

Monday through Friday, except Federal holidays, the draws need not be opened.

(3) The following bridges are remotely operated, are required to operate a radiotelephone, and shall open as noted in this section; The South First Street Bridge, mile 1.78.

(4) No commercial vessel over 50 tons shall be held between any bridge at any time and must be passed as soon as possible.

(5) From November 2nd through April 15th, all drawbridges over the Kinnickinnic River will open on signal if a 12-hour advance notice is provided.

The Canadian Pacific Railroad Bridge at Mile 1.74 over the Burnham Canal, and the Sixteenth Street Bridge, mile 2.14, over the Menomonee River are closed by regulation and do not need to open for the passage of vessels.

During non-special event weekdays the owners of all affected bridges will provide records showing the dates and times of bridge openings and the type of vessels the bridge opened for. The city of Milwaukee will also provide information on the vehicle congestion caused or improved by the temporary deviation by providing the number of vehicles waiting for the bridge to close after a vessel passes.

Because we took into consideration the comments from the ANPRM, vehicle counts, and past three years of vehicle counts, we believe the test deviation will have a limited impact on vessels.

The city of Milwaukee held public discussions about the potential rule change through public works meetings conducted throughout the summer of 2018. Prior to asking for our review, this office reached out to several commercial vessels which operate on the affected waterways prior to the release of the ANPRM. These actions were aimed at developing a test deviation that took all pertinent comments and concerns under consideration.

Vessels that can safely pass under the bridge without an opening may do so at any time. The Coast Guard will also inform the users of the waterways of the change in operating schedule for the bridges through our Local and Broadcast Notices to Mariners.

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.

## II. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material

received during the comment period. Your comment can help shape the outcome of this rulemaking. Should you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at <http://www.regulations.gov>, and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

Dated: February 25, 2020.

**D. L. Cottrell,**

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

[FR Doc. 2020-04659 Filed 3-6-20; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2020-0105]

#### Safety Zone; New Orleans, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a temporary safety zone between mile marker (MM) 95.7 and MM 96.7 above Head of Passes, Lower Mississippi River, LA. This action is necessary to provide for the safety of life on these navigable waters near New Orleans, LA, during a fireworks display on March 18, 2020. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

**DATES:** The regulations in 33 CFR 165.845 will be enforced from 9 p.m. to 10 p.m. on March 18, 2020.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Lieutenant Commander Corinne Plummer, Sector New Orleans, U.S. Coast Guard; telephone 504-365-2375, email [Corinne.M.Plummer@uscg.mil](mailto:Corinne.M.Plummer@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone located in 33 CFR 165.845 for the River Center Fireworks Display event. The regulations will be enforced from 9:00 p.m. through 10:00 p.m. on March 18, 2020. This action is being taken to provide for the safety of life on navigable waterways during this event, which will be located between MM 95.7 and MM 96.7 above Head of Passes, Lower Mississippi River, LA. During the enforcement periods, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard Ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via a Marine Safety Information Bulletin and Broadcast Notice to Mariners.

Dated: March 2, 2020.

**K.M. Luttrell,**

*Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.*

[FR Doc. 2020-04664 Filed 3-6-20; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR 165

[Docket Number USCG-2016-1067]

RIN 1625-AA00

#### Safety Zone; Hurricanes, Tropical Storms and Other Disasters in South Florida

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard will establish a safety zone that would restrict certain vessels from entering or transiting through certain navigable waters in the Miami River and Ports of Miami, Everglades, Palm Beach and Fort Pierce during periods of reduced or restricted visibility due to tropical storm force winds (39-73 mph/34-63 knots), hurricanes and/or other disasters. This action is necessary for the safety of life

on these navigable waters within the Sector Miami Captain of the Port (COTP) zone.

**DATES:** This rule is effective April 8, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2016–1067 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 rulemaking contact Mr. Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard at (305) 535–4317, or by email at [Omar.Beceiro@uscg.mil](mailto:Omar.Beceiro@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

The COTP has determined reduced or restricted visibility and tropical storm force winds, which may occur during tropical storms, hurricanes and other disasters, constitutes a safety concern for vessels within the Miami COTP zone. As a result, the Coast Guard published a notice of proposed rulemaking (NPRM) on June 5, 2017<sup>1</sup> to establish a temporary safety zone over certain navigable waters in the Miami River and Ports of Miami, Everglades, Palm Beach and Fort Pierce. Since a considerable amount of time passed and a final rule was not published, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) on October 3, 2019.<sup>2</sup> During the comment period that ended November 4, 2019, the Coast Guard received two 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 Miami has determined reduced or restricted visibility and tropical storm force winds, which may occur during tropical storms, hurricanes and other disasters, constitutes a safety concern. The purpose of this rule is to ensure safety of certain vessels and navigable

waters in the safety zone before, during, and after tropical storms, hurricanes and other disasters.

