

zones for annually recurring marine events held in Coast Guard Southeastern New England Captain of the Port Zone identify the regulated area for this event. 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 165.173 will be enforced from 9 p.m. until 9:30 p.m. on July 2, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email MST2 Christopher Matthews, Waterways Management Division, Sector Southeastern New England, U.S. Coast Guard; telephone 401-435-2348, email *Christopher.S.Matthews@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone listed in 33 CFR 165.173 for the Providence Fireworks regulated area from 9 p.m. to 9:30 p.m. on July 2, 2023. This action is being taken to provide for the safety of life on navigable waterways during this one-day event, which will feature live fireworks. The regulation for marine events within the First Coast Guard District, § 165.173, specifies the location of the regulated area for the Providence Fireworks which encompasses portions of the Providence River. During the enforcement period, vessels in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: May 11, 2023.

**C.J. Prindle,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2023-0202]

RIN 1625-AA00

#### Safety Zone; East Passage Narragansett Bay, RI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones but will only enforce one, based on the local weather conditions the day of the event for navigable waters of the East Passage, Narragansett Bay, RI during The Ocean Race marine event on May 20, 2023. The safety zone is needed to safeguard mariners from the hazards associated with high-speed, high-performance sailing vessels competing in inshore races on the waters of the East Passage, Narragansett Bay, RI. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Southeastern New England, or a designated representative.

**DATES:** This rule is effective from noon through 5 p.m. on May 20, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2023-0202 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST2 Christopher Matthews, Waterways Management Division, Sector Southeastern New England, U.S. Coast Guard; telephone 401-435-2348, email *Christopher.S.Matthews@uscg.mil*.

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Sector  
Southeastern New England  
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 3, 2023, the Ocean Race committee notified the Coast Guard that they would be conducting a sailboat race from noon through 5 p.m. on May 20, 2023. The sailboat race will take place in the vicinity of the East Passage in Narragansett Bay, RI, near the Newport Pell Bridge.

The Captain of the Port Sector Southeastern New England (COTP) has determined that potential hazards associated with the sailboat race would be a safety concern for anyone attempting to transit within East Passage in Narragansett Bay, RI. 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 doing so would be impracticable and contrary to the public interest.

The details of this event were not known to the Coast Guard in sufficient time to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public and vessels from the hazards associated with the sailing event. The expeditious implementation of this rule is in the public interest because it will help ensure the safety of event participants, spectators, waterway users, and surrounding vessels.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with this world-wide sailing event.

##### 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 Ocean Race presents a potential safety concern to vessels, people, and the navigable waters of the East Passage of Narragansett Bay in the vicinity of Newport, R.I. This event is part of a world-wide race, and it is expected to generate national and international media coverage, in addition to spectators on a number of recreational and excursion vessels. As a result, this rule is needed to ensure the safety of vessels and the navigable waters in the East Passage before, during, and after the scheduled event.

##### IV. Discussion of the Rule

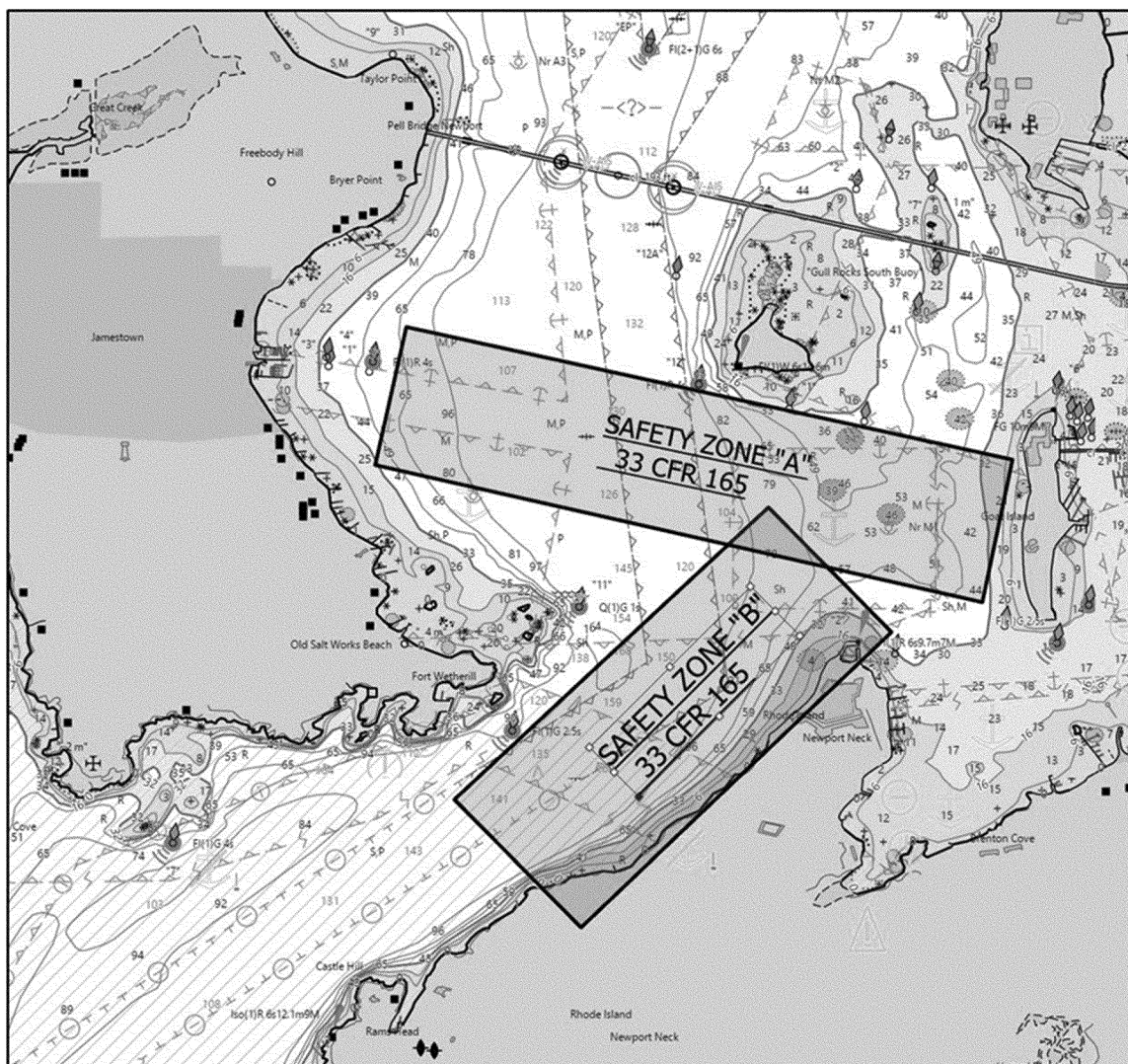
The Coast Guard is establishing two temporary safety zones, in conjunction with The Ocean Race, to ensure the protection of the maritime public and event participants from the hazards

