1610.1(d). If the adult wearing apparel is not exempt from testing under 16 CFR 1610.1(d), none of this policy, the enforcement discretion described in this policy nor the implications of such enforcement discretion shall apply. In addition, any misrepresentation or omission regarding the applicable facts or application of 16 CFR 1610.1(d) under the circumstances could subject the applicable firm to applicable compliance or enforcement action and potential civil and/or criminal penalties.

The Commission’s exercise of the enforcement discretion described in this policy is not intended to, does not and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party against the CPSC or otherwise against the United States government.


Todd A. Stevenson, Secretary, Consumer Product Safety Commission.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314–269–2332, email Sean.M.Peterson@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BNM Broadcast Notice to Mariners
CRFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
UMR Upper Mississippi River

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency finds good cause that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because Ameren notified the Coast Guard on February 17, 2016, that this work will require helicopters to stretch the power lines across the river. Due to the risks associated with this work crossing the navigable channel, a closure is needed. It would be impracticable to publish a NPRM because the safety zone must be established beginning March 21, 2016. Broadcast Notices to Mariners (BNM) and information sharing with waterway users will update mariners of the safety zone and enforcement times during the operations.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the Federal Register. Providing 30 days notice would be impracticable because immediate action is needed to protect vessels from the hazards associated with the rope crossing the navigable channel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The

COTP UMR has determined that potential hazards associated with using helicopters to stretch power lines across the navigable channel presents safety concerns for anyone within this limited area of the UMR. This rule provides additional safety measures, to protect persons and vessels, in the form of a safety zone from mile 321.4 to mile 321.6 on the UMR to protect those in the area and for the Coast Guard to maintain navigational safety.

IV. Discussion of the Rule

The Coast Guard is establishing a temporary safety zone prohibiting access to the UMR from mile 321.4 to mile 321.6, extending the entire width of the river from 7:00 a.m. until 5:00 p.m. daily beginning on March 21, 2016 and scheduled to end on April 1, 2016, or until conditions allow for safe navigation, whichever occurs earlier. Deviation from the safety zone may be requested and will be considered on a case-by-case basis as specifically authorized by the COTP or a designated representative. The COTP may be contacted by telephone at 314–269–2332 or can be reached by VHF–FM channel 16.

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 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 rule establishes a temporary safety zone limiting access to the UMR from mile 321.4 to mile 321.6. Notifications of enforcement times will be communicated to the marine community via BNM. The impacts on navigation will be limited to ensure the safety of mariners and vessels during the period that the helicopters will be pulling the power lines across the navigational channel. Deviation requests
will be reviewed and considered on a case-by-case basis.

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 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 safety zone may be small entities, for the reasons stated in section V.A. above, this rule will 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 section.

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 the actions of 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 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 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 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 safety zone on the UMR from mile 321.4 to mile 321.6. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are 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 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 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

§ 165.01–0155 Safety Zone; Upper Mississippi River 321.4 to 321.6; Quincy, IL.

(a) Location. The following area is a safety zone: All waters of the Upper Mississippi River mile 321.4 to 321.6, extending the entire width of the river.

(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 Upper Mississippi River (COTP) in the enforcement of the safety zone.

(c) Regulations. (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative via VHF–FM channel 16, or through Coast Guard Sector Upper Mississippi River at 314–269–2332. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(d) Effective and enforcement period. This rule is effective and will be enforced from 7:00 a.m. until 5:00 p.m. daily beginning on March 21, 2016 through April 1, 2016.

M.L. Malloy,
Captain, U.S. Coast Guard, Captain of the
Port Upper Mississippi River.

[Bsport Doc. 2016–05388 Filed 3–9–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE
Forest Service
36 CFR Part 242

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 100

FXRS126100000–156–FF07J00000; FBMS
50 CFR Part 100

RIN 1018–BA82
Subsistence Management Regulations
for Public Lands in Alaska; Rural
Determination Process
AGENCY: Forest Service, Agriculture;
Fish and Wildlife Service, Interior.

ACTION: Affirmation of direct final rule.

SUMMARY: The Federal Subsistence
Board is adopting, without change, a
direct final rule that revised the list of
areas in Alaska determined to be
nonrural for purposes of the Federal
Subsistence Program to the list that
existed prior to 2007. Accordingly, the
community of Saxman and the area of
Prudhoe Bay were removed from the
nonrural list. The following areas
continue to be nonrural, but their
boundaries returned to their previous
borders: The Kenai Area; the Wasilla/
Palmer area; the Homer area; and the
Ketchikan area. Because we received no
substantive adverse comments on the
direct final rule, it is now effective.

