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.

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 Management 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 involves a special local regulation issued in conjunction with a marine boat race. It is categorically excluded from further review under paragraph 34(b) of Figure 2–1 of the Commandant Instruction. 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add §100.735 to read as follows:

§100.735 Special Local Regulation; Annual OPA World Championships, Gulf of Mexico; Englewood Beach, FL.

(a) Regulated areas. The following regulated areas are established as special local regulations. All coordinates are North American Datum 1983.

(1) Race area. All waters of the Gulf of Mexico contained within the following points: 26°56′00″ N., 082°22′11″ W., thence to position 26°55′59″ N., 082°22′16″ W., thence to position 26°54′22″ N., 082°21′20″ W., thence to position 26°54′24″ N., 082°21′16″ W., thence to position 26°54′25″ N., 082°21′12″ W., thence back to the original position 26°56′00″ N., 082°21′11″ W.

(2) Spectator area. All waters of the Gulf of Mexico contained with the following points: 26°55′33″ N., 082°22′21″ W., thence to position 26°54′14″ N., 082°21′35″ W., thence to position 26°54′11″ N., 082°21′40″ W., thence to position 26°55′31″ N., 082°22′26″ W., thence back to position 26°55′33″ N., 082°22′21″ W.

(3) Enforcement area. All waters of the Gulf of Mexico encompassed within the following points: 26°56′09″ N., 082°22′12″ W., thence to position 26°54′13″ N., 082°21′03″ W., thence to position 26°53′58″ N., 082°21′43″ W., thence to position 26°55′56″ N., 082°22′48″ W., thence back to position 26°56′09″ N., 082°22′12″ W.

(b) Definition. The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP St. Petersburg in the enforcement of the regulated areas.

(c) Regulations. (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the Race Area unless an authorized race participant.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) All vessels are to be anchored and/or operate at a No Wake Speed in the spectator area. On-scene designated representatives will direct spectator vessels to the spectator area.

(4) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the COTP St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization is granted by the COTP St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP St. Petersburg or a designated representative.

(5) The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners and/or Broadcast Notice to Mariners.

(d) Enforcement period. This rule will be enforced daily from 9 a.m. to 5 p.m. on the third weekend of November (Friday, Saturday and Sunday).

Holly L. Najarian,
Captain, U.S. Coast Guard, Captain of the Port Saint Petersburg,
[FR Doc. 2017–25182 Filed 11–20–17; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0561]

RIN 1625–AA09

Drawbridge Operation Regulation; Upper Mississippi River, IA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the draws of all bridges between Lock and Dam No. 14, mile 493.3, and Lock and Dam No. 10, mile 615.1, on the Upper Mississippi River by adding a 24-hour notice requirement for openings during the winter season. This revision allows the drawbridges to remain in the closed-to-navigation position for extended periods allowing the owners of the drawbridges to perform preventative maintenance that is essential to the safe
operation of the drawbridges. This final rule will allow for flexibility in
beginning these special operating schedules each year based on the arrival
of winter weather.

DATES: This rule is effective on December 21, 2017.

ADDRESSES: To view documents
mentioned in this preamble as being available in the docket, go to http://
www.regulations.gov, type USCG–2016–0561. In the “SEARCH” box and click
“SEARCH.” Click on Open Docket Folder on the line associated with this
rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or
e-mail Eric A. Washburn, Bridge
Administrator, Western Rivers, Coast
Guard; telephone 314–269–2378, email
Eric.Washburn@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations
CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
SNPRM Supplemental notice of proposed
rulemaking
Pub. L. Public Law
§ Section

II. Background Information and
Regulatory History

On January 4, 2017, we published a
notice of proposed rulemaking (NPRM)
titled Drawbridge Operation
Regulation: Upper Mississippi River, IA
in the Federal Register (82 FR 787). We
received 0 comments on this rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule
under authority 33 U.S.C. 499. This rule
changes the operating schedule for three
bridges by revising the regulations
governing the Upper Mississippi River
drawbridge operating requirements
under 33 CFR 117.671(a) to include
these bridges. Currently, this special
operating schedule applies to the draws
of all bridges on the Upper Mississippi
River from Lock and Dam No. 10, mile
615.1 to Lock and Dam No. 2, mile
815.2. The operating schedule changes
will now include the draws of three
additional bridges located between Lock
and Dam No. 14, mile 493.3 to Lock and
Dam No. 10, mile 615.1. This rule also
changes the language of 117.671(a) and
(b) to begin the special operating
schedules on or about December 15 each
year instead of on December 15 each
year. A notice of enforcement will be
issued each year indicating the start
date for the special operating schedule.