associated with large-scale marine events. Although we are establishing two temporary safety zones, Safety Zone “A” and Safety Zone “B”, only one safety zone will be enforced based on the local weather conditions the day of the race. We will make notice of exactly what safety zone will be enforced via broadcast notice to mariners. The safety

zone, either Safety Zone “A” or Safety Zone “B”, will be enforced on May 20, 2023, from 12:00 until 5:00 p.m. Safety Zone “A” encompasses all navigable waters located within the following latitude and longitude points, 41.497N, 071.359W; 41.490N, 071.361W; 41.483N, 071.330W; 41.490N, 071.329W. Safety Zone “B”

encompasses all navigable waters located within the following latitude and longitude points, 41.473N, 071.356W; 41.467N, 071.350W; 41.482N, 071.335W; 41.488N, 071.341W.

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(Charlet showing Safety Zone “A” and Safety Zone “B”, East Passage, Narragansett Bay, RI.)

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## V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. A summary of our analyses based on these statutes and Executive Orders follows.

### 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. 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).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. We expect the adverse economic impact of this rule to be minimal. Although this

regulation may have some adverse impact on the public, the potential impact will be minimized for the following reasons: the safety zone will be in effect for a maximum of five hours for one day; vessels will only be restricted from the zone in the East Passage of Narragansett Bay during those limited periods when the races are actually ongoing; during periods when there is no actual racing (e.g., racing vessels transiting from the pier to the racing site, downtime between races, etc.) vessels may be allowed to transit

through the safety zone with the permission of the COTP or the COTP's representative.

Notification of The Ocean Race and the associated safety zone will be made to mariners through the Local Notice to Mariners. The morning of the race the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 regarding which zone will be enforced.

#### *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 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).

#### *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 a temporary safety zone lasting only 5 hours over a one-day period that will prohibit entry into a portion of the East Passage of Narragansett Bay. There are two potential areas, Safety Zone “A” and Safety Zone “B”. Safety Zone “A” encompasses all navigable waters located within the following latitude and longitude points, 41.486 N, 071.343

W; 41.482 N, 071.335 W; 41.469 N, 071.350 W; 41.475 N, 071.358 W. Safety Zone “B” encompasses all navigable waters located within the following latitude and longitude points, 41.498 N, 071.361 W; 41.492 N, 071.362 W; 41.483 N, 071.334 W; 41.491 N, 071.330 W. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration 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 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, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T01–0202 to read as follows:

##### **§ 165.T01–0202 Safety Zone; The Ocean Race, East Passage, Narragansett Bay, RI.**

(a) *Location.* The following areas are a safety zone, Safety Zone “A” and Safety Zone “B”. Safety Zone “A” encompasses all navigable waters located within the following latitude and longitude points, 41.486 N, 071.343 W; 41.482 N, 071.335 W; 41.469 N, 071.350 W; 41.475 N, 071.358 W. Safety Zone “B” encompasses all navigable waters located within the following latitude and longitude points, 41.498 N, 071.361 W; 41.492 N, 071.362 W; 41.483 N, 071.334 W; 41.491 N, 071.330 W. Only one safety zone will be enforced based on the local weather conditions the day of the race. We will make notice of exactly what safety zone will be enforced via Broadcast Notice to

Mariners via marine channel 16 (VHF–FM).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Southeastern New England (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF–FM radio channel 16 or phone at 508–457–3211. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced on May 20, 2023, from noon until 5 p.m.

