

West, FL that are encompassed within the following points: Starting at Point 1 in position 24°32.506' N, 81°49.984' W; thence southwest to Point 2 in position 24°32.455' N, 81°49.040' W; thence northwest to Point 3 in position 24°32.559' N, 81°49.584' W; thence northwest to Point 4 in position 24°32.608' N, 81°49.628' W; thence northwest to Point 5 in position 24°33.095' N, 81°49.265' W; thence northeast to Point 6 in position 24°33.518' N, 81°48.902' W; thence northeast to Point 7 in position 24°33.908' N, 81°48.448' W; thence east to Point 8 in position 24°33.898' N, 81°48.364' W; thence southeast back to origin.

(2) *Spectator Area*. All waters of the Atlantic Ocean in Key West, FL that are encompassed within the following points: Starting at Point 1 in position 24°33.123' N, 81°49.290' W; thence northeast to Point 2 in position 24°33.545' N, 81°48.923' W; thence east to Point 3 in position 24°33.518' N, 81°48.902' W thence southwest to point 4 in position 24°33.095' N, 81°49.265' W thence west back to origin.

(b) *Definition*. As used in this section, the term “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Key West in the enforcement of the safety zone.

(c) *Regulations*. (1) All non-participant persons and vessels, except those persons and vessels participating in the high-speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated areas described in paragraph (a) of this section unless authorized by the Captain of the Port Key West or their designated representative.

(2) All persons are prohibited from entering the water or swimming in the spectator area described in paragraph (a)(2) of this section.

(3) All vessels are prohibited from transiting at speeds that cause wake within the spectator area described in paragraph (a)(2) of this section.

(4) To seek permission to enter, contact the Captain of the Port Key West or a designated representative by telephone at (305) 433-0954, or via VHF radio on channel 16. If authorization is granted by the Captain of the Port Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Key West or a designated representative

(5) The Coast Guard will provide notice of the regulated area by Broadcast Notice to Mariners and on-scene designated representatives.

(d) *Enforcement Period*. This section will be enforced from 9:30 a.m. until 4:30 p.m. on November 6, 8, and 10, 2019.

Dated: October 17, 2019.

**A. Chamie,**

*Captain, U.S. Coast Guard, Captain of the Port Key West.*

[FR Doc. 2019-23808 Filed 10-30-19; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2019-0561]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Stuart, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing the existing drawbridge operation regulation for the Jensen Beach (SR707a) Bridge across the Atlantic Intracoastal Waterway, mile 981.4, at Stuart, FL. The drawbridge was converted to a fixed bridge in 2005. The operating regulation is no longer applicable or necessary.

**DATES:** This rule is effective October 31, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>. Type USCG-2019-0561 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ms. Jennifer Zercher, Bridge Administration Branch, United States Coast Guard District Seven; telephone 305-415-6740, email [jennifer.n.zercher@uscg.mil](mailto:jennifer.n.zercher@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

#### I. Table of Abbreviations

CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 OMB Office of Management and Budget  
 NPRM Notice of Proposed Rulemaking (Advance, Supplemental)  
 § Section  
 U.S.C. United States Code

## II. Background Information and Regulatory History

The Coast Guard is issuing this 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), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because Jensen Beach (SR707a) Bridge was converted to a fixed bridge in 2005 and no longer requires the draw operations in 33 CFR 117.261(o). Therefore, the regulation is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value.

We are issuing this rule under 5 U.S.C. 553(d)(3). The Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge was removed from the waterway 14 years ago and this rule merely requires an administrative change to the **Federal Register** in order to omit a regulatory requirement that is no longer applicable or necessary. The modification has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority of The Bridge Act of 1894, 33 U.S.C. 499.

The Jensen Beach (SR707a) Bridge was converted to a fixed bridge in 2005. The regulation for the previously existing drawbridge was not removed subsequent to the bridge’s conversion to a fixed bridge. The conversion of this bridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.261(o), because this drawbridge regulation governs a bridge that is no longer able to be opened.

## IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.261 by removing restrictions and the regulatory burden related to draw operations for a

bridge, which is no longer a drawbridge. The change removes 33 CFR 117.261(o) of the regulation governing the Jensen Beach (SR707a) Bridge since the bridge has been converted to a fixed bridge. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the Jensen Beach (SR707a) Bridge, which is no longer a drawbridge. This change does not affect waterway or land traffic. This change does not affect or alter the operating schedules in 33 CFR 117.261 that govern the remaining active drawbridges on the Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

## 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 protesters.

### 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 13771 directs agencies to control regulatory costs 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) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the fact that the bridge was removed from the waterway and the replacement structure is a fixed bridge. The removal of the operating schedule from 33 CFR 117 subpart B will have no effect on the movement of waterway or land traffic.

