

of the Port Columbia River or his designated representative.

(c) *Enforcement period.* This section will be enforced from 9 p.m. to 11:15 p.m. on June 22, 2019.

Dated: May 13, 2019.

**J.C. Smith,**

*Captain, U. S. Coast Guard, Captain of the Port, Sector Columbia River.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0325]

RIN 1625-AA00

#### Safety Zone; NW Natural PGM Site, Willamette River, Portland, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Willamette River. This action is necessary to provide for the safety of life on these navigable waters while Oregon Department of Environmental Quality oversees the construction of an engineered sediment cap and other remedial environmental actions. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 7, 2019.

**ADDRESSES:** You may submit comments identified by docket number USCG-2019-0325 using the Federal eRulemaking Portal at <https://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 about this proposed rulemaking, call or email LCDR Dixon Whitley, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503-240-9319, email [msupdxwmm@uscg.mil](mailto:msupdxwmm@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  
PGM Portland Gas Manufacturing  
§ Section  
U.S.C. United States Code

#### II. Background, Purpose, and Legal Basis

Oregon Department of Environmental Quality is overseeing the construction of an engineered sediment cap over contaminated sediments adjacent to the west bank of the Willamette River at approximate river mile 12.2 at the NW Natural Portland Gas Manufacturing (PGM) site. Geographically this location starts on the west bank of the Willamette River along the seawall approximately 100 yards south of the Steel Bridge. The construction of the engineered sediment cap and other remedial actions are scheduled to occur from July 8, 2019, through October 31, 2019.

The purpose of this rulemaking is to ensure the safety of personnel, vessels and the marine environment in the navigable waters within the construction area. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the construction of the engineered sediment cap and other remedial actions, will be a safety concern for anyone within a designated area surrounding the construction vessels and machinery. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

#### III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from July 8, 2019, through October 31, 2019. If the construction of the engineered sediment cap and remedial actions are completed before October 31, 2019, the COTP will issue general permission to enter the zone and a separate rule to terminate the effective period of the rule. The safety zone would cover all navigable waters adjacent to the NW Natural PGM site on the west bank of the Willamette River, surrounding the construction vessels and machinery. The construction area will be surrounded by a perimeter boom. Specific coordinates are listed in the regulatory text at the bottom of this document. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. If we issue a final rule in this rulemaking, because of the closeness of the start of construction, we may need to make it effective less than 30 days after publication in the **Federal Register**. If

we do that, we would explain our good cause for doing so in the final rule, as required by 5 U.S.C. 553(d)(3).

#### IV. Regulatory Analyses

We developed this proposed 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 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.

This regulatory action determination is based on the size, location and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Willamette River in Portland, OR for less than 4 months. Moreover, the Coast Guard will publish information regarding the safety zone in the Local Notice to Mariners and the rule allows vessels to seek permission to enter the zone.

##### 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 proposed 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 safety zone 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 proposed rule would 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 proposed 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 proposed 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 proposed 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 proposed 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 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 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 safety zone surrounding the vessels and machinery during the construction of an engineered sediment cap and other remedial actions. Normally such actions are 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 preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. 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 comment 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 <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <https://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website'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 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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.T13–0325 to read as follows:

#### § 165. T13–0325 Safety Zone; NW Natural PGM Site, Willamette River, Portland, OR

(a) *Location.* The following area is designated as a safety zone: All navigable waters of the Willamette River adjacent to the NW Natural PGM site on the west bank of the river, surrounding the construction vessels and machinery, encompassed by a line connecting these points: 45°31'36" N, 122°40'12.84" W; 45°31'36.36" N, 122°40'11.64" W; 45°31'32.58" N, 122°40'6.9" W; 45°31'31.68" N, 122°40'6.78" W; thence along the shoreline to 45°31'28.62" N, 122°40'10.14" W.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer

operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Columbia River in the enforcement of the safety zone.

(c) *Regulations.* Under the general safety zone regulations in subpart C of this part, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative.

(d) *Enforcement.* This section is effective from July 8, 2019, through October 31, 2019. It will be subject to enforcement this entire period unless the COTP, Columbia River determines it is no longer needed. The Coast Guard will inform mariners of any change to this period of when the safety zone will be subject to enforcement via Broadcast Notice to Mariners.

