

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2017–0543]

RIN 1625–AA00

#### Safety Zone; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for multiple fireworks events launched in the vicinity of Penn's Landing in Philadelphia, Pennsylvania for the waters of Delaware River, Philadelphia, PA. Enforcement of this safety zone is necessary and intended to enhance safety of life on navigable waters immediately prior to, during, and immediately after these fireworks events. During the enforcement periods, no vessel may enter in or transit this regulated area without approval from the Captain of the Port or a designated representative.

**DATES:** This rule is effective from September 3, 2017 to September 13, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–0543 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 MST2 Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone (215) 271–4814, email [Amanda.N.Boone@uscg.mil](mailto:Amanda.N.Boone@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

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

##### 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 foregoing public comment with respect to this rule. Insufficient time remains to publish a Notice of Proposed Rule Making (NPMR) and allow for a public comment period before the events, which are scheduled to take place September 3, September 10, and September 13, 2017. The safety zone must be in effect on those dates in order to serve its purpose of ensuring the safety of spectators and the general public from hazards associated with the fireworks display. Hazards may include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

For the reason discussed above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in the vicinity of the fireworks display. The events have been widely publicized in local media outlets.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Delaware Bay has determined that this temporary safety zone is necessary to enhance the safety of the public, spectators, vessels, and navigable waters immediately prior to, during, and immediately after these fireworks events.

##### IV. Discussion of the Rule

On September 3, September 10, and September 13, 2017 fireworks display events will take place in the vicinity of Penn's Landing in Philadelphia, PA. The Coast Guard is establishing a temporary safety zone in a portion of Delaware River, Philadelphia, PA to ensure the safety of persons, vessels, and the public during the event. The safety zone includes all waters of the Delaware River, adjacent to Penn's Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56'31.2" N., longitude 075°08'28.1" W.; thence westward to latitude 39°56'29".1 N., longitude 075°07'56.5" W., and bounded

on the north by the Benjamin Franklin Bridge where it crosses the Delaware River.

Access to this safety zone will be restricted during the specified date and time period. Only vessels or persons specifically authorized by the Captain of the Port Delaware Bay or designated representative may enter or remain in the regulated area. This safety zone will be enforced on September 3, September 10, and September 13, 2017 from 7:45 p.m. to 10:30 p.m. each day.

##### 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. 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 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 (OMB).

As this rule is not a significant regulatory action, this 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).

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be unable to transit the safety zone for the duration of the fireworks events; however, this safety zone will impact a small designated area of the Delaware River, in Philadelphia, PA, for less than 2 hours during the fireworks events. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via

VHF–FM marine channel 16 regarding the safety zone; under the regulation vessel operators may request permission to enter the zone.

#### 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 this 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 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.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 it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule adjusts rates in accordance with applicable statutory and regulatory mandates. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction, which pertains to minor regulatory changes that are editorial or procedural in nature. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

#### 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

■ 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.T05–0543 to read as follows:

#### § 165.T05–0543 Safety Zone; Delaware River; Philadelphia, PA.

(a) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer operating on board a Coast Guard vessel and or on board another Federal, State, or local law enforcement vessel assisting the Captain of the Port, Delaware Bay in the enforcement of the safety zone.

(b) *Location.* The following area is a security zone: all waters of the Delaware River, adjacent to Penn’s Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56′31.2″ N., longitude 075°08′28.1″ W.; thence westward to latitude 39°56′29″.1 N., longitude 075°07′56.5″ W., and bounded on the north by the Benjamin Franklin Bridge where it crosses the Delaware River.

(c) *Regulations.* (1) The general safety zone regulations found in § 165.23 apply to the safety zone created by this temporary section.

(2) Under the general safety zone regulations in § 165.23, persons may not enter the safety zone described in paragraph (b) of this section unless authorized by the COTP or the COTP’s designated representative.

(3) To request permission to enter the safety zone, contact the COTP or the COTP's representative on VHF-FM channel 16. All persons and vessels 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) *Enforcement period:* This section will be enforced on September 3, 2017, September 10, 2017, and September 13, 2017 from 7:45 p.m. to 10:30 p.m. each day.

Dated: August 29, 2017.

**Scott E. Anderson,**

*Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.*

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**BILLING CODE 9110-04-P**

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 62

RIN 2900-AP61

#### Supportive Services for Veteran Families Program

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its regulations that govern the Supportive Services for Veteran Families (SSVF) Program. This rulemaking clarifies VA's procedures for continuing to fund SSVF Program services in communities that have lost grants due to the non-renewal or termination of services of an existing awardee. VA can now award the non-renewed or deobligated funds to other existing SSVF grantees in or near the affected community. This award of non-renewed or deobligated funds prevents potential access issues associated with grant termination. This rulemaking also reduces the number of satisfaction surveys grantees are required to provide to participants in order to reduce the burden on grantees and participants.

