Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this extension of the temporary scheduling action. In the alternative, even assuming that this action might be subject to section 553 of the APA, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety. Further, the DEA believes that this final order extending the temporary scheduling action is a “rule” as defined by 5 U.S.C. 601(2), and, accordingly, is subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, on or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. 5 U.S.C. 808(2). It is in the public interest to maintain the temporary placement of PB-22, 5F-PB-22, AB-FUBINACA and ADB-PINACA in schedule I because they pose a public health risk. The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. The DEA understands that the CSA frames temporary scheduling actions as orders rather than rules to ensure that the process moves swiftly, and this extension of the temporary scheduling order continues to serve that purpose. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to place these substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order. Therefore, in accordance with section 808(2) of the CRA, this final order extending the temporary scheduling order shall take effect immediately upon its publication. The DEA has submitted a copy of this final order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act), 5 U.S.C. 801–808 because, as noted above, this action is an order, not a rule.


Chuck Rosenberg,
Acting Administrator.

[FR Doc. 2016–02308 Filed 2–4–16; 8:45 am]
BILLING CODE 4410–09–P

DEPARTMENT OF LABOR
Occupational Safety and Health Administration
29 CFR Part 1952
RIN 1218–AC97
Maine State Plan for State and Local Government Employers
AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: This document announces the publication of the regulatory provisions which formalize the initial approval of the Maine State and Local Government Only State Plan.

DATES: Effective February 5, 2016. Initial approval of the Maine State Plan was granted on August 5, 2015.

FOR FURTHER INFORMATION CONTACT: For press inquiries: Contact Francis Meilinger, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email meilinger.francis2@ dol.gov.

For general and technical information: Contact Douglas J. Kalinowski, Director, OSHA Directorate of Cooperative and State Programs, Room N–3700, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2200; email kalinowski.doug@dol.gov.

SUPPLEMENTARY INFORMATION:
A. Background:

On May 20, 2015, OSHA published a notice in the Federal Register (80 FR 28890) concerning the submission of the Maine State and Local Government Only State Plan, announcing that initial Federal approval of the Plan was at issue, and offering interested parties an opportunity to review the Plan and submit data, views, arguments or requests for a hearing concerning the Plan. No comments were received.

OSHA, after carefully reviewing the Maine State Plan for the development and enforcement of state standards applicable to state and local government employers and the record developed during the above described proceedings, determined that the requirements and criteria for initial approval of a developmental State Plan were met. The Plan was approved as a developmental State Plan for State and Local Government Only under Section 18 of the OSH Act on August 5, 2015. (80 FR 46487).

B. Notice of Publication of the Regulatory Description of the Maine State Plan:

In light of the reorganization of the State Plan regulations through the streamlining of 29 CFR part 1952 and 29 CFR part 1956, OSHA deferred any change to those regulatory provisions relating to the Maine State Plan until the streamlining changes took effect. (80 FR 46487, 46492). These streamlining changes took effect October 19, 2015. (80 FR 49897, Aug. 18, 2015). Therefore OSHA is now amending 29 CFR part 1952 to incorporate the description of the Maine State Plan.

C. Regulatory Flexibility Act

OSHA certifies pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) that the initial approval of the Maine State Plan will not have a significant economic impact on a substantial number of small entities. By its own terms, the Plan will have no effect on private sector employment, but is limited to the state and its political subdivisions. Moreover, Title 26, Labor and Industry, of the Maine Revised Statutes was enacted in 1971. This legislation established the Board, whose purpose is to formulate rules that shall, at a minimum, conform with Federal standards of occupational
safety and health, so the state program could eventually be approved as a State
and Local Government Only State Plan.
Since 1971 the Maine program for
public employers has been in operation
under the Maine Department of Labor
with state funding and all state and
local government employers in the state
have been subject to its terms.
Compliance with state OSHA standards
is required by state law; Federal
approval of a State Plan imposes
regulatory requirements only on the
agency responsible for administering the
State Plan. Accordingly, no new
obligations would be placed on public
sector employers as a result of Federal
approval of the Plan.

D. Federalism

Executive Order 13132, “Federalism,”
emphasizes consultation between
Federal agencies and the states and
establishes specific review procedures
the Federal Government must follow as
it carries out policies that affect state or
local governments. OSHA has consulted
to consult extensively with Maine throughout the
development, submission and
consideration of its State Plan. Although
OSHA has determined that the
requirements and consultation
procedures provided in Executive Order
13132 are not applicable to initial
approval decisions under the OSH Act,
which have no effect outside the
particular state receiving the approval,
OSHA has reviewed this final rule, and
believes it is consistent with the
principles and criteria set forth in the
Executive Order.

