

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.

- 2. Revise § 117.324 to read as follows:

§ 117.324 Rice Creek.

The CSX Railroad Swing Bridge, mile 0.8, in Putnam County, FL, shall open with a 24-hour advance notice to CSX at 1–800–232–0142.

P.J. Brown,

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

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0330]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sarasota, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule of four bridges across the Gulf Intracoastal Waterway (GICW); Stickney Point Drawbridge, mile 68.6, Siesta Drive Drawbridge, mile 71.6, Cortez Drawbridge, mile 87.4, and Anna Maria Drawbridge, mile 89.2, in Sarasota, FL. The request was made to the Coast Guard to change the operation of four drawbridges due to an increase in vehicle traffic throughout these areas at all times of the year. This rulemaking would change the bridges' operating

schedules from a three times an hour opening schedule to a twice an hour opening schedule throughout the year.

DATES: This rule is effective October 5, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2016–0330. 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 about this rule, call or email, Ms. Jennifer Zercher with the Seventh Coast Guard District Bridge Office; telephone (305) 415–6740, email Jennifer.N.Zercher@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
GICW Gulf Intracoastal Waterway
OMB Office of Management and Budget
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On February 13, 2017, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sarasota, FL in the **Federal Register** (82 FR 10444). We received 125 comments on this rule. 118 comments were in favor of this regulation change and 7 were against this change.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499.

Stickney Point Bridge across the GICW, mile 68.6, at South Sarasota, Florida is a bascule bridge. This drawbridge has a vertical clearance of 18 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.5, the Stickney Point Bridge is required to open on demand.

Siesta Drive Bridge across the GICW, mile 71.6, at Sarasota, Florida is a bascule bridge. This drawbridge has a vertical clearance of 25 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.287(c), the Siesta Drive Bridge is required to open on signal, except that from 6 a.m. to 7 p.m., the draw need only open on the hour, twenty minutes past the hour and forty minutes past the hour. On weekends and Federal holidays, from 11 a.m. to 6 p.m., the

draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

Cortez (SR 684) Bridge across the GICW, mile 87.4, at Bradenton Beach, Florida is a bascule bridge. This drawbridge has a vertical clearance of 22 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.287 (d)(1), the Cortez (SR 684) Bridge is required to open on signal, except that from 6 a.m. to 7 p.m., the draw need only open on the hour, 20 minutes after the hour, and 40 minutes after the hour. From January 15 to May 15, from 6 a.m. to 7 p.m., the draw need only open on the hour and half hour.

Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, at Bradenton Beach, Florida is a bascule bridge. This drawbridge has a vertical clearance of 24 feet in the closed position and a horizontal clearance of 90 feet between fenders. Presently, in accordance with 33 CFR 117.287(d)(2), the Anna Maria (SR 64) (Manatee Avenue West) Bridge is required to open on signal, except that from 6 a.m. to 7 p.m., the draw need only open on the hour, 20 minutes after the hour, and 40 minutes after the hour. From January 15 to May 15, from 6 a.m. to 7 p.m., the draw need only open on the hour and half hour.

The Metropolitan Planning Office for Sarasota and Manatee Counties, along with the concurrence of the local mayors, have requested that the Coast Guard consider changing the bridge operating regulations for four bridges in this area to accommodate a year-round increase of vehicular traffic. In the past, increased traffic was only associated with the tourist season. For this reason, the Coast Guard is modifying the four bridge schedules to provide for both the reasonable needs of navigation and those of land transportation. The bridge owner, Florida Department of Transportation, concurs with these recommendations.

IV. Discussion of Comments, Changes and the Final Rule

There were seven comments opposing the final rule. Six comments were against modifying the existing schedule and one comment suggested that even with this modified schedule the bridge will still open too often. Not allowing these bridges to open at least twice an hour would place an undue burden on the marine community. Two of the comments suggested the City/County/State should look into putting in higher level bridges and do a traffic management study, as the problem is traffic control, not the bridge openings.

These comments were directed to the bridge owner. Four comments stated that having vessels waiting for a half-hour for the bridge to open could be a safety concern. As the timing between bridge openings has been adjusted to accommodate traveling at a no wake speed between the bridges, vessels should not have to wait for longer than 5 to 10 minutes for an opening. Of these four comments sighting safety concerns, one commenter has posted the same concern twice. No adjustments have been made to this regulation based on the comments.

