

education to the members of the Tribe and other qualified applicants through a community college, established by that Tribe, known as Diné College. To that end, the regulations in this subpart prescribe procedures for providing financial and technical assistance for Diné College under the NCCA.

#### **§ 41.51 What is the scope of this subpart?**

The regulations in this subpart are applicable to the provision of financial assistance to Diné College pursuant to NCCA, title II of the TCCUA.

#### **§ 41.53 How does Diné College request financial assistance?**

To request financial assistance, Diné College must submit an application. The application must be certified by the Diné College chief executive officer and include:

(a) A statement of Indian student enrollment and total FTE enrollment for the preceding academic year;

(b) A curriculum description, which may be in the form of a college catalog or like publication or information located on the Diné College Web site; and

(c) A proposed budget showing total expected operating expenses of educational programs and expected revenue from all sources for the grant year.

#### **§ 41.55 How are grant funds processed?**

(a) BIE will identify the budget request for Diné College separately in its annual budget justification.

(b) BIE will not commingle funds appropriated for grants under this subpart with appropriations that are historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries.

#### **§ 41.57 When will the application be reviewed?**

Within 45 days of receiving the application the BIE will send a grant agreement for signature by the Diné College president or his or her designee in an amount determined under § 41.29(a). The grant agreement will incorporate the grant application and include the provisions required by § 41.25.

#### **§ 41.59 When will grant funds be paid?**

(a) Initial grant funds will be paid in an advance installment of not less than 40 percent of the funds available for allotment by October 1st.

(b) The remainder of the grant funds will be paid by July 1st after the BIE adjusts the amount to reflect any overpayments or underpayments made in the first disbursement.

#### **§ 41.61 Is Diné College eligible to receive other grants?**

Yes. Eligibility for grants under this subpart does not bar Diné College from receiving financial assistance under any other Federal program.

#### **§ 41.63 How can financial assistance be used?**

(a) The Diné College must use financial assistance under this subpart only for operation and maintenance, including educations programs, annual capital expenditures, major capital improvements, mandatory payments, supplemental student services, and improvement and expansion, as described in 25 U.S.C. 640c–1(b)(1);

(b) The Diné College must not use financial assistance under this subpart for religious worship or sectarian instruction. However, this subpart does not prohibit instruction about religions, cultures or Indian Tribal languages.

#### **§ 41.65 What reports must be provided?**

(a) Diné College must submit on or before December 1st of each year a report that includes:

(1) An accounting of the amounts and purposes for which Diné College spent the financial assistance during the preceding academic year;

(2) The annual cost of Diné College education programs from all sources for the academic year; and

(3) A final report of Diné College's performance based upon the criteria in its stated goals, philosophy, or plan of operation.

(b) Diné College must report its FTE Indian student enrollment for each academic term within six weeks of the date it makes the FTE calculation.

#### **§ 41.67 Can Diné College receive technical assistance?**

Technical assistance will be provided to Diné College as noted in § 41.41.

#### **§ 41.69 How must Diné College administer its grant?**

In administering any grant provided under this subpart, Diné College must:

(a) Provide all services or assistance under this subpart in a fair and uniform manner;

(b) Not deny admission to any Indian student because the student is, or is not, a member of a specific Indian Tribe; and

(c) Comply with part 276 of this chapter, unless the BIE expressly waives specific inappropriate provisions of part 276 in response to Diné College's request and its justification for a waiver.

#### **§ 41.71 Can Diné College appeal an adverse decision under a grant agreement by the Director?**

Diné College has the right to appeal to the Assistant Secretary by filing a

written notice of appeal within 45 days of the adverse decision. Within 45 days after receiving notice of appeal, the Assistant Secretary will conduct a formal hearing at which time the Diné College may present evidence and argument to support its appeal. Within 45 days of the hearing, the Assistant Secretary will issue a written ruling on the appeal confirming, modifying or reversing the decision of the Director. If the ruling does not reverse the adverse decision, the Assistant Secretary will state in detail the basis of his/her ruling. The ruling of the Assistant Secretary on an appeal will be final for the Department.

