

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 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.T09–0100 to read as follows:

§ 165.T09–0100 Safety Zone; Village of Alexandria Bay Country Kickoff to Summer Fireworks Display; St. Lawrence River, Alexandria Bay, NY.

(a) *Location.* The safety zone will encompass all waters of St. Lawrence River, Alexandria Bay, NY contained within a 280-foot radius of: 44°20'04.1" N, 75°55'20.3" W.

(b) *Enforcement Period.* This regulation will be enforced from 9:15 p.m. through 10:45 p.m. on May 25, 2019.

(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 or alternatively they may contact the Captain of the Port Buffalo via landline at 716–843–9525. 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: May 16, 2019.

Joseph S. Dufresne,
Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2019–10660 Filed 5–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2019–0326]

RIN 1625–AA00

Safety Zone; Joint Military Swim Exercise, Saint Lawrence River, Ogdensburg, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the St. Lawrence River, near North Meadow Drive, Ogdensburg, NY. This safety zone is intended to restrict vessels from portions of the Saint Lawrence River during a Joint Military Swim Exercise. This temporary safety zone is necessary to protect personnel, mariners, and vessels from the potential hazards associated with swimmers on the open water. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo or a designated representative.

DATES: This rule is effective from 7 a.m. through 6 p.m. on June 24, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2019–0326 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 LT Sean Dolan, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email 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, take comments, draft, and publish a final rule. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard’s ability to protect personnel and vessels from the hazards associated with dive training.

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** because doing so would be impracticable and contrary to the public interest for the reasons noted above.

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 Buffalo has determined that potential hazards associated with joint military swim exercise in a navigable waterway pose a risk to public safety and property within the immediate location.

IV. Discussion of the Rule

This rule establishes a safety zone that will be enforced on June 24, 2019, from 7 a.m. until 6 p.m. The safety zone will encompass all waters of the Saint Lawrence River, Ogdensburg, NY contained within a box starting at position: 44°42'33" N, 75°29'03" W, then traveling East to 44°42'33" N, 75°28'45" W, then traveling North to 44°42'39" N, 75°28'45" W, then traveling West to 44°42'39" N, 75°29'03" W, and then 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 Buffalo or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16 or at (716) 843–9525.

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 temporary 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: 46 U.S.C. 70034, 70051; 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.T09–0326 to read as follows:

§ 165.T09–0326 Safety Zone; Joint Military Swim Exercise, Saint Lawrence River, Ogdensburg, NY.

(a) *Location.* The safety zone will encompass all waters of the Saint

Lawrence River, Ogdensburg, NY contained within a box starting at position: 44°42'33" N, 75°29'03" W, then traveling East to 44°42'33" N, 75°28'45" W, then traveling North to 44°42'39" N, 75°28'45" W, then traveling West to 44°42'39" N, 75°29'03" W, and then returning to the point of origin.

(b) *Enforcement Period.* This regulation will be enforced from 7 a.m. until 6 p.m. on June 24, 2019.

(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 a 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 a 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 an on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or an on-scene representative may be contacted via VHF Channel 16 or at (716) 843-9525. 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 an on-scene representative.

Dated: May 16, 2019.

Joseph S. Dufresne,

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

[FR Doc. 2019-10661 Filed 5-21-19; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[WT Docket No. 19-116; FCC 19-43]

Allocation and Service Rules for the 1675-1680 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission corrections certain typographical errors in the Commission's rules to provide the correct cross reference to the emission

limits measurement procedures applicable to certain wireless communications services.

DATES: Effective May 22, 2019.

FOR FURTHER INFORMATION CONTACT:

Anna Gentry, *Anna.Gentry@fcc.gov*, of the Wireless Telecommunications Bureau, Mobility Division, (202) 418-7769.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in WT Docket No. 19-116, FCC 19-43, adopted on May 9, 2019 and released on May 13, 2019. The complete text of this document is available for viewing via the Commission's ECFS website by entering the docket number, WT Docket No. 19-116. The complete text of this document is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY-B402, Washington, DC 20554, telephone 202-488-5300, fax 202-488-5563.

I. Order

By this Order, the Commission corrects paragraphs (j)(1) and (k) of § 27.53 of the Commission's rules¹ to update each paragraphs' incorrect cross-reference to the section's paragraph (a)(4). The Commission had inadvertently failed to update those cross-references in 2010 when it renumbered paragraph (a)(4) as (a)(5). Section 27.53 addresses the emission limits for various Part 27 services, and, according to the current language of paragraphs (j)(1) and (k), compliance with the emission limits for the bands identified in those paragraphs "is based on the procedures described in paragraph (a)(4) of this [S]ection."² Paragraph (a)(4), however, does not contain any such procedures; rather, it sets forth wattage amounts by which the power of certain emissions must be attenuated. The next subparagraph in paragraph (a)—*i.e.*, paragraph (a)(5)—is entitled "Measurement procedure" and contains the compliance procedures that paragraphs (j) and (k) had referenced before the Commission added paragraph (a)(4) in 2010.³ At that time, when the Commission renumbered the old paragraph (a)(4) as (a)(5) to accommodate the new paragraph (a)(4), it neglected to update the paragraphs (j)(1) and (k) cross-reference to the

provision that had been renumbered as paragraph (a)(5). And since that time, paragraphs (j)(1) and (k) have continued to refer incorrectly to paragraph (a)(4) as containing the measurement procedures for compliance, rather than paragraph (a)(5). The Commission therefore corrects this error by amending paragraphs (j)(1) and (k) to change the cross-reference to paragraph (a)(5).

The Commission finds it appropriate to forego a notice-and-comment period prior to this Order taking effect, given the administrative nature and limited impact of this rule correction. The Administrative Procedure Act (APA) provides that notice procedures are not required where "the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."⁴ Here, the Commission finds, for good cause, that using such procedure to correct an outdated cross-reference in paragraphs (j)(1) and (k) of § 27.53—an inadvertent error that arose out of the failure to make a ministerial adjustment to the cross-reference when the subparagraphs of that section's paragraph (a) were renumbered—is unnecessary and contrary to the public interest because it would needlessly prolong an obvious inaccuracy in the rules, delay the return of the rules' language to its clearly intended meaning, and fail to yield any of the public interest benefits that notice and comment procedures are designed to produce. The APA also requires publication of a substantive rule at least 30 days before its effective date "except as otherwise provided by the agency for good cause found and published with the rule."⁵ For the same reasons that the Commission foregoes notice-and-comment procedures, the Commission finds good cause to make this correction to § 27.53(j)(1) and (k) effective immediately upon publication in the **Federal Register**.

List of Subjects in 47 CFR Part 27

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene Dortch,
Secretary.

For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 27 as follows:

¹ 47 CFR 27.53(j)(1), (k).

² *Id.*

³ *Amendment of Part 27 to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band*, 25 FCC Rcd 11710, 11845 (2010), Appendix B.

⁴ 5 U.S.C. 553(b)(B).

⁵ *Id.* § 553(d)(3).