### 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.

For the reasons stated in section V.A above this final 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**, above.

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 Government

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.

### 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, U.S. Coast Guard Environmental Planning Policy COMDTINST 5090.1 (series) and U.S. Coast Guard Environmental Planning Implementation Procedures (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f). We have made a 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 promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

A Record of Environmental Consideration nor a Memorandum for the Record are required for 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 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

**§ 117.261 [Amended]**

■ 2. Amend § 117.261 by removing and reserving paragraph (o).

Dated: October 22, 2019.

**Eric C. Jones,**

*Rear Admiral, U.S. Coast Guard, Commander,  
Seventh Coast Guard District.*

[FR Doc. 2019-23885 Filed 10-30-19; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2019-0269, FRL-10001-52-Region 10]

### Air Plan Approval; OR: 2018 Permitting Rule Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the Oregon State Implementation Plan (SIP) submitted on December 11, 2018. The revisions update the SIP to allow for electronic public notice of proposed major stationary source permits, add references to stationary source sampling requirements, make use of plain language, and correct errors. The EPA has determined the changes are consistent with Clean Air Act requirements.

**DATES:** This final rule is effective December 2, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2019-0269. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information or other information the disclosure of which 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 at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.  
**FOR FURTHER INFORMATION CONTACT:** Kristin Hall, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553-6357, or [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever

“we,” “us,” or “our” is used, it refers to the EPA.

### Table of Contents

- I. Background
- II. Response to Comment
- III. Final Action
- IV. Incorporation by Reference
- V. Oregon Notice Provision
- VI. Statutory and Executive Order Review

#### I. Background

On December 11, 2018, Oregon submitted revised regulations to the EPA for approval into the Oregon SIP. On July 16, 2019, we proposed to approve the submitted changes (84 FR 33883). The reasons for our proposed approval were stated in the proposed rule and will not be re-stated here. The public comment period for our proposed action ended on August 15, 2019. We received two comments.

#### II. Response to Comment

The first comment, submitted anonymously, supported the proposed action. The second comment, submitted by Oregon Business & Industry (OBI), also supported the proposed action. In the comment, OBI requested that we make clear in the final rule that the EPA’s action does not approve or incorporate by reference into the Oregon SIP any source obligation or regulatory requirement under the Cleaner Air Oregon program, regardless of whether such obligation or regulation is included in any sections of the Oregon Administrative Rules or in the Source Sampling Manual. We believe our regulatory text amending 40 CFR part 52, subpart MM, clearly states the scope of our approval and addresses the comment. The full text of the comments are in the docket for this action.

#### III. Final Action

The EPA is approving, and incorporating by reference, the submitted changes to the following provisions, State effective November 16, 2018:

- Division 200 General Air Pollution Procedures and Definitions (0020, 0035);
- Division 209 Public Participation (0020, 0030, 0040, 0050); and
- Division 216 Air Contaminant Discharge Permits (0020, 0030, 0040, 0090, 8020).

These changes are approved only to the extent the requirements apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any additional pollutants that are required to be regulated under Part C of Title I

of the CAA, but only for the purposes of meeting or avoiding the requirements of Part C of Title I of the CAA.

The EPA is also approving, but not incorporating by reference, the submitted changes to the following provisions, State effective November 16, 2018:

- Division 12 Enforcement Procedure and Civil Penalties (0030, 0053, 0054, 0135, 0140), only to the extent the provisions relate to enforcement of the requirements contained in the Oregon SIP; and
- Source Sampling Manual, Volume I, 2018 Edition, for purposes of the limits in the Oregon SIP.

#### IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of Oregon Administrative Rules as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally-enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

#### V. Oregon Notice Provision

Oregon Revised Statute 468.126 prohibits the Oregon Department of Environmental Quality from imposing a penalty for violation of an air, water or solid waste permit unless the source has been provided five days’ advanced written notice of the violation and has not come into compliance or submitted a compliance schedule within that five-day period. By its terms, the statute does not apply to Oregon’s title V program or to any program if application of the notice provision would disqualify the program from Federal delegation. Oregon has previously confirmed that, because application of the notice provision would preclude EPA approval of the Oregon SIP, no advance notice is required for violation of SIP requirements.

<sup>1</sup> 62 FR 27968 (May 22, 1997).