

# Rules and Regulations

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2016–0733]

RIN 1625–AA08

#### Special Local Regulation; International Jet Sports Boating Association; Lake Havasu City, AZ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement date of the special local regulation for the annual International Jet Sports Boating Association event held on the navigable waters of the Colorado River near Lake Havasu City, Arizona. The change of enforcement date for the special local regulation is necessary to provide for the safety of life on navigable waters during the event. This action will restrict vessel traffic in the waters of the Colorado River near Lake Havasu, Arizona, from 6:30 a.m. to 6:30 p.m. from October 1, 2016, to October 9, 2016. We invite your comments on this proposed rulemaking.

**DATES:** This rule is effective from October 1, 2016, through October 9, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2016–0733 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Randolph Pahilanga, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard;

telephone 619–278–7656, email [D11MarineEventsSD@uscg.mil](mailto:D11MarineEventsSD@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
TFR Temporary Final Rule  
BNM Broadcast Notice to Mariners  
LNM Local Notice to Mariners  
COTP Captain of the Port

##### II. Regulatory Information

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 as there is not enough time to complete notice and comment rulemaking before the event is scheduled to take place. For this reason, publishing an NPRM would be impracticable.

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**. This rule is necessary for the safety of life during the high-speed boat race on these navigable waters. For the reasons above, it would be impracticable to delay this rule to provide a full 30 days notice.

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

The International Jet Sports Boating Association race is an annual recurring event listed in Table 1, Item 10 of 33 CFR 100.1102, Annual Marine Events on the Colorado River for the San Diego COTP Zone. Special local regulations exist for the marine event to allow for special use of the Colorado River waterway for ten days. 33 U.S.C. 1233, authorizes the Coast Guard to establish and define special local regulations to promote the safety of life on navigable waters during regattas or marine parades. The enforcement date and

regulated location for this marine event are listed in Table 1, Item 10 of Section 100.1102. While the date listed in the Table indicates that the marine event will occur on the second Saturday to the third Sunday in October, the dates for the event this year are Saturday, October 1, 2016 through Sunday, October 9, 2016. Therefore, a temporary rule change is needed to reflect the actual date of the event.

##### IV. Discussion of Proposed Rule

In this temporary final rule, the regulations in 33 CFR 100.1102 will be temporarily suspended for Table 1, Item 10 of that Section and a temporary regulation will be inserted as Table 1, Item 20 of that Section in order to reflect that the special local regulation will be effective and enforced from 6:30 a.m. to 6:30 p.m. from October 1, 2016 to October 9, 2016. This change is needed to accommodate the sponsor’s event plan and to ensure that adequate regulations are in place to protect the safety vessels and individuals that may be present in the regulated area. No other portion of Table 1 of Section 100.1102 or other provisions in Section 100.1102 shall be affected by this regulation.

The special local regulations are necessary to provide for the safety of the crew, spectators, participants, and other vessels and users of the Colorado River waterway. Persons and vessels will be prohibited from anchoring, blocking, loitering, or impeding within this regulated waterway unless authorized by the COTP, or his designated representative, during the proposed times. Before the effective period, the Coast Guard will publish information on the event in the weekly LNM. The proposed regulatory text appears at the end of this document.

##### V. Regulatory Analysis

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, the rule has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. Vessel traffic will be able to safely transit around this area which would impact a small designated area of the Colorado River. Moreover, the Coast Guard would publish a Local Notice to Mariners about the zone, and the rule will allow vessels to seek permission to enter the zone.

#### *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 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. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the impacted portion of the Colorado River, Lake Havasu, Arizona, from 6:30 a.m. to 6:30 p.m. from October 1, 2016 to October 9, 2016.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic will be allowed to pass through the zone with permission of the COTP, or his designated representative and the special local regulation is limited in size and duration. The Coast Guard will issue maritime advisories widely available to all waterway users. Before the effective period, the Coast Guard will publish event information on the Internet in the weekly LNM marine information report. 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 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 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 E.O. 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 determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 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

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.ID, 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 establishment of marine event special local regulations on the navigable waters of the Colorado River. It is categorically excluded from further review under paragraph 34(h) 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 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, and 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. In § 100.1102, in Table 1 to § 100.1102, suspend item “10” and add temporary item “20” to read as follows:

**§ 100.1102 Annual Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona).**

\* \* \* \* \*

TABLE 1 TO § 100.1102

20. IJSBA World Finals

Sponsor .....	International Jet Sporting Association (IJSBA).
Event Description .....	Personal Watercraft Race.
Date .....	October 1, 2016 through October 9, 2016.
Location .....	Lake Havasu City, AZ.
Regulated Area .....	The navigable waters of Lake Havasu, AZ in the area known as Crazy Horse Campgrounds.

Dated: September 6, 2016.  
**E.M. Cooper,**  
*Commander, U.S. Coast Guard, Acting,  
 Captain of the Port San Diego.*  
 [FR Doc. 2016-22611 Filed 9-19-16; 8:45 am]  
**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG-2016-0877]

**Drawbridge Operation Regulation; Willamette River, Portland, OR**

**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 three Multnomah County, Oregon bridges: the Broadway Bridge; the Burnside Bridge; and the Hawthorne Bridge; all crossing the Willamette River at Portland, OR. The deviation is necessary to accommodate the Portland Marathon foot race event. This deviation allows the bridges to remain in the closed-to-navigation position to allow for the safe movement of event participants.

**DATES:** This deviation is effective from 5 a.m. to 3 p.m. on October 9, 2016.

**ADDRESSES:** The docket for this deviation, [USCG-2016-0877] is available at <http://www.regulations.gov>. 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 Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; Telephone 206-220-7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Multnomah County, Oregon has requested a temporary deviation from

the operating schedule for the Broadway Bridge, mile 11.7; Burnside Bridge, mile 12.4; and Hawthorne Bridge, mile 13.1; all crossing the Willamette River at Portland, OR. The deviation is necessary to accommodate Portland Marathon participants' safe movement over the bridges. To facilitate this event, the draws of these bridges will be maintained as follows: The Broadway Bridge provides a vertical clearance of 90 feet in the closed-to-navigation position; the Burnside Bridge provides a vertical clearance of 64 feet in the closed-to-navigation position; and the Hawthorne Bridge provides a vertical clearance of 49 feet in the closed-to-navigation position; all clearances are referenced to the vertical clearance above Columbia River Datum 0.0. The normal operating schedule for all three bridges is in 33 CFR 117.897.

The deviation period is from 5 a.m. until 3 p.m. on October 9, 2016. Waterway usage on the Willamette River ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the Broadway Bridge, the Burnside Bridge, and the Hawthorne Bridge in the closed-to-navigation position may do so at anytime. These bridges will be able to open for emergency vessels in route to a call. The Willamette River has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 9, 2016.  
**Steven M. Fischer,**  
*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2016-22548 Filed 9-19-16; 8:45 am]  
**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R07-OAR-2016-0407; FRL-9952-55-Region 7]

**Partial Approval and Partial Disapproval of Implementation Plans; State of Iowa; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard (NAAQS)**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to partially approve and partially disapprove elements of the State Implementation Plan (SIP) submission from the State of Iowa addressing the applicable requirements of the Clean Air Act (CAA) section 110 for the 2008 ozone NAAQS. Section 110 requires that each state adopt and submit a SIP to support the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by the EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

**DATES:** This final rule is effective on October 21, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2016-0407. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically at