

units under the operational control of USCG Sector Upper Mississippi River.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the COTP's designated representative by telephone at 314-269-2332 or on VHF-FM channel 16.

(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 of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: August 27, 2018.

**Scott A. Stoermer,**

*CAPT, 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-2018-0763]

RIN 1625-AA00

#### Safety Zone; Helocast Water Insertion Operation; Black River Bay, Sackets Harbor, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 1,000-foot radius of the water insertion site located 600 feet offshore of Sackets Harbor Battlefield, Black River Bay, Sackets Harbor, NY. This safety zone is intended to restrict vessels from portions of the Black River Bay during the Helocast Water Insertion Training Event. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with this event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

**DATES:** This rule is effective from 6:00 a.m. until 2:00 p.m. on September 14, 2018.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2018-0763 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 LTJG Sean Dolan, Chief Waterways Management Division, U.S. Coast Guard; telephone 716-843-9322, email [D09-SMB-SECBuffalo-WWM@uscg.mil](mailto:D09-SMB-SECBuffalo-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 the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

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 would be contrary to the rule's objectives of enhancing safety of life on the navigable waters and protection of persons and vessels in vicinity of the Helocast Water Insertion Training Event.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Buffalo (COTP) has determined that helicopter training with

swimmers jumping to the water presents significant risks to the public safety and property. Such hazards include excessive winds from helicopter, rougher than normal waters, dangerous projectiles, and falling debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the Helocast Water Insertion Training takes place.

##### IV. Discussion of the Rule

This rule establishes a safety zone on September 14, 2018, from 6:00 a.m. until 2:00 p.m. The safety zone will encompass all waters of the Black River Bay, Sackets Harbor, NY contained within a 1,000-foot radius of: 43°57'11.1" N, 76°07'26.3" W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his 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 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, this 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.

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels

to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

#### 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 the safety zone 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 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 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 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, or on the distribution of power and responsibilities 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 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 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 rule establishes a safety zone. 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 supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### 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; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0763 to read as follows:

#### § 165.T09–0763 Safety Zone; Helocast Water Insertion Training; Black River Bay, Sackets Harbor, NY.

(a) *Location.* The safety zone will encompass all waters of the Black River Bay; Sackets Harbor, NY contained within a 1,000-foot radius of: 43°57′11.1″ N, 76°07′26.3″ W.

(b) *Enforcement period.* This regulation will be enforced from 6:00 a.m. until 2:00 p.m. on September 14, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via

VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: September 5, 2018.

**Kenneth E. Blair,**

Commander, U.S. Coast Guard, Acting Captain of the Port Buffalo.

[FR Doc. 2018–19562 Filed 9–7–18; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2018–0575]

RIN 1625–AA00

#### Safety Zone; Boston Harbor's Improvement Dredging Project, Boston, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary interim rule and request for comments.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones on the navigable waters of Boston Harbor. The first safety zone will be around any vessel, barge, or dredging equipment actively engaged in dredging operations, drilling, or blasting. The second safety zone will be around any blasting worksites. These safety zones are needed to protect personnel, vessels, and the marine environment from the potential hazards created by the dredging, drilling, and blasting operations in support of the U.S. Army Corps of Engineers Boston Harbor's Improvement Dredging Project. When enforced, this regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Boston or a designated representative.

**DATES:** This rule is effective from September 10, 2018 through August 31, 2023.

Comments and related material must be received by the Coast Guard during the effective period on or before December 10, 2018.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0575 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule. You may submit comments identified by docket number USCG–

2018–0575 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mark Cutter, Waterways Management Division, U.S. Coast Guard Sector Boston, telephone 617–223–4000, email [Mark.E.Cutter@uscg.mil](mailto:Mark.E.Cutter@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  
TIR Temporary Interim Rule  
NPRM Notice of Proposed Rule Making  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

On June 1, 2018, U.S. Army Corps of Engineers issued a notice allowing the Joint Venture of Cashman Dredging Inc. and Dutra Group to proceed with the improvement-dredging project of Broad Sound North Channel, Boston's Inner Harbor Main Ship Channel, Conley Terminal including the turning basin or “MSC Notch,” and President Roads Anchorage. The project consists of deepening Broad Sound North Channel to 51 feet below the surface, and Boston's Inner Harbor Main Ship Channel, Conley Terminal including the turning basin or “MSC Notch,” and President Roads Anchorage each to 47 feet below the surface.

The project includes dredging approximately 11.7 million cubic yards of silt, blue clay, till and weathered rock from the Broad South North Channel, Boston's Inner Harbor Main Ship Channel, Conley Terminal, and President Roads Anchorage. Most of the material dredged will be placed at the Massachusetts Bay Disposal Site (MBDS) approximately 20 miles offshore of Boston Harbor. A small fraction of the material dredged will be placed as a cap to the Main Ship Channel Confined Aquatic Disposal Cell, just downstream of the inner confluence of the Chelsea and Mystic Rivers. The initial phase of the dredge operation involves using mechanical dredges and does not involve any type of blasting or drilling operation. At some point, once the silt, blue clay, till and weathered rock have been removed, blasting or drilling may be needed to remove the hard rock. Whether blasting or drilling will be required, it will not be known until the top material has

been removed and the contractor can locate the hard rock spots. The dredge operation has begun and will continue for 24 hours a day, seven days a week for approximately four years. The Coast Guard is publishing this rule to be effective, and enforceable, through August 31, 2023, in case the project is delayed due to unforeseen circumstances. If the project is completed prior to August 31, 2023, enforcement of the safety zones will be suspended and notice given via Broadcast Notice to Mariners, Local Notice to Mariners, or both.

The Coast Guard is issuing this temporary interim 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 notice allowing the dredging project to proceed and providing dates for the project was only recently finalized and provided to the Coast Guard, and timely action is needed to respond to the potential safety hazards associated with this dredging project. The late finalization of project details did not give the Coast Guard enough time to publish a NPRM, take public comments, and issue a final rule before dredging operations begin. It would be impracticable and contrary to the public interest to publish a NPRM because a safety zone must be established as soon as possible to protect the safety of the waterway users, construction crew, and other personnel associated with the dredging project. A delay of the dredging project to accommodate a full notice and comment period would delay necessary operations, result in increased costs, and delay the date when the dredging project is expected to be completed and reopen Boston Harbor for normal operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. For reasons stated in the preceding paragraph, delaying the effective date of this rule would be impracticable and contrary to the public interest because timely action is needed to respond to the potential safety