Dated: May 26, 2016.

**Lawrence S. Roberts,**

*Acting Assistant Secretary—Indian Affairs.*

[FR Doc. 2016–14094 Filed 6–13–16; 8:45 am]

**BILLING CODE 4337–15–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

### **33 CFR Parts 3, 100, and 165**

**[Docket Number USCG–2016–0060]**

### **Renaming of Sector Baltimore as Sector Maryland-National Capital Region; Conforming Amendments**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the Code of Federal Regulations (CFR) to reflect its renaming of Coast Guard Sector Baltimore as Coast Guard Sector Maryland-National Capital Region. These conforming amendments are necessary to ensure the CFR accurately reflects the new command name changes that were approved September 17, 2015. These amendments are not expected to have a substantive impact on the public.

**DATES:** This rule is effective June 14, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2016–0060 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 about this rule, call or email Dennis Sens, Fifth Coast Guard District, Prevention Division, telephone 757–398–6204, email [Dennis.M.Sens@uscg.mil](mailto:Dennis.M.Sens@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  
OFCO Operating Facility Change Order  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

On September 17, 2015, the Coast Guard approved renaming Sector Baltimore as Sector Maryland-National Capital Region. The Coast Guard is renaming the Sector to more clearly identify the unit's missions and area of responsibility to the public.

We did not publish a notice of proposed rulemaking (NPRM) before this final rule. The Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements under 5 U.S.C. 553(a)(2) and (b)(A) because the changes it makes are conforming amendments involving agency management and organization. The Coast Guard also finds good cause exists under 5 U.S.C. 553(b)(B) for not publishing an NPRM because the changes will have no substantive effect on the public, and notice and comment are therefore unnecessary. For the same reasons, the Coast Guard finds good cause under 5 U.S.C. 553(d)(3) to make the rule effective fewer than 30 days after publication in the **Federal Register**.

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

The Coast Guard is issuing this rule under authority in 14 U.S.C. 93. The purpose of this rule is to more clearly identify the functions and area of responsibility of this Coast Guard unit to the public. The Sector's location and boundaries are described in 33 CFR 3.25–15. The previous organization of Sector Baltimore is described and reflected in regulations, which also contain contact details and other references to Sector Baltimore. These conforming amendments update those regulations so that they contain current information under unit name Sector Maryland-National Capital Region.

**IV. Discussion of the Rule**

This rule amends existing regulations in 33 CFR to reflect the renaming of Sector Baltimore as “Sector Maryland-National Capital Region.” It also removes a temporary section that mentions Sector Baltimore, § 165.T05–0767, which we intended to be a rule lasting 6 hours that was to expire in 2013 but which still appears in the CFR.

There will be no relocation of units, operational assets or personnel due to the renaming of Sector Baltimore. Sector Maryland-National Capital Region will retain Captain of the Port, Federal Maritime Security Coordinator, Officer in Charge Marine Inspection, Federal on Scene Coordinator, and all other authorities, responsibilities and sub-units, as previously assigned to Sector Baltimore. Only the title of these officials will change to reflect the new name of the sector. See Operating Facility Change Order (OFCO) No. 007–16 which is available in the docket for this rule.

**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.

**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, it has not been reviewed by the Office of Management and Budget. Because this rule involves internal agency organization and non-substantive changes, it will not impose any costs on the public.

**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. This rule does not require a general NPRM and therefore is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, we have considered its potential impact on small entities and found that it will not have a significant economic impact on a substantial number of small entities.

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Public Law 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 will 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 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 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 internal administrative action involving the renaming a Coast Guard unit. It is categorically excluded from further review under paragraph 34(b) of Figure 2–1 of the Commandant Instruction.

### **List of Subjects**

#### *33 CFR Part 3*

Organization and functions  
(Government agencies).

#### *33 CFR Part 100*

Marine safety, Navigation (water),  
Reporting and recordkeeping  
requirements, Waterways.