Dated: May 11, 2023.

**C.J. Prindle,**

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

[FR Doc. 2023–10430 Filed 5–15–23; 8:45 am]

**BILLING CODE 9110–04–P**

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **45 CFR Part 2556**

**RIN 3045–AA70; 3045–AA79**

### **Volunteers in Service to America**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule.

**SUMMARY:** The Corporation for National and Community Service (operating as AmeriCorps) is finalizing updates to its regulations to reflect current position titles and roles, define the statutory phrase “direct cost of supporting volunteers,” revise provisions that no longer reflect AmeriCorps’ practice, and make technical changes. The position titles must be updated because VISTA now operates through Regional Administrators, rather than State Program Directors. The statutory phrase interpretation is necessary because under its authorizing statute, AmeriCorps may not provide a non-competitive grant for the “direct cost of supporting volunteers” to projects less

than one year old. This final rule defines the phrase to include those funds paid directly for the support of individuals serving in the VISTA program, such as living allowances, travel reimbursements, and end-of-service benefits, but not funds paid for the support of the VISTA sponsor organization. This change would make VISTA projects more accessible to organizations in underserved communities that may not have otherwise been able to secure the resources to devote a supervisor or certain administrative costs to a new project.

**DATES:** Effective June 15, 2023.

#### **FOR FURTHER INFORMATION CONTACT:**

Carly Bruder, Acting Director, AmeriCorps VISTA, at [cbruder@cns.gov](mailto:cbruder@cns.gov), (202) 606–6871, or by mail to AmeriCorps, 250 E Street SW, Washington, DC 20525.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Background**

AmeriCorps VISTA is a national service program designed to provide needed resources to nonprofit organizations and public agencies to strengthen and supplement efforts to address poverty and poverty-related problems in the United States and certain U.S. territories. The VISTA program provides opportunities for individuals to join as volunteers (“members”) who perform, on a full-time basis, service with an organization (“sponsor”) to create, strengthen, or expand initiatives designed to assist individuals and communities in addressing poverty. Each year, the AmeriCorps VISTA program awards non-grant (*i.e.*, VISTA member, leader, or summer associate positions) and grant resources to sponsors. A sponsor is responsible for designing and implementing the VISTA project and recruiting, supervising, and providing necessary administrative support (*e.g.*, supplies and equipment, in-service training and development, mileage reimbursement) to VISTA members to complete the goals of the project. Among its grants, AmeriCorps VISTA offers non-competitive grants to fund sponsor organizations’ costs to supply, among other items, supervision for a VISTA project.

#### **II. Overview of Final Rule**

The Domestic Volunteer Service Act of 1973 (DVSA) states that AmeriCorps may not provide a grant for the “direct cost of supporting volunteers” to any project that is less than one year old unless that grant is awarded competitively. *See* 42 U.S.C. 4960(b).

Under this statutory provision, AmeriCorps may provide non-competitive support grants only to projects that have been operating for a year or more, or to projects less than one year old if the grant is for something other than the “direct cost of supporting volunteers.”

This final rule defines “direct cost of supporting volunteers” to include only the funds paid directly for the support of VISTA members, such as living allowances, travel reimbursements, and end-of-service benefits. With this definition, the final rule makes clear that AmeriCorps can provide non-competitive grants to support a VISTA sponsor organization, including funds to support the sponsor organization’s supervisor, for a VISTA project that is less than one year old. Over the past few years, sponsors with projects less than a year old have not been able to access noncompetitive support grants because of AmeriCorps’ previous broad interpretation of the phrase “direct cost of supporting volunteers” to include not only the costs of supporting members but also the costs of supporting the sponsor’s supervisor. The final rule makes VISTA projects more accessible to sponsor organizations in underserved communities who may not have otherwise been able to secure the resources to devote a supervisor or certain administrative costs to a new project. The limitations on VISTA sponsors receiving funding for the direct cost of supporting volunteers are set out in § 2556.180 of this final rule.

This final rule also updates position titles and roles to reflect current agency organization, revise provisions that no longer reflect current practice, and make technical changes. Specifically, the rule:

- In the definitions section, at § 2556.5:
  - Deletes the definitions of “Area Manager” and “State Program Director”
  - Adds definitions for “Deputy Regional Administrator,” “Portfolio Manager,” “Regional Administrator,” “Senior Portfolio Manager,” “VISTA Case Manager,” and “VMSU Director.”
  - Replaces the definition of “CNCS” with a definition of “AmeriCorps” to reflect that the Agency operates as AmeriCorps.
- In § 2556.200, clarifies that both the age and citizenship status of the individual entering VISTA service are determined at the time they take their oath or affirmation of service, and deletes “lawful permanent resident” as an example of individuals legally residing in a State because there may be additional categories of individuals legally residing in a State that are not technically “lawful permanent