

Authority: 26 U.S.C. 7805 \* \* \*.”

**Martin V. Franks,**

Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief  
Counsel (Procedure and Administration).

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 31

[Docket No. OJP (OJJDP) 1737]

RIN 1121-AA83

#### Juvenile Justice and Delinquency Prevention Act Formula Grant Program

**AGENCY:** Office of Justice Programs.

**ACTION:** Final rule; correcting  
amendments.

**SUMMARY:** The Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) of the Office of Justice Programs (“OJP”) published in the **Federal Register** on January 17, 2017, a partial Final Rule amending the formula grant program (“Formula Grant Program”) regulation. This technical correction corrects inaccurate citations to sections of the Juvenile Justice and Delinquency Prevention Act (the “Act”) in the partial Final Rule.

**DATES:** *Effective Date:* This rule is effective June 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Gregory Thompson, Senior Advisor, Office of Juvenile Justice and Delinquency Prevention, at 202-307-5911.

#### SUPPLEMENTARY INFORMATION:

##### Background

The OJJDP Formula Grant Program is authorized by the Juvenile Justice and Delinquency Prevention Act (“JJDP Act”), which authorizes OJJDP to provide an annual grant to each State to improve its juvenile justice system and to support juvenile delinquency prevention programs. The partial Final Rule that OJJDP published on January 17, and which took effect on March 21, 2017, amends the implementing regulations for the Formula Grant Program found at 28 CFR part 31. In particular, § 31.303(f)(5) amends States’ reporting requirements in several aspects. This technical correction simply corrects inaccurate references to sections of the Act cited in the partial Final Rule.

#### How This Document Complies With the Federal Administrative Requirements for Rulemaking

##### A. Executive Order 12866 and Executive Order 13563

This technical correction has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review,” section 1(b), The Principles of Regulation, and Executive Order 13563, “Improving Regulation and Regulatory Review,” section 1, General Principles of Regulation. This technical correction is limited to amending the citations to sections of the Act and, therefore, is not a “regulation” or “rule” as defined by that Executive Order.

##### B. Executive Order 13132

This technical correction to the partial Final Rule will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, “Federalism,” OJP has determined that this technical correction does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

##### C. Executive Order 12988

This technical correction to the partial Final Rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, “Civil Justice Reform.”

##### D. Administrative Procedures Act

This technical correction simply corrects citations to sections of the Act in the partial Final Rule published on January 17, 2017 and, accordingly, OJP finds it unnecessary to publish this technical correction for public notice and comment. *See* 5 U.S.C. 553(b). Similarly, because delaying the effective date of this technical correction would serve no purpose, OJP also finds good cause to make this rule technical correction effective upon publication. *See* 5 U.S.C. 553(d)(3).

##### E. Regulatory Flexibility Act

OJP, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this technical correction and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities because it simply makes a technical correction to the partial Final Rule published on

January 17, 2017. Further, a Regulatory Flexibility analysis is not required for this technical correction because OJP was not required to publish a general notice of proposed rulemaking for this matter. *See* 5 U.S.C. 604.

##### F. Small Business Regulatory Enforcement Fairness Act of 1996

This technical correction is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This technical correction will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

##### G. Unfunded Mandates Reform Act of 1995

This technical correction was not preceded by a published notice of proposed rulemaking; will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year; will not significantly or uniquely affect small governments; and does not contain significant intergovernmental mandates. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531-1535.

##### H. Paperwork Reduction Act of 1995

This technical correction does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. 3501-3521.

#### List of Subjects in 28 CFR Part 31

Authority and Issuance.

#### PART 31—OJJDP GRANT PROGRAMS

■ 1. The authority citation for 28 CFR part 31 continues to read as follows:

**Authority:** 42 U.S.C. 5611(b); 42 U.S.C. 5631-5633.

#### Subpart A—Formula Grants

##### § 31.303 [Amended]

■ 2. In § 31.303(f)(5), remove the words “42 U.S.C. 5633(a)(12), (13), and (14)” and add in their place “42 U.S.C. 5633(a)(11), (12), and (13)”.

Dated: June 12, 2017.

**Alan R. Hanson,**

*Acting Assistant Attorney General, Office of Justice Programs.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2017-0169]

RIN 1625-AA08

#### Special Local Regulation; Washburn Board Across the Bay, Lake Superior; Chequamegon Bay, WI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard will establish a permanent special local regulation on Lake Superior within Chequamegon Bay for the annual Washburn Board Across the Bay racing event. This annual event historically occurs within the last 2 weeks of July and lasts for 1 day. This action is necessary to safeguard the participants and spectators on the water in a portion of Chequamegon Bay between Washburn, WI and Ashland, WI. This regulation would functionally restrict all vessel speeds while within a designated no-wake zone, unless otherwise specifically authorized by the Captain of the Port (COTP) Duluth or a designated representative. The area forming the subject of this permanent special local regulation is described below.

**DATES:** This rule is effective July 31, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0169 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 about this rulemaking, call or email Lieutenant Junior Grade John Mack, Waterways management, MSU Duluth, Coast Guard; telephone 218-725-3818, email [John.V.Mack@uscg.mil](mailto:John.V.Mack@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

COTP Captain of the Port, Duluth  
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, Purpose, and Legal Basis

On March 30, 2017 the Coast Guard published an NPRM in the **Federal Register** (82 FR 15660) entitled "Special Local Regulation; Washburn Board Across the Bay, Lake Superior; Chequamegon Bay, WI." The NPRM proposed to establish a no-wake zone within Chequamegon Bay on an annual basis during the Washburn Board Across the Bay paddle craft event, and invited comments on our proposed regulatory action related to this paddle craft event. The aforementioned NPRM was open for comment for 30 days in which no comments were received.

##### III. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published on March 30, 2017. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM. This rule will create a permanent special local regulation in Chequamegon Bay for the annual Washburn Board Across the Bay racing event that historically takes place in the third or fourth week of July. The no-wake zone will be enforced on all vessels entering into 100 yards of either side of an imaginary line beginning in Washburn, WI at position 46°36'52" N., 090°54'24" W.; thence southwest to position 46°38'44" N., 090°54'50" W.; thence southeast to position 46°37'02" N., 090°50'20" W.; and ending southwest at position 46°36'12" N., 090°51'51" W. All vessels transiting through the no-wake zone will be required to travel at an appropriate rate of speed that does not create a wake except as may be permitted by the COTP or a designated representative. The precise times and date of enforcement for this special local regulation will be determined annually.

The COTP, Duluth, will use all appropriate means to notify the public when the special local regulation in this rule will be enforced. Such means may include publication in the **Federal Register** a Notice of Enforcement, Broadcast Notice to Mariners, and Local Notice to Mariners. The regulatory text appears at the end of this document.

##### IV. 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

E.O.s 12866 ("Regulatory Planning and Review") and 13563 ("Improving Regulation and Regulatory Review") 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 including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 ("Reducing Regulation and Controlling Regulatory Costs"), directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process."

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-year of the Special Local Regulation. Vessel traffic will be able to safely transit through the no-wake zone which will be 200 yards wide and will impact only a small designated area of Lake Superior in Chequamegon Bay between Washburn, WI and Ashland, WI during a time of year when commercial vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16.

##### 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