DATES: The direct final rule published at
80 FR 68245 on November 4, 2015, was
effective December 21, 2015.

ADDITIONAL INFORMATION CONTACT:
Chair, Federal Subsistence Board, c/o
U.S. Fish and Wildlife Service,
Attention: Eugene R. Peltola, Jr., Office
of Subsistence Management, (907) 786–
3888 or subsistence@fws.gov. For
questions specific to National Forest
System lands, contact Thomas Whitford,
Regional Subsistence Program Leader,
USDA, Forest Service, Alaska Region;
(907) 743–9461 or twwhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska
National Interest Lands Conservation
Act (ANILCA) (16 U.S.C. 3111–3126), the
Secretary of the Interior and the
Secretary of Agriculture (Secretaries)
jointly implement the Federal
Subsistence Management Program
(Program). This program provides a
preference for take of fish and wildlife
resources for subsistence uses on
Federal public lands and waters in Alaska. Only residents of areas
identified as rural are eligible to
participate in the Program on Federal
public lands in Alaska. Because this
program is a joint effort between Interior
and Agriculture, these regulations are
located in two titles of the Code of
Federal Regulations (CFR): Title 36,
“Parks, Forests, and Public Property,”
and Title 50, “Wildlife and Fisheries,”
at 36 CFR 242.1–242.28 and 50 CFR
100.1–100.28, respectively.

Consistent with these regulations, the
Secretaries established a Federal
Subsistence Board (Board) comprising
Federal officials and public members to
administer the Program. One of the
Board’s responsibilities is to determine
which communities or areas of the State
are nonrural. The Secretaries also
divided Alaska into 10 subsistence
resource regions, each of which is
represented by a Regional Advisory
Council (Council). The Council
members represent varied geographical,
cultural, and user interests within each
region. The Councils provide a forum
for rural residents with personal
knowledge of local conditions and
resource requirements to have a
meaningful role in the subsistence
management of fish and wildlife on
Federal public lands in Alaska.

Related Rulemaking

The Secretaries published a final rule
(80 FR 68249; November 4, 2015) that
sets forth a new process by which the
Board will make rural determinations
(“Subsistence Management Regulations
for Public Lands in Alaska; Rural
Determination Process”).

Until promulgation of the rule
mentioned above, Federal subsistence
regulations at 36 CFR 242.15 and 50
CFR 100.15 had required that the rural
or nonrural status of communities or
areas be reviewed every 10 years,
beginning with the availability of the
2000 census data. In addition, criteria
for aggregation of communities and
population thresholds were listed. On
May 7, 2007, the Board published a
final rule that revised the list of nonrural
areas (72 FR 25688), and the rule
included a compliance date of May 7,
2012.

On October 23, 2009, Secretary of the
Interior Ken Salazar announced the
initiation of a Departmental review of
the Federal Subsistence Management
Program in Alaska; Secretary of
Agriculture Tom Vilsack later concurred
with this course of action. The
Secretaries announced the findings of
the review, which included several
proposed administrative and regulatory
reviews and/or revisions to strengthen
the Program and make it more
responsive to those who rely on it for
their subsistence uses. One proposal
called for a review, with Council input,
of the rural determination process and,
if needed, recommendations for
regulatory changes.

The Board met on January 20, 2012,
and, among other things, decided to
extend the compliance date of its 2007
final rule on rural determinations. A
final rule published March 1, 2012 (77
FR 12477), that extended the
compliance date until either the rural
determination process and findings
review were completed or 5 years,
whichever came first. The 2007
regulations have remained in titles 36
and 50 of the CFR unchanged since their
effective date.

The Board followed that action with a
request for comments and
announcement of public meetings (77
FR 77005; December 31, 2012) to receive
public, Tribal, and Alaska Native
Corporation input on the rural
determination process. At their fall 2013
meetings, the Councils provided a
public forum to hear from residents of
their regions, deliberate on the rural
determination process, and provide
recommendations for changes to the
Board. The Board also held hearings in
Barrow, Ketchikan, Sitka, Kodiak,
Bethel, Anchorage, Fairbanks, Kotzebue,
Nome, and Dillingham to solicit
comments on the rural determination
process, and public testimony was
recorded. Government-to-government
tribal consultations on the rural
determination process were held
between members of the Board and
Federally recognized Tribes of Alaska.
Additional consultations were held
between members of the Board and
Alaska Native Corporations.

Altogether, the Board received 475
substantive comments from various
sources, including individuals,
members of the Councils, and other
entities or organizations, such as Alaska
Native Corporations and borough
governments. In general, this
information documents a widespread
dissatisfaction with the current rural
determination process.