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

As noted above, the Coast Guard received two comments on the SNPRM in support of the proposed rule. In the regulatory text of this rule, we made one change by changing the section number of regulation from § 165.785 to § 165.706. We are making this change because § 165.785 is already being used for another regulation.

This rule establishes a safety zone that restricts certain vessels from entering or transiting through certain navigable waters in the Miami River and Ports of Miami, Everglades, Palm Beach and Fort Pierce during periods of reduced or restricted visibility due to tropical storm force winds (39–73 mph/34–63 knots), hurricanes and/or other disasters. The duration of the regulation is intended to ensure the safety of vessels and these navigable waters before, during, and after periods of tropical storm force winds.

##### 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, duration, and time-of-day of the safety zone. Certain vessels will be affected by this rule only when heavy weather is forecast to make imminent landfall within the Sector Miami COTP zone. In addition, vessel traffic would be secured only during port conditions Yankee and Zulu, and only in ports potentially affected by tropical storm force winds. The Coast Guard will issue updates on

<https://homeport.uscg.mil/port-directory/miami>, via broadcasts on VHF–FM marine channel 16, and during Severe Weather Advisory Team meetings.

###### 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 did not receive any 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 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 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).

<sup>1</sup> See 82 FR 21742.

<sup>2</sup> See 84 FR 52835.

#### *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 call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### *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 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 a safety zone of limited duration in the Miami COTP zone implemented during tropical storms, hurricanes or other heavy weather events. This action is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures

5090.1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### *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 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:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.706 to read as follows:

##### **§ 165.706 Safety Zone; Hurricanes, Tropical Storms and Other Disasters in South Florida.**

(a) *Regulated Areas.* All navigable waters, as defined in 33 CFR 2.36, within Sector Miami COTP zone, Miami, Florida, as described in 33 CFR 3.35–10, during specified conditions.

(b) *Definitions.* (1) The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP Miami, in the enforcement of the regulated areas.

(2) Port Condition WHISKEY means a condition set by the COTP when weather advisories indicate sustained tropical storm force winds from a tropical or hurricane force storm are predicted to make landfall at the port within 72 hours.

(3) Port Condition X-RAY means a condition set by the COTP when weather advisories indicate sustained tropical storm force winds from a tropical or hurricane force storm are predicted to make landfall at the port within 48 hours.

(4) Port Condition YANKEE means a condition set by the COTP when

weather advisories indicate that sustained tropical storm force winds from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours.

(5) Port Condition ZULU means a condition set by the COTP when weather advisories indicate that sustained tropical storm force winds from a tropical or hurricane force storm are predicted to make landfall at the port within 12 hours.

(c) *Regulations*—(1) *Port Condition WHISKEY.* All vessel and port facilities must exercise due diligence in preparation for potential storm impacts. Slow-moving vessels may be ordered to depart to ensure safe avoidance of the incoming storm upon the anticipation of the setting of Port Condition X-RAY. Ports and waterfront facilities shall begin removing all debris and securing potential flying hazards. Container stacking plans shall be implemented. Waterfront facilities that are unable to reduce container-stacking height to no more than four high must submit a container stacking protocol to the COTP.

(2) *Port Condition X-RAY.* All vessels and port facilities shall ensure that potential flying debris is removed or secured. Hazardous materials/pollution hazards must be secured in a safe manner and away from waterfront areas. Facilities shall continue to implement container-stacking protocol. Containers must not exceed four tiers, unless previously approved by the COTP. Containers carrying hazardous materials may not be stacked above the second tier. All oceangoing commercial vessels greater than 500-gross tons must prepare to depart ports and anchorages within the affected regulated area. These vessels shall depart immediately upon the setting of Port Condition YANKEE. During this condition, slow-moving vessels may be ordered to depart to ensure safe avoidance of the incoming storm. Vessels that are unable to depart the port must contact the COTP to request and receive permission to remain in port. Vessels with COTP's permission to remain in port must implement their pre-approved mooring arrangement. Terminal operators shall prepare to terminate all cargo operations. The COTP may require additional precautions to ensure the safety of the ports and waterways.

