

TABLE 1 TO § 100.704—SPECIAL LOCAL REGULATIONS; MARINE EVENTS WITHIN THE CAPTAIN OF THE PORT  
CHARLESTON—Continued  
[Datum NAD 1983]

Date/time	Event/sponsor	Location	Regulated area
Time (Approximate): 4 p.m. to 9 p.m.	Charleston Parade of Boats. Sponsor: City of Charleston, SC Office of Cultural Affairs.	Charleston, SC .....	Location: Charleston harbor, South Carolina, from Anchorage A through Shutes Folly, Horse Reach, Hog Island Reach, Town Creek Lower Reach, Ashley River, and finishing at City Marina.

**§ 100.713 [Removed]**

■ 4. Remove § 100.713.

Dated: April 17, 2020.

**J.W. Reed,**

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

[FR Doc. 2020-08709 Filed 6-1-20; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket Number USCG-2020-0124]

**RIN 1625-AA08**

**Special Local Regulations; Recurring Marine Events in the Lake Michigan Captain of the Port Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is updating its recurring special local regulations for marine events located within the Captain of the Port Lake Michigan zone. This rule reorganizes five separate regulations of a similar nature currently listed in the Code of Federal Regulations into a single regulation, makes minor formatting changes for consistency, moves six existing events into this regulation, updates the dates listed for events, and lists these regulations in table form.

**DATES:** This rule is effective July 2, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0124 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 Chief Petty Officer Kyle Weitzell, Waterways Management Division, Sector Lake Michigan, U.S. Coast Guard;

telephone 414-747-7148, email [Kyle.W.Weitzell@uscg.mil](mailto:Kyle.W.Weitzell@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

**II. Background Information and Regulatory History**

On March 19, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled “Special Local Regulations; Recurring Marine Events in the Lake Michigan Captain of the Port Zone” (85 FR 15745). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action to revise special local regulations regarding recurring marine events within the Captain of the Port Lake Michigan (COTP) zone. During the comment period that ended April 20, 2020, we received no comments.

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

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that the likely combination of recreational vessels, commercial vessels, and an unknown number of spectators in close proximity to these various recurring marine events in and on the navigable waters of the United States pose a extra or unusual hazards to the safety of life on those waters. Therefore, the COTP has established special local regulations around the event locations listed in this rule to help minimize risks to safety of life during these events. This rule consolidates and makes minor formatting updates to existing regulations.

**IV. Discussion of Comments, Changes, and the Rule**

As noted above, we received no comments on our NPRM published March 19, 2020. There are no changes

in the regulatory text of this rule from the proposed rule in the NPRM.

This rule reorganizes five separate regulations of a similar nature currently listed in the Code of Federal Regulations (CFR) into a single regulation, makes minor formatting changes for consistency, moves six existing events into this regulation, updates the dates listed for events, and lists these regulations in table form.

**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 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, this rule 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 size, location, and duration of these special local regulations. These regulations will be in effect only during the recurring marine events listed in this regulations for which the COTP has determined pose risks to the safety of life on waters of the United States. The size, location, and duration of these regulations will be limited to the extent necessary to minimize these risks. Moreover, the COTP will make advance notice of the enforcement of these regulations through the Local Notice to Mariners and/or Broadcast Notice to Mariners. This regulation also provides a means for

anyone needing to transit through or within a regulated area to seek permission from the COTP.

#### *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 received no comments from the Small Business Administration on this rulemaking. 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 regulated areas listed in this regulation 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 call or email 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.

#### *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 Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), 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 the consolidation of and minor formatting changes for five existing special local regulations. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Memorandum for Record for Categorically Excluded Actions supporting this determination is available in the docket. For instructions

on locating the docket, see the **ADDRESSES** section of this preamble.

#### *G. Protest Activities*

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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 100**

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

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

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Revise § 100.903 to read as follows:

##### **§ 100.903 Recurring marine events in the Lake Michigan Captain of the Port Zone.**

(a) *General.* (1) The regulations in this section, along with the regulations of § 100.901, apply to the marine events listed in table 1 to this section.

(2) The regulations in this section will be enforced for the duration of each event, on or about the dates indicated. Notice of the exact dates and times of the effective period of the regulations in this section with respect to each event, the location of the regulated area, and details concerning of the event will be made public by publication in the Local Notices to Mariners and/or Broadcast Notice to Mariners over VHF–FM radio.