Dated: May 13, 2019.

J.C. Smith,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 62

RIN 2900-AQ40

#### Rental and Utility Assistance for Certain Low-Income Veteran Families

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) proposes to amend its regulations that govern the Supportive Services for Veteran Families (SSVF) Program. This proposed rule would enable grantees to augment available housing options for homeless veterans in high rent burden communities by increasing the rental assistance for up to two years before recertification. Conditions in some local housing markets such as low vacancy rates and higher costs have made it increasingly difficult to recruit landlords and help homeless veteran families find and sustain permanent housing. Providing enhanced rental assistance in these communities is necessary to help VA progress in its goal to end veteran homelessness.

**DATES:** Comments must be received on or before June 17, 2019.

**ADDRESSES:** Written comments may be submitted through [http://](http://www.Regulations.gov)

[www.Regulations.gov](http://www.Regulations.gov) by mail or hand-delivery to: Director, Office of Regulation Policy and Management (OOREG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273-9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to “RIN 2900AQ40—Rental and Utility Assistance for Certain Low-Income Veteran Families.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. (This is not a toll-free telephone number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** John Kuhn, Homeless Program Office, Supportive Services for Veteran Families Program Office, 810 Vermont Ave. NW, Washington, DC 20420; (202) 632-8596 (This is not a toll-free number.) [ssvf@va.gov](mailto:ssvf@va.gov).

**SUPPLEMENTARY INFORMATION:** VA proposes to revise its regulations that govern the Supportive Services for Veteran Families (SSVF) Program which is authorized under section 2044 of title 38 United States Code (U.S.C.). This section requires the Secretary to provide financial assistance to eligible entities, approved under this section to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing. VA implements the SSVF Program under the regulations in title 38 Code of Federal Regulations (CFR), Part 62. Through the SSVF Program, VA awards supportive services grants to private non-profit organizations or consumer cooperatives to provide and coordinate the provision of supportive services to very low-income veteran families who are occupying permanent housing. Pursuant to 38 CFR 62.11, there are three situations in which a very low-income veteran family is considered to be occupying permanent housing. The first possibility is if a family is residing in permanent housing at the risk of becoming homeless but for the grantee's assistance. The second possible situation is if a family is lacking a fixed, regular, and adequate nighttime residence; is at risk of remaining in that state if they do not receive grantee assistance; and is scheduled to become a resident of

permanent housing within 90 days pending the location or development of housing suitable for permanent housing. Finally, if a family is lacking a fixed, regular, and adequate nighttime residence after exiting permanent housing within the previous 90 days to seek other housing that is responsive to their needs and preferences, that very low-income family is considered to be occupying permanent housing. This rulemaking would extend the ability of SSVF grantees to provide rental assistance in areas where the limited availability of affordable housing makes it difficult to reduce a community's population of homeless veterans. Through the provision of these subsidies, the pool of available housing can be expanded as program participants have access to a broader rental market.

#### 62.34 Other Supportive Services

We propose to revise § 62.34 to allow grantees to provide greater rental assistance to very low and extremely low-income participants. This revision would permit grantees to provide a new rental subsidy for up to two years at a time, without the need for recertification, for homeless veteran families residing in areas where VA has determined that the cost and limited availability of affordable housing necessitates this benefit to promote housing stability. We believe that extremely low-income veteran families subsisting on an income that does not exceed 30 percent of the median income (as defined in § 62.2) face particularly high barriers to placement in or retention of permanent housing, and, therefore, should be eligible for a higher level of assistance relative to very-low income veteran families who subsist on an income that does not exceed 50 percent of the median income. Under this rule, VA would, therefore, provide different levels of rental subsidy assistance for these two groups by offering a longer duration of rental subsidy for extremely low-income households. Barriers to housing stability may be exacerbated by local economic conditions that severely restrict the availability of affordable housing. VA has received feedback from SSVF grantees stating that veteran families at lower levels of income are more difficult to reach and require more resources for the interventions authorized under this program to succeed, particularly in communities with a limited stock of affordable housing. Based on that feedback, we believe that the increased benefit authorized under the proposed rule would help ensure that grantees can be successful in supporting very