(3) *Port Condition YANKEE.* Affected ports would be closed to inbound vessel traffic. All oceangoing commercial vessels greater than 500-gross tons must have departed designated ports within the Sector Miami COTP zone. Appropriate container stacking protocol must be completed. Terminal operators must terminate all cargo operations not

associated with storm preparations. Cargo operations associated with storm preparations include moving cargo within or off the port for securing purposes, crane and other port/facility equipment preparations, and similar activities, but do not include moving cargo onto the port or vessel loading/discharging operations unless specifically authorized by the COTP. All facilities shall continue to operate in accordance with approved Facility Security Plans and comply with the requirements of the Maritime Transportation Security Act (MTSA).

(4) *Port Condition ZULU*. All port waterfront operations are suspended, except final preparations that are expressly permitted by the COTP as necessary to ensure the safety of the ports and facilities. Coast Guard Port Assessment Teams will conduct final port assessments.

(5) *Emergency Restrictions for Other Disasters*. Any natural or other disasters that are anticipated to affect the Sector Miami COTP zone will result in the prohibition of facility operations and commercial vessel traffic transiting or remaining in the affected port.

Dated: January 14, 2020.

**J.F. Burdian,**

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

[FR Doc. 2020-04709 Filed 3-6-20; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF EDUCATION

**34 CFR Parts 300, 361, 363, 367, 370, and 381**

**[Docket ID ED-2020-OSERS-0022]**

### **Assistance to States for the Education of Children With Disabilities; State Vocational Rehabilitation Services; State Supported Employment Services; Independent Living Services for Older Individuals Who Are Blind; Protection and Advocacy of Individual Rights; Client Assistance Program**

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notification of policy statement; request for comment.

**SUMMARY:** The Office of Special Education and Rehabilitative Services (OSERS) is seeking comment on its October 29, 2019, policy statement and frequently asked questions (Policy Statement) granting prior approval for two direct cost categories under the Department's authority in the Office of Management and Budget's (OMB's)

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). The prior approval applies to State formula grant programs administered by the Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA) for two direct cost categories: Participant support costs and equipment.

**DATES:** We must receive your comments on or before April 8, 2020.

**ADDRESSES:** Submit your comments through the Federal eRulemaking portal or via U.S. mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How to use *Regulations.gov*" in the Help section.

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this proposed interpretation, address them to the appropriate individual listed under **FOR FURTHER INFORMATION CONTACT**.

*Privacy Note:* The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** For programs administered by OSEP, Matthew Schmeer, U.S. Department of Education, 400 Maryland Avenue SW, Room 5055, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: (202) 245-6755. Email: [Matthew.Schmeer@ed.gov](mailto:Matthew.Schmeer@ed.gov).

For programs administered by RSA, David Steele, U.S. Department of Education, 400 Maryland Avenue SW, Room 5157, Potomac Center Plaza, Washington, DC 20202-5076. Telephone: (202) 245-6520. Email: [David.Steele@ed.gov](mailto:David.Steele@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay

Service (FRS), toll free, at 1-800-877-8339.

## **SUPPLEMENTARY INFORMATION:**

### **Invitation to Comment**

We invite you to submit comments on the Policy Statement. See **ADDRESSES** for instructions on how to submit comments.

During and after the comment period, you may inspect all public comments about this proposed interpretation by accessing *Regulations.gov*. You may also inspect the comments in person in Room 5008 between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays. If you want to schedule time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Assistance to Individuals with Disabilities in Reviewing the Record:* On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Background:* On October 29, 2019, OSERS first published the Policy Statement that granted prior approval for two direct cost categories under the Department's authority in the OMB's Uniform Guidance, codified in 2 CFR 200.407(f) and (t), 200.439(b), and 200.456.

The prior approval applies to two direct cost categories, participant support costs and equipment, in the following State formula grant programs administered by OSEP and RSA:

### *OSEP*

1. Individuals with Disabilities Education Act (IDEA) Part B Section 611 Grants to States;
2. IDEA Section 619 Preschool Grants; and
3. IDEA Part C Grants for Infants and Families.

### *RSA*

1. State Vocational Rehabilitation (VR) Services under the Rehabilitation Act of 1973 (Rehabilitation Act);
2. State Supported Employment (Supported Employment) Services;
3. Independent Living Services for Older Individuals Who Are Blind (OIB);
4. Protection and Advocacy of Individual Rights (PAIR); and
5. Client Assistance Program (CAP).

When we released the Policy Statement last October, we did so on an interim basis to provide grantees with