(3) The dates and times of these events are subject to change. In the event of a change to these events, the Coast Guard will publish a Notice of Enforcement with the exact dates and times that the regulated area will be enforced.

(4) Sponsors of events listed in table 1 to § this section are still required to submit applications for marine event permits in accordance with § 100.15.

(b) *Special Local Regulations.* (1) No vessel may enter, transit through, or anchor within the regulated area of any event listed in table 1 to this section which has been advertised in accordance with paragraph (a)(2) above without the permission of the Coast Guard Patrol Commander.

(2) Vessel operators desiring to enter or operate within the regulated area

shall contact the Coast Guard Patrol Commander to obtain permission to do so. Vessel operators given permission to enter or operate within the regulated

area must comply with all directions given to them by the Coast Guard Patrol Commander.

(3) All geographic coordinates in table 1 to this section are North American Datum of 1983 (NAD 83).

TABLE 1 TO § 100.903

Event	Sector Lake Michigan special local regulations	Date
(1) Harborfest Dragon Boat Race ..	South Haven, MI: All waters of the Black River, within an area bound by the following coordinates: 42°24.227' N, 086°16.683' W, then southeast to 42°24.210' N, 086°16.667' W, then northeast to 42°24.320' N, 086°16.442' W, then northwest to 42°24.337' N, 086°16.457' W, then returning to the point of origin	2 days; in mid-to-late June.
(2) Summer in the City Waterski Show.	Green Bay, WI: All waters of the Fox River from the Main Street Bridge to the West Walnut Street Bridge between coordinates: 44°31.089' N, 088°00.904' W, then southwest to 44°30.900' N, 088°01.091' W	Each Wednesday of July and August.
(3) Celebrate Americafest Ski Show.	Green Bay, WI: All waters of the Fox River from the West Walnut Street Bridge to the mouth of the East River between coordinates: 44°30.912' N, 088°01.100' W, then northeast to 44°31.337' N, 088°00.640' W	1 day; on or around July 4.
(4) Grand Haven Coast Guard Festival.	Grand Haven, MI: All waters of the Grand River, within an area bound by the following coordinates: 43°04.000' N, 086°14.200' W, then east to 43°03.933' N, 086°14.067' W, then south to 43°03.750' N, 086°14.167' W, then west to 43°03.800' N, 086°14.283' W, then returning to the point of origin	2 weeks; in late July and/or early August.
(5) Milwaukee Venetian Boat Parade.	Milwaukee, WI: All waters of Lake Michigan within the Milwaukee Harbor and the Milwaukee River from McKinley Marina, along the Veteran's Park shoreline, to the Milwaukee Art Museum between coordinates: 43°02.066' N, 087°52.966' W, then southwest to 43°02.483' N, 087°53.683' W, then south to 43°02.366' N, 087°53.700' W	1 day; the third Saturday of August.
(6) Milwaukee Open Water Swim ...	Milwaukee, WI: All waters of the Milwaukee River from the confluence with the Kinnickinnic River to the I-794 Bridge between coordinates: 43°01.532' N, 087°54.182' W, then northwest to 43°02.154' N, 087°54.597' W	1 day; the first or second Saturday of August.
(7) Sister Bay Marinafest Ski Show	Sister Bay, WI: All waters of Sister Bay within an 800 foot radius of the following coordinates: 45°11.585' N, 087°07.392' W	1 day; the last week of August or first week of September.
(8) Milwaukee Harborfest Boat Parade.	Milwaukee, WI: All waters of the Milwaukee River from the North Holton Street Bridge to the confluence with the Kinnickinnic River between coordinates: 43°03.284' N, 087°54.267' W, then south to 43°01.524' N, 087°54.173' W and All water of the Kinnickinnic River from the confluence with the Milwaukee River to the Municipal Mooring Basin between coordinates: 43°01.524' N, 087°54.173' W, then south to 43°00.829' N, 087°54.075' W	1 day; the first or second weekend of September.
(9) Milwaukee River Challenge .....	Milwaukee, WI: All waters of the Milwaukee River from the confluence with the Menomonee River and the East Pleasant Street Bridge between coordinates: 43°01.915' N, 087°54.627' W, then north to 43°03.095' N, 087°54.468' W and All waters of the Menomonee River from the North 25th Street Bridge to the confluence with the Milwaukee River between coordinates: 43°01.957' N, 087°56.682' W, then east to 43°01.915' N, 087°54.627' W	1 day; the third Saturday of September.

