

TABLE 2 OF § 165.801—SECTOR UPPER MISSISSIPPI RIVER ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Upper Mississippi River location	Safety zone
31. 1 day—4th of July week-end.	Salute to America Foundation, Inc./Salute to America.	Jefferson City, MO .....	Missouri River mile marker 143.5 to 143.0 (Missouri).
32. 2 days—2nd weekend in August.	Tug Committee/Great River Tug .....	Port Byron, IL .....	Upper Mississippi River mile marker 497.2 to 497.6 (Illinois).
33. 1 day—4th of July week-end.	City of Stillwater/St. Croix Events/Stillwater 4th of July.	Stillwater, MN .....	St. Croix River mile marker 022.9 to 023.5 (Minnesota).
34. 4 days—3rd week of July.	St. Croix Events/Lumberjack Days .....	Stillwater, MN .....	St. Croix River mile marker 022.9 to 023.5 (Minnesota).
35. 2 days—Weekend that precedes Labor Day Weekend.	Lake of the Ozarks Shootout, Inc./Lake of the Ozarks Shootout.	Lake of the Ozarks, MO ....	Lake of the Ozarks mile marker 032.5 to 034.5.
36. 2 days—1st weekend of September.	City of Keithsburg/Keithsburg Fireworks Display.	Keithsburg, IL .....	Upper Mississippi River mile marker 427.5 to 427.3.
37. 1 day—4th of July Week	City of East Moline/City of East Moline Fireworks.	East Moline, IL .....	Upper Mississippi River mile marker 489.9 to 490.2.
38. 2nd Weekend in August	Lansing Lion's Club/Lansing Fish Days Fireworks.	Lansing, IA .....	Upper Mississippi River mile marker 662.8–663.9.
39. 3rd Weekend in August	River Action/Floatzilla .....	Rock Island, Illinois .....	Upper Mississippi River mile marker 479.0–486.0.
40. 1 day—Weekend before Thanksgiving.	Main Street Parkway Association/Parkville Christmas on the River.	Parkville, MO .....	Missouri River mile marker 377.5 to 378.0.
41. 1 day—4th of July week-end.	City of Marquette/Marquette Independence Day Celebration.	Marquette, IA .....	Upper Mississippi River mile marker 634.2 to 635.7.
42. 1 day—1st Weekend in June.	St. Louis Brewers Guild Festival Fireworks.	St. Louis, MO .....	Upper Mississippi River mile marker 179.2–180.
43. 1 day—4th Weekend in May.	Lumiere Place/Memorial Day Fireworks	St. Louis, MO .....	Upper Mississippi River mile marker 180–180.5
44. 1 day—1st Weekend in July.	Lumiere Place/4th of July Fireworks .....	St. Louis, MO .....	Upper Mississippi River mile marker 180–180.5
45. 1 day—1st Weekend in September.	Lumiere Place/Labor Day Fireworks .....	St. Louis, MO .....	Upper Mississippi River mile marker 180–180.5
46. 2 days—3rd Weekend in July.	Kentucky Drag Boat Association/Evansville, IL Drag Boat Races.	Evansville, IL .....	Kaskaskia River mile marker 9 to 11.

Dated: April 11, 2018.

**Scott A. Stoermer,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2018–0332]

RIN 1625–AA00

#### Safety Zone; Lower Tchefuncte River, Madisonville, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone for certain navigable waters of the Tchefuncte River. This action is necessary to provide for the safety of life on these navigable waters near Madisonville, LA, during a fireworks display on July 4, 2018. This proposed

rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector New Orleans or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before May 17, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG–2018–0332 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Commander Howard Vacco, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2281, email [Howard.K.Vacco@uscg.mil](mailto:Howard.K.Vacco@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR Code of Federal Regulations

COTP Captain of the Port Sector New Orleans

DHS Department of Homeland Security

FR Federal Register

NPRM Notice of proposed rulemaking

§ Section

U.S.C. United States Code

## **II. Background, Purpose, and Legal Basis**

On April 4, 2018, Geaux Pyro notified the Coast Guard that it would conduct a fireworks display from 7 p.m. through 7:20 p.m. on July 4, 2018, for a wedding celebration. The fireworks are to be launched from a barge on the Tchefuncte River, at approximate position 30°24′11.63″ N 090°09′17.39″ W, in front of the Madisonville Town Hall. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Sector New Orleans (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 100 yards of the launch barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 100-yard

radius of the launch barge before, during, and after the fireworks display. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

### III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 6:45 p.m. through 7:45 p.m. on July 4, 2018. The safety zone would cover all navigable waters of the Tchefuncte River within 100-yards of a barge at approximate position 30°24'11.63" N 090°09'17.39" W, in front of the Madisonville Town Hall in Madisonville, LA. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 7 p.m. to 7:20 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the 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 New Orleans.

Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or 67 or by telephone at (504) 365-2200. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The regulatory text we are proposing appears at the end of this document.

### IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, the NPRM 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 size and duration of the safety zone. This proposed safety zone would only encompass a 100-yard radius of the Tchefuncte River for one hour on one evening. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the proposed rule would allow vessels to seek permission to enter the zone.

#### 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 proposed rule would 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 IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rulemaking would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the rulemaking 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. 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 proposed rule would 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 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have made a preliminary determination 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 proposed rule involves a safety zone lasting one hour that would prohibit entry within a 100-yard radius of a barge at approximate position of 30°24'11.63" N 090°09'17.39" W on the Tchefuncte River. Normally

such actions are 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 preliminary Record of Environmental Consideration supporting this determination is 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 proposed 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.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### 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 proposes to amend 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; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08-0332 to read as follows:

#### § 165.T08-0332 Safety Zone; Tchefuncte River, New Orleans, LA.

(a) *Location.* The following area is a safety zone: All navigable waters of the Tchefuncte River, 100-yards around a barge at approximate position 30°24'11.63" N 090°09'17.39" W, in front of the Madisonville Town Hall in Madisonville, LA.

(b) *Effective period.* This section is effective from 6:45 p.m. through 7:45 p.m. on July 4, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector New Orleans (COTP) or 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 New Orleans.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or 67 or by telephone at (504) 365-2200.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of any changes in the planned schedule.

Dated: April 11, 2018.

**Wayne R. Arguin,**

*Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.*

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2018-0331]

RIN 1625-AA00

#### Safety Zone; Lower Mississippi River, New Orleans, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone for certain navigable waters of the Mississippi River from mile marker (MM) 94 to MM 95 above Head of Passes. This action is necessary to provide for the safety of life on these navigable waters near Algiers Point, New Orleans, LA, during a fireworks display on June 30, 2018. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector New Orleans or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before May 17, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG-2018-0331 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Lieutenant Commander Howard Vacco, Sector New Orleans, U.S. Coast Guard; telephone 504-365-2281, email [Howard.K.Vacco@uscg.mil](mailto:Howard.K.Vacco@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Sector New Orleans  
DHS Department of Homeland Security  
FR Federal Register  
MM Mile marker  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

On April 4, 2018, AFX Pro, LLC, notified the Coast Guard that it would