**DATES:** This final rule is effective October 2, 2017.

**FOR FURTHER INFORMATION CONTACT:** John Kuhn, National Center for Homelessness Among Veterans, Supportive Services for Veteran Families Program Office, 4100 Chester Avenue, Suite 200, Philadelphia, PA 19104, (877) 737-0111. (This is a toll-free number) [John.Kuhn2@va.gov](mailto:John.Kuhn2@va.gov).

**SUPPLEMENTARY INFORMATION:** In a document published in the **Federal Register** on July 27, 2016, VA proposed to revise its regulations that addressed

the Supportive Services for Veteran Families (SSVF) Program. 81 FR 49198. VA provided a 60-day comment period, which ended on September 26, 2016. We received 14 comments on the proposed rule. Section 2044 of title 38 U.S.C. requires the Secretary to provide financial assistance to eligible entities to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing. The Secretary's implementing regulations are in 38 CFR part 62, which established the SSVF Program. Through the SSVF Program, VA awards supportive services grants to private non-profit organizations or consumer cooperatives to provide or coordinate the provision of supportive services to very low-income veteran families who are residing in permanent housing and at risk of becoming homeless. The grants provide services to low-income families who are lacking a fixed, regular, and adequate nighttime residence, are at risk of remaining so but for grantee assistance, and scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing. The grants also provide services to low-income families who, after exiting permanent housing, are seeking other housing that is responsive to their needs and preferences. This rulemaking clarifies existing VA policy regarding award of non-renewed or deobligated funds to other existing SSVF grantees in or near the affected community where the funds were originally used in order to maintain continuity in the services offered to these communities. This rulemaking also reduces the number of satisfaction surveys grantees are required to provide to participants in order to reduce the burden on grantees and participants.

We received several comments in support of the proposed rule. One commenter stated that the proposed rule was "needed from multiple perspectives, most importantly, in maintaining all momentum toward ending Veteran homelessness." A commenter stated that "non-renewed and deobligated funds are critical to our community as we are seeing a strong inflow of newly homeless in our area." Another commenter stated that the proposed rule would eliminate the "hoops to jump through and the grant will still be awarded to those who qualify." A commenter agreed that reducing the number of surveys would yield a higher response rate. Lastly, a commenter stated that the proposed changes "are reasonable and would

make an effective program more so." We thank the commenters for supporting the rule.

One commenter recommended that VA revise the proposed rule to "take into account the impact of unexpected need, such as occurs in natural disasters where Federal Disaster Area designation is affirmed." The commenter further recommended that VA distribute SSVF grant assistance to grantees serving in Federal disaster areas to assist veterans in need or who are displaced from their homes or become homeless "due to a natural disaster, regardless of whether the Veteran family meets the income eligibility requirements of SSVF." Additionally, VA should focus the availability of SSVF funds to those veterans who were impacted by a natural disaster and do not have sufficient resources to relocate to "new housing because of trauma, an inability to access records, and/or an inability to access personal resources." As previously stated in this rulemaking 38 U.S.C. 2044 is the authority that establishes the SSVF program. Under this program, VA may only provide assistance to very low-income veteran families. Section 2044(f)(6) defines "very low-income veteran family" to mean "a veteran family whose income does not exceed 50 percent of the median income for an area" as determined by VA. Because the SSVF funds are limited, VA cannot use these funds to assist veteran families that do not otherwise meet the eligibility criteria under section 2044. Also, the loss of SSVF funds would adversely affect the veterans being served in the community whose deobligated funds were lost due to the funds being transferred to a different community that was affected by a natural disaster. We are not making any edits based on this comment.

Several commenters suggested that VA reconsider the requirement that 60% of funding support rapid re-housing of homeless veterans and 40% may be used for prevention of homelessness in rural communities and instead allow an even 50/50 split of funding because the needs for homeless veteran families in rural communities differ from those in urban settings. The commenters further stated that there is a housing shortage and it is difficult to use all of the SSVF funds, "particularly when Veterans who are in danger of literal homelessness present to our program and we are unable to assist them due to the 60/40 mandate. If that mandate was to be lifted, and we could focus a larger pool of resources on prevention, fewer of our clients would cycle back through as RRH." Under section 2044(a)(4), SSVF