#### *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 parts 3, 100, and 165 as follows:

### **PART 3—COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES**

- 1. The authority citation for part 3 continues to read as follows:

**Authority:** 14 U.S.C. 92 & 93; Pub. L. 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1, para. 2(23).

#### **§ 3.25–15 [Amended]**

- 2. In § 3.25–15, in the section heading, remove the word “Baltimore” and add

in its place the words “Maryland-National Capital Region” and in the text, remove the word “Baltimore’s” in the first and second sentences and add in its place the words “Sector Maryland-National Capital Region’s”.

### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

- 3. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

#### **§ 100.501 [Amended]**

- 4. In § 100.501—
  - a. In paragraph (d)(2), remove the words “Sector Baltimore” and add, in their place, the words “Sector Maryland-National Capital Region” and remove the words “Baltimore, Maryland” and add, in their place, the words “Maryland-National Capital Region”; and
  - b. In the Table to § 100.501, in heading (b.), remove the word “Baltimore” and add, in its place, the words “Maryland-National Capital Region”.

### **PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

- 5. 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.

#### **§ 165.T05–0767 [Removed]**

- 6. Remove § 165.T05–0767.

#### **§ 165.500 [Amended]**

- 7. In § 165.500—
  - a. In paragraph (b), remove the word “Baltimore” and add, in its place, the words “Maryland-National Capital Region”; and
  - b. In paragraphs (c)(2), remove the words “Baltimore, Maryland”, and add, in their place, the words “Maryland-National Capital Region”.

#### **§ 165.502 [Amended]**

- 8. In § 165.502, in paragraph (b)(1), remove the words “Baltimore, Maryland”, and add, in their place, the words “Maryland-National Capital Region”.

#### **§ 165.505 [Amended]**

- 9. In § 165.505, in paragraph (b)(1), remove the words “Baltimore, Maryland”, and add, in their place, the words “Maryland-National Capital Region”.

#### **§ 165.506 [Amended]**

- 10. In § 165.506—

- a. In paragraph (c)(2), remove the words “Sector Baltimore” and add, in their place, the words “Sector Maryland-National Capital Region” and remove the words “Baltimore, Maryland” and add, in their place, the words “Maryland-National Capital Region”; and

- b. In the Table to § 165.506, in heading (b.), remove the word “Baltimore” and add, in its place, the words “Maryland-National Capital Region”.

#### **§ 165.507 [Amended]**

- 11. In § 165.507—
  - a. In paragraph (a) remove the words “Baltimore, Maryland” wherever they appear, and add, in their places the words “Maryland-National Capital Region”; and
  - b. In paragraphs (c)(2) and (3), remove the words “Baltimore, Maryland” wherever they appear, and add, in their places the words “Maryland-National Capital Region” and in paragraph (c)(3) remove the words “Baltimore to” and add, in their place, the words “Sector Maryland-National Capital Region”.

#### **§ 165.508 [Amended]**

- 12. In § 165.508—
  - a. In paragraph (a) remove paragraph designation (1) and remove the words “Baltimore, Maryland” wherever they appear, and add, in their places the words “Maryland-National Capital Region”; and
  - b. In paragraphs (c)(2) and (3), remove the words “Baltimore, Maryland” wherever they appear, and add, in their places the words “Maryland-National Capital Region” and in paragraph (c)(3) remove the words “Baltimore to” and add, in their place, the words “Sector Maryland-National Capital Region”.

#### **§ 165.509 [Amended]**

- 13. In § 165.509, in paragraphs (a) and (c)(2) and (3), remove the words “Baltimore, Maryland” wherever they appear, and add, in their places, the words “Maryland-National Capital Region”, and in paragraph (c)(3) remove the words “Baltimore to” and add, in their place the words “Sector Maryland-National Capital Region”.

