Federal Register / Vol. 82, No. 170 / Tuesday, September 5, 2017 / Rules and Regulations

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

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.

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 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
the establishment of a special local
regulation that would prohibit entry of
vessels on the Tennessee River from
MM643 to MM 648.7 for four hours on
one day. It is categorically excluded
from further review under paragraph
34(h) 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 § 100.35T08–0691 to read as
follows:

§ 100.35T08–0691 Special Local
Regulation; Tennessee River,
Knoxville, TN.

(a) Special local regulated area. The
following area is a temporary special
local regulation: All navigable waters of
the Tennessee River between mile
marker (MM) 641 and MM 648.7
Knoxville, TN.

(b) Effective date. This special local
regulation is effective from 9 a.m.
through 1 p.m. on September 17, 2017.

(c) Special local regulations. In
accordance with the general regulations
in § 100.801 of this part, entry into this
area is prohibited unless authorized by
Captain of the Port Sector Ohio Valley
(COTP) or a designated representative.
Vessels are not permitted to transit
through or within the area while
swimmers are in the water from 9 a.m.
through 1 p.m.

(d) Informational broadcasts. The
COTP or a designated representative
will inform the public through Local
Notice to Mariners and Broadcast
Notices to Mariners of the enforcement
period for the special local regulation,
as well as any changes in the planned
schedule.


M.A. Wike,
Commander, U.S. Coast Guard, Acting
Captain of the Port, Sector Ohio Valley.

[FR Doc. 2017–18674 Filed 9–1–17; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0343]

RIN 1625–AA09

Drawbridge Operation Regulation;
Atlantic Intracoastal Waterway, Little
River to Savannah River, Beaufort, SC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying
the operating schedule that governs
the Lady’s Island Bridge, across the Beaufort
River, Mile 536.0 at Beaufort, SC. This
modification allows Lady’s Island
Bridge to remain closed during peak
vehicular traffic times. The bridge
owner, South Carolina Department of
Transportation, requested this action to
assist in reducing traffic caused by
bridge openings.

DATES: This rule is effective October 5,
2017.

ADDRESSES: To view documents
mentioned in this preamble as being
available in the docket, go to http://
www.regulations.gov, type USCG–2015–
0343 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 Ms. Jennifer Zercher at telephone
305–415–6740, email
jennifer.n.zercher@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
The Coast Guard is amending 33 CFR 117.911(f). This regulation would modify timeframes the bridge may remain closed. It would extend the morning closure period, when the bridge is authorized to remain closed, by an additional half hour and the afternoon closure period by an additional hour. It would also set an hourly opening schedule between 9 a.m. and 3 p.m. when the Bridge will open on the hour, thereby reducing openings from twice an hour to once an hour during daytime hours. Monday through Friday, except Federal holidays. This regulation would reduce vehicle backups without unreasonably restricting vessel traffic, thereby balancing the needs of both modes of transportation. No changes to the existing regulation will be implemented during the months of April, May, October and November because higher vessel traffic volumes exist during these time periods. At all other times, this bridge will open on signal.

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 protesters.

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, it 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 ability that vessels can still transit the bridge during scheduled openings. Additionally, the modified schedule will not apply during April, May, October, and November when transient season increases vessel traffic.

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 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 bridge may be small entities, for the reasons stated in section V.A above this final rule would 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, 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 calls 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 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.

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 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 preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

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. In § 117.911, revise paragraph (f) to read as follows:

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

(f) The Lady’s Island Bridge (Woods Memorial), across the Beaufort River, Mile 536.0 at Beaufort. The draw shall operate as follows:

(1) On Monday through Friday, except Federal holidays:

(i) From 6:30 a.m. to 9 a.m. and 3 p.m. to 6 p.m., the draw need not open to navigation; and,

(ii) Between 9 a.m. to 3 p.m., the draw need open only on the hour.

(2) During the months of April, May, October, and November from Monday through Friday, except Federal holidays, the Lady’s Island Bridge (Woods Memorial) shall operate as follows:

(i) From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., the draw need not open to navigation; and,

(ii) Between 9 a.m. to 4 p.m., the draw need open only on the hour.

(3) At all other times the draw shall open on signal.


Peter J. Brown,
Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2017–18709 Filed 9–1–17; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0523]

RIN 1625–AA09

Drawbridge Operation Regulation; Rice Creek, Putnam County, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the CSX Railroad Bridge across the Rice Creek, mile 0.8, in Palatka, Putnam County, FL. This rule will change the existing open on demand during the day and 24 hour advance notice for a bridge opening during the night, to 24 hour advance notice for an opening at all times.

DATES: This rule is effective October 5, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to http://www.regulations.gov, type USCG–2016–0523. 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 email Mr. Eddie Lawrence, Coast Guard; telephone 305–415–6946, email Eddie.H.Lawrence@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
Pub. L. Public Law
§ Section

II. Background Information and Regulatory History

On November 11, 2016 we published a notice of proposed rulemaking (NPRM) entitled Operation Regulation; Rice Creek, Putnam County, FL in the Federal Register (81 FR 78952). We received 2 comments on this rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499. The CSX Railroad Bridge across the Rice Creek, mile 0.8, in Palatka, Putnam County, FL is a swing bridge. It has a vertical clearance of 2 feet at mean high water in the closed position and a horizontal clearance of 30 feet. Presently, in accordance with 33 CFR 117.324, the Rice Creek CSX Railroad Swing Bridge is required to open on signal for the passage of vessels from 8 a.m. to 4 p.m., daily. From 4:01 p.m. to 7:59 a.m., daily, the bridge shall open with a 24-hour advance notice to CSX.

On May 18th, 2015, CSX Transportation, the bridge owner, requested the Coast Guard consider allowing the CSX Railroad Bridge across Rice Creek to be converted from a movable bridge to a fixed bridge. Their request was made due to the minimal drawbridge openings requested over the past several years. The Coast Guard determined that converting the bridge to a fixed structure was not reasonable to