

opening have cleared, except any open period shall not exceed 15 minutes.

The drawbridge shall have a drawbridge tender onsite at all times, who is capable of physically tending and operating the drawbridge by local control, if necessary, or when ordered by the Coast Guard. Upon request, the drawbridge tender shall provide operational information 24 hours a day on VHF-FM channel 9. Electronic signs shall be posted visible to marine traffic and display VHF radio contact information, mobile application information, and the telephone number for the bridge tender.

In the event of a drawbridge operational failure, or other emergency circumstances impacting normal drawbridge operations, the drawbridge owner shall immediately notify the Coast Guard Captain of the Port Miami and provide an estimated time of repair and return to normal operations.

A drawbridge logbook shall be maintained including the date and each time it closes and opens to navigation, the number and direction of vessels passing through during each opening, the types of vessels passing through during each opening, and an estimated or known size (height, length, and beam) of the largest and smallest vessel passing through during each opening. The drawbridge logbook shall also include all maintenance openings, closings, malfunctions, or reasons for drawbridge closings that interfere with scheduled openings.

The drawbridge owner shall maintain a mobile application. The drawbridge owner shall publish drawbridge opening times, and the drawbridge owner shall provide timely updates to schedules, including but not limited to, impacts due to emergency circumstances, repairs, and inspections.

The NW Dixie Hwy Bridge shall open on signal; except when the adjacent FEC Railroad Bridge is in the closed position, the draw need not open. The draw must open immediately upon opening of the railroad bridge to pass all accumulated vessels which require an opening.

Vessels able to pass through the bridges in the closed position may do so at any time. There is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridges.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their regular operating schedules immediately at the end of the effective period of this temporary deviation. This

deviation from the operating regulations is authorized under 33 CFR 117.35.

II. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2022-0222, in the search box and click "Search." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

View material in the docket. To view documents mentioned in this deviation as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of this deviation. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments, future actions or updates are posted to the docket.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Dated: June 2, 2023.

Brendan C. McPherson,
Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2023-0361]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District—Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Delaware River, Philadelphia, PA Safety Zone for fireworks displays on two separate periods. The safety zone will first be enforced on June 21, 2023, and again, on July 1, 2023. This is to provide for the safety of life on navigable waterways during each of two separate barge-based fireworks displays. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, no person or vessel may enter, remain in, or transit through the regulated area, and anyone in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation at 33 CFR 165.506, for Philadelphia, PA, will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 8:35 p.m. through 9:20 p.m. on June 21, 2023, or on a rain date of June 22, 2023, and from 9:15 p.m. to 10:15 p.m. on July 1, 2023, or on a rain date of July 2, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215-271-4814, email SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry No. 10 for two periods, for two separate barge-based fireworks displays. The first enforcement period will be from 8:35 p.m. through 9:20 p.m. on June 21, 2023, or on a rain date of June 22, 2023. The second enforcement period will be from 9:15 p.m. to 10:15 p.m. on July 1, 2023, or on a rain date of July 2, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after

fireworks displays. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of the Delaware River adjacent to Penn's Landing, Philadelphia, PA, within a 500-yard radius of the fireworks barge position. The approximate position for the displays is latitude 39°56'52" N, longitude 075°08'09" W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: June 2, 2023.

Jonathan D. Theel,

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

[FR Doc. 2023-12266 Filed 6-7-23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2023-0421]

RIN 1625-AA00

Safety Zone; Fireworks Display, Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters of Delaware River near Pleasant Hill Park in Philadelphia, PA, for a barge-based fireworks display. The safety zone is needed to protect personnel, vessels, and the marine environment 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 Delaware Bay (COTP).

DATES: This rule is effective from 9 p.m. on July 4, 2023, through 10 p.m. July 5, 2023. It will only be enforced from 9 to 10 p.m. on July 4, 2023 or those same hours on the rain date of July 5, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://>

www.regulations.gov, type USCG-2023-0421 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 Petty Officer Dylan Caikowski, Sector Delaware Bay, Waterways Management Division, U.S. Coast Guard; telephone (215) 271-4814, email SecDelBayWWM@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 it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the event. The rule must be in force by July 4, 2023. We are taking immediate action to ensure the safety of spectators and the general public from hazards associated with a barge-based fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. For the same reasons, the Coast Guard finds good cause under 5 U.S.C. 553(d) to make this rule effective less than 30 days after publication.

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 COTP has determined that the potential hazards associated with a barge-based fireworks display will be a safety concern for anyone within 300 yards of the barge. The purpose of this rule is to ensure the safety of vessels and people in the navigable waters in the safety

zone before, during, and after a barge-based fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023. The safety zone will cover all navigable waters within 300 yards of a barge on the Delaware River located at approximate position latitude 40°2'22.54" N longitude 074°59'22.03" W. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:15 p.m. to 9:40 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.

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. 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).

This regulatory action determination is based on the following factors: (1) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP or a designated representative, they may operate in the surrounding area during the enforcement period; (2) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP; and (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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