Event	Marine safety unit Chicago special local regulations	Date
(10) Chinatown Chamber of Commerce Dragon Boat Race.	Chicago, IL: All waters of the South Branch of the Chicago River from the West 18th Street Bridge to the Amtrak Bridge between coordinates: 41°51.467' N, 087°38.100' W, then southwest to 41°51.333' N, 087°38.217' W	2 days; The second Friday and Saturday of July.
(11) Southland Regatta .....	Blue Island, IL: All waters of the Calumet Sag Channel from the South Halstead Street Bridge to the Crawford Avenue Bridge between coordinates: 41°39.450' N, 087°38.483' W, then southwest to 41°39.083' N, 087°43.483' W and All waters of the Little Calumet River from the Ashland Avenue Bridge to the junction of the Calumet Sag Channel between coordinates: 41°39.117' N, 087°39.633' W, then northeast to 41°39.374' N, 087°39.001' W	2 days; the first Sunday of November and the Saturday prior to it.

**§§ 100.906, 100.907, 100.909, and 100.910**  
[Removed]

■ 3. Remove §§ 100.906, 100.907, 100.909, and 100.910

Dated: May 5, 2020.

**T.J. Stuhldreier,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 2020-09878 Filed 6-1-20; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG-2017-0108]

RIN 1625-AA09

**Drawbridge Operation Regulation; Tombigbee River, Near Jackson, Alabama**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the operating schedule that governs the Norfolk Southern Railroad (NSRR) vertical lift bridge across the Tombigbee River, mile 89.9, near Jackson, between Washington and Clarke Counties, Alabama. This rule moves the current onsite bridge tender control station to a geographically remote centralized control point located in Decatur, AL.

**DATES:** This rule is effective July 2, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>. Type USCG-2017-0108 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 rulemaking, call or email Mr. Doug Blakemore, Eighth Coast Guard District Bridge Administrator; telephone (504) 671-2128, email [Douglas.A.Blakemore@uscg.mil](mailto:Douglas.A.Blakemore@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)  
NSRR Norfolk Southern Railroad  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

The NSRR vertical lift bridge is maintained in the open to vessel position except when trains need to pass or when maintenance is performed. This bridge has a 44.09' above normal pool elevation vertical clearance in the closed to vessel position and a vertical clearance of 73' above normal pool elevation when raised to its maximum height. The bridge has a 300' horizontal clearance. This bridge is located on a major commercial waterway used primarily by tugs, tows and barges. The drawbridge is regulated under 33 CFR 117.5 and opens on signal.

NSRR has developed a system of closed circuit cameras (CCTV), infrared sensors, VHF and landline communications, positive train control dispatch, programmable logic control, display monitors, vessel identification systems and procedures that allow a remote operator to perform all assignments of an onsite drawtender.

In December 2016 NSRR requested to operate the Tombigbee River bridge from a remote NSRR location in Decatur, AL. NSRR informed the Coast

Guard that the bridge would operate under the following conditions.

(1) The draw would be maintained in the fully open to navigation position for vessels at all times, except during periods when it would be closed for the passage of rail traffic or to perform periodic maintenance authorized in accordance with the regulations.

(2) The draw would be remotely operated by the drawtender located at Norfolk Southern's drawbridge in Decatur, Alabama. The estimated duration that the bridge would remained closed for the passage of rail traffic would be 10 to 15 minutes per operation.

(3) When a train approached the bridge, the drawtender would initiate the bridge closing warning signal, consisting of radio calls via VHF-FM-channels 13 and 16 and activation of flashing red warning lights at each end of the span. The radio calls would be broadcast at five (5) minutes prior to bridge closing and at two (2) minutes prior to bridge closing. Photoelectric (infrared) boat detectors would monitor the waterway beneath the bridge for the presence of vessels.

(4) The drawtender would continuously monitor waterway traffic in the area using closed-circuit cameras mounted on the bridge. The draw would only be closed if the drawtender's visual inspection indicated that the channel was clear and there were no vessels transiting in the area. The drawtender would maintain constant surveillance of the navigation channel to ensure that no conflict with maritime traffic existed. Additionally, the draw would not be closed if the S11 bascule bridge that is located immediately west of the railroad bridge was in the open-to-navigation position. If two or more closed-circuit cameras were to become inoperable or if there was inclement weather, the draw