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 ability that vessels can still transit the bridges during the scheduled openings. Vessels that can transit the bridge in the closed position may continue to do so. Public vessels of the United States and tugs with tows may request an opening at any time.

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 received no comments from the Small Business Administration on this rule. 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 bridge may be small entities, for the reasons stated in section V.A above, this final rule would 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 and Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

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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; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.287 by revising paragraphs (c) and (d) to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(c)(1) The Stickney Point Bridge, mile 68.6, at South Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the hour and half hour.

(2) The draw of the Siesta Drive Bridge, mile 71.6, at Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the hour and half hour.

(d)(1) The draw of the Cortez (SR 684) Bridge, mile 87.4, at Bradenton Beach, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the quarter hour and three quarter hour.

(2) The draw of the Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, at Bradenton Beach, Florida shall open on signal, except that from 6 a.m. to 7 p.m. daily, the draw need only open on the quarter hour and three quarter hour.

* * * * *

Dated: August 22, 2017.

Peter J. Brown,

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

[FR Doc. 2017-18710 Filed 9-1-17; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2017-0843]

RIN 1625-AA00

Safety Zone; Dredging, Shark River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on a portion of Shark River, in Neptune City, NJ, from September 5, 2017, through September 23, 2017, while dredging operations are being conducted in the main navigational channel. This safety zone is necessary to provide for the safety of life on navigable waters during dredging operations and will restrict vessel traffic from transiting the main navigational channel.

DATES: This rule is effective from September 5, 2017 through September 23, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to, type USCG-2017-0843 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 Marine Science Technician Second Class Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, Coast Guard; telephone (215) 271-4889, email Amanda.N.Boone@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
COTP Captain of the Port

II. Background Information and Regulatory History

Efforts to dredge the Shark River have been underway for well over a decade. After Superstorm Sandy, the need to dredge the river increased significantly due to sediment deposited by the storm, which impeded navigation within the channel.

Mobile Dredging and Pumping Co. has been awarded the contract to restore the state channels to allow safe passage for recreational and commercial traffic. The sediment will be hydraulically dredged and piped via a secure welded pipeline to the selected dewatering locations.

The purpose of this rule is to promote maritime safety and protect vessels from the hazards of dredge piping and dredge operations. The rule will temporarily restrict vessel traffic from transiting a portion of the Shark River while dredging operations are being conducted in the main navigational channel.

The Coast Guard is issuing this temporary 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 the final details for this event were not

received by the Coast Guard until August 25, 2017, and the dredging operation will begin September 5, 2017. The safety zone is needed by September 5, 2017, to ensure safe navigation of vessels transiting the Shark River, and it is impracticable to publish an NPRM and consider comments before that date. The dredge and dredge piping must be positioned in the main navigational channel in order for the dredging company to complete the proper dredging of the main navigational channel. Allowing this event to go forward without a safety zone in place would expose mariners and the public to unnecessary dangers associated with dredge piping and dredge operations. Therefore, it is imperative that there is a safety zone restricting traffic in this portion of the Shark River, in Neptune City, NJ.

We are issuing this rule, and under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** for the reasons stated above. The Coast Guard expects that there will be an impact to vessel traffic during times when the navigational channel is restricted. However, there will be times throughout the project where vessel traffic is not restricted and traffic will be able to transit through the main navigational channel. Furthermore, notification of the waterway restrictions will be made by the contractor, Mobile Dredging and Pumping Co. Additionally the New Jersey Department of Transportation, Office of Marine Resources, will be conducting outreach to the local community. Notification of the safety zone and waterway restrictions will be made by the COTP via marine safety broadcast using VHF-FM channel 16 and through the Local Notice to Mariners.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Delaware Bay has determined that potential hazards are associated with dredge piping and dredge operations from September 5, 2017, through September 23, 2017. The rule is necessary to promote maritime safety and protect vessels from the hazards of dredge piping and dredge operations.

The rule will have an impact to vessels transiting through the Shark River main navigational channel, from latitude 40°10'54.20" N., longitude 74°1'51.05" W., bounded by the eastern side of the channel and the western side of the channel, north, to latitude 40°11'6.87" N., longitude 74° 1'53.54" W., as vessels will be unable to transit