The bridges that will be included in this
amended special local regulation are the
Clinton Railroad Drawbridge, mile
518.0, at Clinton, IA, the Sabula
Railroad Drawbridge, mile 535.0, at
Sabula, IA, and the Illinois Central
Railroad Drawbridge, mile 579.9, at
Dubuque, IA. Currently these bridges
open on signal. This change will require
the bridges to open on signal if at least
24 hours advance notice is given
beginning on or about December 15 and
lasting through the last day of February
each year.

Winter conditions, such as ice on the
Upper Mississippi River, coupled with
annual closure of various lock and dams
between mile 493.3 and 615.1, will
preclude any significant navigation
demands for the drawspan openings.
There are no alternate routes for vessels
transiting this section of the Upper
Mississippi River and the bridges
cannot open in case of emergency
during preventative maintenance
operations; the drawbridges would open
if at least 24 hours advance notice is
given.

IV. Discussion of Final Rule

The Coast Guard provided a comment
period of 60 days and no comments
were received. No changes have been
made to the proposed rule.

V. Regulatory Analyses

We developed this rule after
considering numerous statutes and
Executive Orders related to rulemaking.
Below we summarize our analyses
based on 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. This rule has not been
designated a “significant regulatory
action,” under Executive Order 12866.
Accordingly, it has not been reviewed
by the Office of Management and
Budget.

This regulatory action determination
is based on the availability for vessels
to transit the bridge provided advanced
notice is given. Moreover, the advanced
notice requirement will be during the
winter months, which is the time of year
when vessel traffic is at its lowest as has
been done in past years utilizing
temporary deviations to provide for the
change in bridge openings.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980
(RFA), 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 received no comments
from the Small Business Administration
on this rule. The Coast Guard certifies
under 5 U.S.C. 605(b) that this 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 bridge may be small entities, for the
reasons stated in section IV.A above this
final 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 rule 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 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, above.
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 would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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 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.

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 Management Directive 023–01 and Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction. A Memorandum for the Record (MWR) supporting this determination is available in the docket where indicated in the ADDRESSES section of this preamble.

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 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:


■ 2. Revise § 117.671 to read as follows:

§ 117.671 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 14, mile 493.3, and Lock and Dam No. 2, mile 815.2, shall open on signal; except that, from on or about December 15 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 2, mile 815.2 and Lock and Dam No. 1, mile 847.6, shall open on signal; except that, from on or about December 15 through the last day of February, the draws shall open on signal if at least 12 hours notice is given.


P.F. Thomas,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2017–25197 Filed 11–20–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–1031]

Drawbridge Operation Regulation; Passaic River, Newark, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Routes 1 & 9 (Lincoln Highway) Bridge across the Passaic River, mile 1.8 at Newark, New Jersey. This deviation is necessary to facilitate structural steel repairs at the lift span and allowing the bridge owner to temporarily close the draw for forty-seven days.

DATES: This deviation is effective without actual notice from November 21, 2017 until 11:59 p.m. on January 5, 2018. For the purposes of enforcement, actual notice will be used from 12:01 a.m. on November 20, 2017 until November 21, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–1031, is available at http://www.regulations.gov. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy K. Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4336, email Judy.K.Leung-Yee@uscg.mil.

SUPPLEMENTARY INFORMATION: The owner of the bridge, the New Jersey Department of Transportation, requested a temporary deviation in order to facilitate structural steel repairs at the lift span.

The Routes 1 & 9 Bridge across the Passaic River, mile 1.8, at Newark, New Jersey is a vertical lift bridge with a vertical clearance of 40 feet at mean high water and 45 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.739(b).

This temporary deviation will allow the Routes 1 & 9 Bridge to remain in the closed position from 12:01 a.m. on November 20, 2017 to 11:59 p.m. on January 5, 2018. The waterway users are seasonal recreational vessels and commercial vessels of various sizes. Coordination with waterway users indicated no objection to the proposed closure of the draw. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so vessel operators may arrange their transits to minimize any