74" N, 082°42'52.02" W.	One evening between December 31 and January 1.

Dated: May 1, 2019.

Jeffrey W. Novak,

Captain, U. S. Coast Guard, Captain of the Port Detroit.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2019-0289]

Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone-St. Joseph Fourth of July Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the St. Joseph Fourth of July Fireworks display on the St. Joseph River and Lake Michigan in St. Joseph, MI from 9 p.m. through 11 p.m. on July 3, 2019. This action is necessary and intended to ensure safety of life on navigable waters immediately prior to, during, and after the fireworks display. During the enforcement period, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 CFR 165.929 will be enforced for safety zone (e)(5), Table 165.929, from 9 p.m. through 11 p.m. on July 3, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email marine event coordinator MST1 Kaleena Carpino, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; telephone (414) 747-7148, email *D09-SMB-SECLakeMichigan-WWM@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the St. Joseph Fourth of July Fireworks display safety zone listed as item (e)(5) in Table 165.929 of 33 CFR 165.929 from 9 p.m. through 11:00 p.m. on July 3, 2019 on all waters of Lake Michigan and the St. Joseph River within the arc of a circle with a 1,000-foot radius from the fireworks launch site in position 42°06.867' N, 086° 29.463' W. (NAD 83). Entry into, transiting, or anchoring within the safety zone is prohibited unless

authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

This notice of enforcement is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification for the enforcement of this safety zone via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan or a designated representative will inform the public through a Broadcast Notice to Mariners of any changes in the planned schedule. The Captain of the Port Lake Michigan or a representative may be contacted via Channel 16, VHF-FM, or via telephone (414) 747-7182.

Dated: May 2, 2019.

Thomas J. Stuhlfreyer,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2019-0220]

RIN 1625-AA00

Safety Zone; Lake Michigan, Fox River, De Pere, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Fox River, in the vicinity of Green Bay Metropolitan Sewerage District, De Pere facility and the Northern pier of the Perkofski Boat Launch. This action is needed to protect personnel and vessels from potential hazards created by the outfall of a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Lake Michigan.

DATES: This rule is effective from 9 p.m. through 11 p.m. on May 26, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0220 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 the marine event coordinator, MSTC Kaleena Carpino, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; telephone (414) 747-7148, email D09-SMB-SECLakeMichigan-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
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 final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public, vessels, mariners, and property from the hazards associated with a fireworks display on May 26, 2019.

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, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

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); 33 CFR 1.05-1, 160.5; Department of Homeland Security Delegation No. 0170.1.

A fireworks display will take place on Fox River in De Pere, WI on May 26, 2019 from 9 p.m. through 11 p.m. The Captain of the Port Lake Michigan has determined that this fireworks display will pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, falling and burning debris, and collisions among spectator vessels.

IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that this temporary safety zone is necessary to protect persons and vessels during the fireworks display in the waters of the Fox River, in De Pere, WI. This zone is effective and will be enforced from 9 p.m. through 11 p.m. on May 26, 2019. The safety zone will be enforced for all navigable waters of the Fox River, in the vicinity of Green Bay Metropolitan Sewerage District, De Pere facility and the Northern pier of the Perkofski Boat Launch within an area bounded by the following coordinates; at 44°27'43.26" N 88°03'34.86" W (NAD 83) continuing east across the Fox River to 44°27'41.18" N 88°03'24.32" W (NAD 83) then south along the riverbank to 44°27'18.10" N 88°03'40.79" W (NAD 83) then west across the Fox River to 44°27'32.12" N 88°04'06.21" W (NAD 83) then north returning to the point of origin.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his or her designated on-scene representative. The Captain of the Port or his or her designated on-scene representative may be contacted via VHF Channel 16.

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 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a