

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 100**

[Docket Number USCG–2017–0598]

RIN 1625–AA08

**Special Local Regulation; Gulf of Mexico; Englewood, FL**

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish special local regulation on the waters of the Gulf of Mexico in the vicinity of Englewood, Florida during the OPA World Championships High Speed Boat Race, an annually recurring event in the month of November. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on navigable waters of the United States during the event. The special local regulation will establish the following three areas: A race area where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; a spectator area where all vessels must be anchored or operate at No Wake Speed; and an enforcement area where designated representatives may control vessel traffic as determined by the prevailing conditions.

**DATES:** Comments and related material must be received by the Coast Guard on or before October 26, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2017–0598 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the

**SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Marine Science Technician First Class Michael D. Shackelford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email [Michael.d.shackelford@uscg.mil](mailto:Michael.d.shackelford@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  
 U.S.C. United States Code  
 COTP Captain of the Port

**II. Background Information and Regulatory History**

The Coast Guard proposes to establish a special local regulation on the waters of the Gulf of Mexico in the vicinity of Englewood, Florida during the OPA World Championships High Speed Boat Race. The race normally occurs annually from 9 a.m. to 5 p.m. on the third weekend of November (Friday, Saturday, and Sunday). Approximately 60 boats, ranging in length from 22 feet to 50 feet, traveling at speeds in excess of 77 miles per hour are expected to participate. Additionally, it is anticipated that 100 spectator vessels will be present along the race course.

This proposed rulemaking is necessary to provide for the safety of race participants, participant vessels, spectators, and the general public on these navigable waters of the United States during the OPA World Championships. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

**III. Discussion of Proposed Rule**

This proposed rulemaking would establish a special local regulation that will encompass certain waters of the Gulf of Mexico in Englewood, Florida. The special local regulation will be enforced daily from 9:00 a.m. until 5:00 p.m. during the race event. The special local regulation will establish the following three areas: (1) A race area where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; (2) a spectator area where all vessels must be anchored or operate at No Wake Speed; and (3) an enforcement area where designated representatives may control vessel traffic as determined by the prevailing conditions.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port (COTP) St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area 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. The Coast Guard will provide notice of the special local

regulations by Local Notice to Mariners and/or Broadcast Notice to Mariners.

**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 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 NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM 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.

The economic impact of this rule is not significant for the following reasons: (1) The special local regulation will be enforced for only eight hours on three days; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the regulated area or anchor in the spectator area, during the enforcement period if authorized by the COTP St. Petersburg or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and/or 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 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 would not have a

significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Gulf of Mexico encompassed within the special local regulation may be small entities, for the reasons stated in section IV.A above, this proposed 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 proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed 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 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. 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 proposed rule involves a special local regulation issued in conjunction with a regatta or marine parade. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.ID. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed 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.

### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comments can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this

document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

### 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 a Special Local Regulation § 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°21'11" 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°21'17" 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.

(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).

Dated: September 20, 2017.

**Holly L. Najarian,**

*Captain, U.S. Coast Guard, Captain of the Port Saint Petersburg.*

[FR Doc. 2017-20534 Filed 9-25-17; 8:45 am]

**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2017-0129; FRL-9967-64-Region 6]

**Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is amending our recent proposal to approve a revision to the Louisiana State Implementation Plan (SIP) for regional haze submitted for parallel processing on August 24, 2017. On July 13, 2017, we proposed to approve a SIP revision by the State of Louisiana through the Louisiana Department of Environmental Quality (LDEQ) to address certain Best Available Retrofit Technology requirements under Regional Haze for the Entergy R. S. Nelson facility (Nelson), which is an electric generating unit in Calcasieu Parish. We now amend that proposal, by proposing to approve a compliance date three years from the effective date of the final EPA approval of the SIP revision for Nelson to meet an emission limit for sulfur dioxide (SO<sub>2</sub>) emissions.

**DATES:** Written comments must be received on or before October 26, 2017.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA-R06-OAR-2017-0129, at <http://www.regulations.gov> or via email to [huser.jennifer@epa.gov](mailto:huser.jennifer@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Jennifer Huser, 214-665-7347, [huser.jennifer@epa.gov](mailto:huser.jennifer@epa.gov). For the full EPA

public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

*Docket:* The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available at either location (*e.g.*, CBI).

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Huser, 214-665-7347, [huser.jennifer@epa.gov](mailto:huser.jennifer@epa.gov). To inspect the hard copy materials, please schedule an appointment with Ms. Huser or Mr. Bill Deese at 214-665-7253.

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

**I. Background**

Regional haze is visibility impairment that is produced by a multitude of sources and activities which are located across a broad geographic area and emit fine particles (PM<sub>2.5</sub>) (*e.g.*, sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors. Fine particle precursors, such as SO<sub>2</sub>, react in the atmosphere to form PM<sub>2.5</sub>, which also impair visibility by scattering and absorbing light. The CAA's visibility protection program helps to protect clear views in national parks and wilderness areas identified as "Class I Federal areas" (CAA section 169A, 40 CFR 51 subpart P and 40 CFR 81 subpart D). Vistas in these areas are often obscured by visibility-impairing pollutants caused by emissions from numerous sources located over a wide geographic area. The program requires SIPs to address visibility-impairing pollutants. For more information on regional haze, visibility protection, and SIPs please see our May 19, 2017 and July 13, 2017 **Federal Register** proposals for Louisiana EGUs discussed below. These proposals can be accessed through [regulations.gov](http://regulations.gov) (docket EPA-R06-OAR-2017-0129).

On May 19, 2017, we published a proposal to approve a Louisiana SIP revision to address regional haze requirements for EGUs with the exception of the Entergy R. S. Nelson EGU (Entergy Nelson) in Calcasieu Parish (82 FR 22936). On July 13, 2017, we published a proposal to approve a proposed Louisiana SIP revision