

preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it will 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.

#### 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 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 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 rule involves the establishment of a special local regulation lasting eight hours on a Saturday in April. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist and 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, 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 § 100.35T08–0189 to read as follows:

#### § 100.35 T08–0189 Special Local Regulation; Lake Ferguson, Greenville, MS.

(a) *Regulated area.* (1) A regulated area is established to encompass all waters of Lake Ferguson, in the vicinity of the Greenville Boat Launch, within an area starting from a point on shore at 33°24.83' N., 091°03.95' W., proceeding approximately 150 yards WNW into the lake at 33°24.88' N., 091°04.02' W., then proceeding approximately 390 yards SSW to 33°24.71' N., 091°04.15' W., then proceeding 160 yards ESE to a point on shore at 33°24.67' N., 091°04.07' W., before returning NNE along the shoreline to the point of origin.

(2) A spectator zone will be established in Lake Ferguson, west-northwest of the regulated area to the state line.

(b) *Effective period.* This section is effective and will be enforced from 8 a.m. until 4 p.m. on April 22, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.801 of this part, all vessels, mariners, and persons are prohibited from entering the event area, without permission of the Captain of the Port Memphis (COTP) or an on-scene representative. All vessel operators desiring to operate in the event area of this special local regulation must contact the COTP or an on-scene representative to request permission to do so. The COTP or may be contacted via VHF Channel 16 or by telephone at 1–866–777–2784. An on-scene representative may be a commissioned, warrant, or petty officer of the United States Coast Guard or a federal, state or local law enforcement officer.

(2) During enforcement, all Vessels transiting Lake Ferguson through the spectator zone will be limited to slowest speed for safe navigation to minimize

wake unless specifically authorized by the COTP or an on-scene representative.

(d) *Informational broadcasts.* The COTP will inform the public through broadcast notices to mariners of the enforcement period for the regulated area as well as any changes in the dates and times of enforcement.

Dated: March 31, 2017.

**T.J. Wendt,**

*Captain, U.S. Coast Guard, Captain of the Port, Memphis, Tennessee.*

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2017–0225]

#### Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from drawbridge regulation; modification.

**SUMMARY:** The Coast Guard has modified a temporary deviation from the operating schedule that governs the I695 Bridge, at mile 1.0, across Curtis Creek, Baltimore, MD. This modified deviation is necessary to remove, repair and replace the inner and outer loop locking bar and couplings. This deviation allows the bridge to remain in the closed-to-navigation position.

**DATES:** This modified deviation is effective without actual notice from April 18, 2017 through 7 p.m. on May 5, 2017. For the purposes of enforcement, actual notice will be used from 6:00 a.m. on April 10, 2017, until April 18, 2017.

**ADDRESSES:** The docket for this deviation, [USCG–2017–0225] 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. Martin Bridges, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6422, email [Martin.A.Bridges@uscg.mil](mailto:Martin.A.Bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** On March 27, 2017, the Coast Guard published a temporary deviation entitled “Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD” in the

**Federal Register** (82 FR 15137). Under that temporary deviation, the bridge will remain in the closed-to-navigation position from 6 a.m. on April 10, 2017, through 7 p.m. on April 15, 2017. The Maryland Transportation Authority, who owns and operates the I695 Bridge across Curtis Creek, mile 1.0, at Baltimore, MD, has requested a modified temporary deviation from the current operating regulation set out in 33 CFR 117.557, to remove, repair, and replace the inner and outer loop locking bar and couplings. This modified temporary deviation serves to replace the previous temporary deviation in the **Federal Register** (82 FR 15137), immediately upon its publication into the **Federal Register**.

Under this modified temporary deviation, the bridge will remain in the closed-to-navigation position from 6 a.m. to 7 p.m., from April 10, 2017, through April 17, 2017, and from May 1, 2017, through May 5, 2017. The bridge will open on signal if at least 24 hours notice is given from 7 p.m. to 6 a.m., from April 10, 2017, through April 17, 2017, and from May 1, 2017, through May 5, 2017. At all other times the bridge will operate per 33 CFR 117.557. The drawbridge has two spans, each with double-leaf bascule draws, and both spans have a vertical clearance in the closed-to-navigation position of 58 feet above mean high water.

Curtis Creek is used by military vessels, recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge spans will not be able to open in case of an emergency and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators 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 effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 12, 2017.

**Hal R. Pitts,**

*Bridge Program Manager, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0066]

RIN 1625-AA00

#### Safety Zone; 2017 Key West Paddle Classic, Key West, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary moving safety zone on the waters surrounding Key West, Florida, during the 2017 Key West Paddle Classic, a paddle board race event. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the general public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Key West or a designated representative.

**DATES:** This rule is effective from 7:30 a.m. until 3 p.m. on April 29, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0066 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 Lieutenant Scott Ledee, Waterways Management Division Chief, Sector Key West, FL, U.S. Coast Guard; telephone (305) 292-8768, email [SKWWaterways@uscg.mil](mailto:SKWWaterways@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

COTP Captain of the Port  
 CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 § Section  
 U.S.C. United States Code

## II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final 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 for good cause finds 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 doing so would be impracticable and contrary to the public interest. The event is scheduled to take place on April 29th and the safety zone must be in effect on that date in order to serve its purpose of ensuring the safety of the public from hazards associated with paddle events. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register** for the same reasons stated in the preceding paragraph.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 33 U.S.C. 1231. The purpose of the rule is to ensure the safety of the event participants, the general public, vessels and the navigable waters surrounding Key West, Florida, during the 2017 Key West Paddle Classic event.

## IV. Discussion of the Rule

This rule establishes a safety zone on certain navigable waters surrounding Key West, Florida, during the 2017 Key West Paddle Classic event. The moving safety zone encompasses all waters within 50 yards in front of the lead safety vessel preceding the first event participants, 50 yards behind the safety vessel trailing the last event participants, and at all times extend 100 yards on either side of safety vessels. The event course begins at Higgs Beach in Key West, Florida, moves west to the area offshore of Fort Zach State Park, north through Key West Harbor, east through Fleming Key Cut, south through Cow Key Channel, and west returning back to Higgs Beach. The event is scheduled to take place from 7:30 a.m. to 3 p.m. on April 29, 2017. Approximately 200 paddle boarders and six safety vessels are anticipated to