E. Administrative Procedures

This Federal Register document is
designated a “final rule.” That
designation is necessary because OSHA
publishes a description of every state
plan in 29 CFR part 1952. Because they
are set forth in the Code of Federal
Regulations, these descriptions can be
added or updated only by publishing a
“final rule” document in the final rules
section of the Federal Register. Such
rules do not contain any new Federal
regulatory requirements, but merely
provide public information about the
state plan.

Today’s action is solely a
formalization of the initial approval of
the Maine State Plan, which was
granted on August 5, 2015 (80 FR
46487).

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law
enforcement, Occupational safety and health.

Authority and Signature

David Michaels, Ph.D., MPH,
Assistant Secretary of Labor for
Occupational Safety and Health, U.S.
Department of Labor, 200 Constitution
Ave. NW., Washington, DC, authorized
the preparation of this notice. OSHA is
issuing this notice under the authority
specified by Section 18 of the
Occupational Safety and Health Act of
1970 (29 U.S.C. 667), Secretary of
Labor’s Order No. 1–2012 (77 FR 3912),
and 29 CFR parts 1902 and 1956.

Signed in Washington, DC, on January 29,
2016.

David Michaels,
Assistant Secretary of Labor for
Occupational Safety and Health.

Amendments to Regulation

For the reasons set forth in the
preamble of this final rule, 29 CFR part
1952 is amended as set forth below.

PART 1952—APPROVED STATE
PLANS FOR ENFORCEMENT OF
STATE STANDARDS

1. The authority citation for part 1952
continues to read as follows:

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C.
667); 29 CFR part 1902; Secretary of Labor’s

Subpart B—List of Approved State
Plans for State and Local Government
Employees

2. Add § 1952.28 to read as follows:

§ 1952.28 Maine.

(a) The Maine State Plan for State and
local government employees received
initial approval from the Assistant
Secretary on August 5, 2015.

(b) The Plan further provides
assurances of a fully trained, adequate
staff within three years of plan approval,
including 2 safety and 1 health
compliance officers for enforcement
inspections, and 3 safety and 1 health
consultants to perform consultation
services in the public sector. The State
has assured that it will continue to
provide a sufficient number of
adequately trained and qualified
personnel necessary for the enforcement
of standards as required by 29 CFR
1956.10. The State has also given
satisfactory assurance of adequate
funding to support the Plan.

(c) The plan only covers State and
local government employers and
employees within the State. For
additional details about the plan, please
visit https://www.osha.gov/dcsp/osp/
stateprogs/maine.html.

[FR Doc. 2016–02009 Filed 2–4–16; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND
SECURITY

Coast Guard
33 CFR Part 117
[Docket No. USCG–2016–0046]

Drawbridge Operation Regulation;
Atlantic Intracoastal Waterway, South
Branch of the Elizabeth River,
Portsmouth-Chesapeake, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from
drawbridge regulation.

SUMMARY: The Coast Guard has issued a
temporary deviation from the operating
schedule that governs the Norfolk and
Western railroad bridge (Norfolk
Southern V6.8 Bridge) across the South
Branch of the Elizabeth River, mile 3.6,
at Portsmouth-Chesapeake, VA. The
deviation is necessary to perform bridge
maintenance and repairs. This deviation
allows the bridge to remain in the
closed-to-navigation position.

DATES: This deviation is effective from
7 a.m. on February 5, 2016 to 7 p.m.
on February 7, 2016.

ADDRESSES: The docket for this
deviation [USCG–2016–0046] is
Type the docket number in the
“SEARCH” box and click “SEARCH”.
Click on Open Docket Folder on the line
associated with this deviation.

FOR FURTHER INFORMATION CONTACT:
If you have questions on this temporary
deviation, call or email Hal R. Pitts,
Bridge Administration Branch Fifth
District, Coast Guard, telephone 757–
398–6222, email Hal.R.Pitts@uscg.mil.

SUPPLEMENTARY INFORMATION:
The Norfolk Southern Corporation, that
owns and operates the Norfolk and
Western railroad bridge (Norfolk
Southern V6.8 Bridge), has requested a
temporary deviation from the current
operating regulations to install new
fesston systems between the bridge
jonse and the Elizabeth River is used by a variety of vessels
including deep draft ocean-going