

approved by the manufacturer and its DAPIA. Such Foundation designs are to comply with the provisions of the ASCE 32 Standard or with accepted engineering practice that will result in comparable performance to the frost protection afforded by the ASCE 32 Standard.

- Save documentation of all of the above and provide to the LAHJ for verification as required.

- For designs that rely on well-drained sites and use of fill materials to frost depth that are non-frost susceptible, verify the following before initiating installation:

- The slab base and foundation fill materials are specified by the engineer or architect of record as non-frost susceptible such as clean gravel or crushed rock or other suitable material with no more than 6% fines by mass passing a #200 sieve per ASTM D442 test method. Non-frost susceptible subgrade materials are to be filled from the frost depth to the slab base for the entire extent of the slab plus any over dig.

- The water table condition of the site has been assessed by the engineer or architect of record and documentation provided of the water table being at least two feet below the determined frost depth. Alternatively, this determination can be made using soil borings as described above.

- If the water table is higher than two feet below the determined frost depth, a network of drainage pipe sloped to drain to daylight or an engineered drainage system should be placed at the base of non-frost-susceptible fill (*e.g.*, clean gravel or crush rock) placed to a depth equal to the local frost depth.

- Save documentation of all of the above and provide to the LAHJ for verification as required.

#### *Installation Phase:*

- Excavate area under foundation or slab to frost depth or only to the bottom of the non-frost-susceptible base layer if existing soils have been determined to be non-frost susceptible down to frost depth during the pre-installation preparation phase (see above).

- Place foundation drains sloped to drain to daylight or an engineered drainage system at the bottom of the non-frost-susceptible base or fill material layer.

- Place the non-frost-susceptible fill and base materials, compacting as required by the manufacturer's installation instructions and/or the engineer or architect of record. Do not initiate fill placement where compaction requirements and methods are not specified. Obtain compaction requirements, as needed, from the

engineer or architect of record. The minimum requirement is 90% compaction per 24 CFR 3285.201 although the engineer or architect of record or LAHJ may require a higher compaction level based on the fill material used.

- Construct the alternative foundation system in accordance with the manufacturer's installation instructions or according to the manufacturer and DAPIA approved installation instructions and plans.

- Backfill as needed and grade the site as required for drainage:

- Slope grade a minimum of 1/2-inch per foot for a minimum distance of 10 feet away from the home perimeter.

**Note:** The above procedures also apply to designs where a monolithic slab is not used and pier footing pads are placed directly on non-frost-susceptible soils or fill materials (*e.g.*, clean gravel or crushed rock) to the determined frost depth.

This Interpretative Bulletin is issued pursuant to 24 CFR 3285.2 and 3285.312(b) of HUD's Model Manufactured Home Installation Standards.

Dated: June 15, 2017.

**Genger Charles,**

*General Deputy Assistant Secretary for Housing.*

[FR Doc. 2017-12964 Filed 6-20-17; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0200]

**RIN 1625-AA00**

#### **Safety Zone; Cleveland Dragon Boat Festival, Lake Erie, Cleveland, OH**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone on Lake Erie, Cleveland, OH. This safety zone is intended to restrict vessels from a portion of the Cleveland Inner Harbor on Lake Erie during the Cleveland Dragon Boat Festival on August 12, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Buffalo 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 July 11, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2017-0200 using the Federal eRulemaking Portal at <http://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 LT Ryan Junod, Marine Safety Unit Cleveland, U.S. Coast Guard; telephone 216-937-0124, email [ryan.s.junod@uscg.mil](mailto:ryan.s.junod@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  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code

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

On February 22, 2017, the Cleveland Dragon Boat Association notified the Coast Guard that it will be holding the Cleveland Dragon Boat Festival from 8 a.m. through 3 p.m. on August 12, 2017. The dragon boat races are to take place in Lake Erie, off of Wendy Park located on Whiskey Island, Cleveland, OH. The course will consist of 3 racing lanes of 400 meters in length that run parallel to the shoreline. The Captain of the Port Buffalo (COTP) has determined that a boating race event on a navigable waterway will pose a significant risk to participants and the boating public.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the race course during heats of the scheduled event. Vessel traffic will be allowed to pass through the safety zone between heats. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

##### **III. Discussion of Proposed Rule**

The COTP proposes to establish a safety zone from 8 a.m. through 3 p.m. on August 12, 2017, that would be effective and enforced intermittently. The safety zone would cover all navigable waters of Lake Erie, off of Whiskey Island, Cleveland, OH inside an area starting on shore at position 41°29'57" N., 081°43'00" W., extending in a straight line to the break wall at position 41°30'12" N., 081°43'14" W.,

then along the break wall to position 41°30'23" N., 081°42'56" W., and back to the shore at position 41°30'05" N., 081°42'39" W. (NAD 83). The duration of the zone is intended to ensure the safety of spectators and vessels during the scheduled 8 a.m. through 3 p.m. racing event. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

#### 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 Order's, 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. Executive Order 13771 ("Reducing Regulation and Controlling Regulatory Costs"), directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled 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.

As this rule is not a significant regulatory action, this proposed rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017).

We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will

not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

##### 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.

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 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 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 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 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 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 lasting 7 hours that would prohibit entry within the zone during heats. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2-1 of Commandant Instruction M16475.ID. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. 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 <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket

Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site'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 record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes 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:** 33 U.S.C. 1231; 50 U.S.C. 191; 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.T09-0200 to read as follows:

#### § 165.T09-0200 Safety Zone; Cleveland Dragon Boat Festival; Lake Erie, Cleveland, OH.

(a) This zone will encompass all waters of Lake Erie, off of Whiskey Island, Cleveland, OH inside an area starting on shore at position 41°29'57" N., 081°43'00" W., extending in a straight line to the break wall at position 41°30'12" N., 081°43'14" W., then along the break wall to position 41°30'23" N., 081°42'56" W., and back to the shore at position 41°30'05" N., 081°42'39" W. (NAD 83).

(b) *Enforcement Period.* This regulation will be enforced from 8 a.m. through 3 p.m. on August 12, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated

by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 14, 2017.

**J.S. Dufresne,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2017-12918 Filed 6-20-17; 8:45 am]

**BILLING CODE 9110-04-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0521]

RIN 1625-AA00

#### Safety Zone; Kaskaskia River, Evansville, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone on the Kaskaskia River between miles 9 and 11. This action is necessary to provide for the safety of life on these navigable waters near Evansville, IL during high speed boat races on September 16 and 17, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Upper Mississippi 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 July 21, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2017-0521 using the Federal eRulemaking Portal at <http://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