#### **§ 165.512 [Amended]**

- 14. In § 165.512—
  - a. In paragraph (a)(1), remove the words “Baltimore, Maryland” wherever they appear, and add, in their places, the words “Maryland-National Capital Region”; and remove the words “Sector Baltimore” and add, in their place, the words “Sector Maryland-National Capital Region”; and

■ b. In paragraphs (c)(2) and (3), remove the words “Baltimore, Maryland” wherever they appear, and add, in their places the words “Maryland-National Capital Region”.

#### **§ 165.513 [Amended]**

■ 15. In § 165.513—

■ a. In paragraph (a) remove the words “Port Baltimore” wherever they appear, and add, in their places, the words “Port, Maryland-National Capital Region” and remove the words “Baltimore, Maryland” wherever they appear, and add, in their places the words “Maryland-National Capital Region”; and

■ b. In paragraphs (c)(2)–(4), remove the words “Port Baltimore” wherever they appear, and add, in their places, the words “Port, Maryland-National Capital Region”.

#### **§ 165.518 [Amended]**

■ 16. In § 165.518, in paragraph (c)(7) remove the word “Baltimore” and add, in its place, the words “Maryland-National Capital Region”, and in paragraph (c)(3) remove the words “Baltimore to” and add, in their place, the words “Sector Maryland-National Capital Region”.

Dated: June 8, 2016.

**Katia Kroutil,**

*Chief, Office of Regulations and Administrative Law.*

[FR Doc. 2016–13983 Filed 6–13–16; 8:45 am]

**BILLING CODE 9110–04–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 117**

[Docket No. USCG–2016–0472]

#### **Drawbridge Operation Regulation; Middle River, Between Bacon Island and Lower Jones Tract, California**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the San Joaquin County (Bacon Island Road) highway bridge across Middle River, mile 8.6, at between Bacon Island and Lower Jones Tract, California. The deviation is necessary to allow the bridge owner to make emergency mechanical and electrical repairs. This deviation allows the bridge to be secured in the closed-to-navigation position during the deviation period.

**DATES:** This deviation is effective without actual notice from June 14, 2016 until 11:59 p.m. on July 1, 2016. For the purposes of enforcement, actual notice will be used from June 8, 2016, until June 14, 2016.

**ADDRESSES:** The docket for this deviation, [USCG–2016–0472], 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 David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil).

**SUPPLEMENTARY INFORMATION:** San Joaquin County Department of Public Works has requested a temporary change to the operation of the San Joaquin County (Bacon Island Road) highway drawbridge, mile 8.6, over Middle River, between Bacon Island and Lower Jones Tract, California. The drawbridge navigation span provides approximately 8 feet vertical clearance above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.171(a). Navigation on the waterway is commercial and recreational.

The drawspan operating machinery failed unexpectedly on May 28, 2016 and the drawspan will remain secured in the closed-to-navigation position until 11:59 p.m. on July 1, 2016, to allow the bridge owner to make emergency repairs. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies. Old River can be used as an alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard has also informed waterway users through our Local 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: June 8, 2016.

**D.H. Sulouff,**

*District Bridge Chief, Eleventh Coast Guard District.*

[FR Doc. 2016–13987 Filed 6–13–16; 8:45 am]

**BILLING CODE 9110–04–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[Docket Number USCG–2015–1029]

**RIN 1625–AA00**

#### **Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending and updating its safety zones relating to recurring fireworks shows and other events that take place in the Coast Guard Sector Ohio Valley area of responsibility (AOR). This rule informs the public of regularly scheduled events that require additional safety measures through the establishing of a safety zone. Through this rulemaking the current list of recurring safety zones is updated with revisions, additional events, and removal of events that no longer take place in Sector Ohio Valley’s AOR. When these safety zones are enforced, certain restrictions are placed on marine traffic in specified areas.

**DATES:** This rule is effective June 14, 2016.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2015–1029 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 proposed rule, call or email Petty Officer James Robinson, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779–5347, email [James.C.Robinson@uscg.mil](mailto:James.C.Robinson@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  
§ Section  
U.S.C. United States Code