

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. Add § 100.T11–113 to read as follows:

§ 100.T11–113 Special Local Regulation; Eureka Concert Spectator Area, Eureka Channel, Eureka, CA.

(a) *Regulated area.* This special local regulation involves a designated event anchorage from a point along the southeastern shore of Woodley Island at 40°48′34.5″ N, 124°9′19.7″ W; thence along the Samoa Bridge to 40°48′30.3″ N, 124°9′15.7″; thence along the shore to 40°48′24.2″ N, 124°9′30.6″ W; thence to 40°48′29.4″ N, 124°9′32.8″ W and thence to the point of beginning. No vessel may moor or anchor within 50 yards of the southernmost shoreline to allow access for emergency vessels. This special local regulation also involves a no-loitering zone to reduce congregating in Eureka Channel during this concert event from a point along the southwestern shore or Woodley Island at 40°48′28.0″ N, 124°10′0.0″ W; thence along the shore to 40°48′29.4″ N, 124°9′32.8″ W; thence to 40°48′24.2″ N, 124°9′30.6″ W; thence along the shore to 40°48′21.9″ N, 124°9′59.9″ W and thence to the point of beginning.

(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 San Francisco (COTP) in the enforcement of the regulations in this section.

(c) *Regulations.* All attendees are allowed to anchor within the designated event anchorage and are restricted from remaining within the regulated no-loitering area described in paragraph (a) of this section unless authorized by the Captain of the Port San Francisco or their designated representative.

(2) To seek permission to access or for inquiries, contact the COTP or the COTP's representative by VHF Channel 22A (157.100 mhz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 11 a.m. to 7 p.m. on October 16, 2022.

Dated: October 7, 2022.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0807]

Safety Zones in Reentry Sites; Tampa and Tallahassee, Florida

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard is activating two safety zones for the SpaceX Commercial Crew-4 mission, reentry vehicle splashdown, and recovery operations. These operations will occur in the U.S. Exclusive Economic Zone (EEZ). Our regulation for safety zones in reentry sites within the Seventh Coast Guard District identifies the regulated areas for this event. No U.S. flagged vessel may enter the safety zones unless authorized by the Captain of the Port St. Petersburg or a designated representative. Foreign-flagged vessels are encouraged to remain outside the safety zones.

DATES: The regulations in 33 CFR 165.T07–0289 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Marine Science Technician second class Regina Cuevas, Waterways Management Division, U.S. Coast Guard; telephone 813–228–2191 ext 8333, email Regina.L.Cuevas@uscg.mil.

SUPPLEMENTARY INFORMATION: With this document, the Coast Guard Captain of the Port (COTP) St. Petersburg is activating two safety zones as listed in 33 CFR 165.T07–0289(a)(4) through (a)(5), on October 13, 2022 through October 20, 2022 for the SpaceX Commercial Crew-4 mission (Crew-4), reentry vehicle splashdown, and the associated recovery operations in the U.S. EEZ. These two safety zones are located within the COTP St. Petersburg Area of Responsibility (AOR) offshore of

Tampa and Tallahassee, Florida. The COTP St. Petersburg is activating these safety zones in order to protect vessels and waterway users from the potential hazards created by reentry vehicle splashdowns and recovery operations in our exclusive economic zone and implements a special activities provision of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. In accordance with the general regulations in 33 CFR part 165, subpart C, no U.S.-flagged vessel may enter the safety zones unless authorized by the COTP St. Petersburg or a designated representative except as provided in § 165.T07–0289(d)(3). All foreign-flagged vessels are encouraged to remain outside the safety zones.

There are three other safety zones listed in § 165.T07–0289(a)(1) through (a)(3), which are located within the COTP Jacksonville AOR, that are being simultaneously activated through a separate notification of enforcement of the regulation document issued under Docket Number USCG–2022–0805.¹

Twenty-four hours prior to the Crew-4 recovery operations scheduled as early as October 13, 2022, the COTP Jacksonville or COTP St. Petersburg, or designated representative will inform the public whether any of the five safety zones described in § 165.T07–0289, paragraph (a), will remain activated (subject to enforcement). If one of the safety zones described in § 165.T07–0289, paragraph (a), remains activated, it will be enforced for four hours prior to the Crew-4 splashdown and remain activated until announced by Broadcast Notice to Mariners on VHF–FM channel 16, and/or Marine Safety Information Bulletin (as appropriate) that the safety zone is no longer subject to enforcement. After the Crew-4 reentry vehicle splashdown, the COTP or a designated representative will grant general permission to come no closer than 3 nautical miles of any reentry vehicle or space support vessel engaged in the recovery operations, within the activated safety zone described in § 165.T07–0289, paragraph (a). Once the reentry vehicle, and any personnel involved in reentry service, are removed from the water and secured onboard a space support vessel, the COTP or designated representative will issue a Broadcast Notice to Mariners on VHF–FM channel 16 announcing the activated safety zone is no longer subject to enforcement. The recovery

¹ This notification of enforcement of the regulation can be found at: <https://regulations.gov> by searching for docket number USCG–2022–0805.

operations are expected to last approximately one hour.

The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

Dated: October 7, 2022.

Michael P. Kahle,

Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2022-0354]

RIN 1625-AA00

Safety Zone; Mystic River, Mystic, CT

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Mystic River for the Mystic Seaport Bridge 100th Anniversary Fireworks Display. This action is necessary to provide for the safety of life on the navigable waters in the vicinity of the Mystic Bascule Bridge during a fireworks display. This rule would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Long Island Sound or a designated representative.

DATES: This rule is effective from 7:45 p.m. through 9:30 p.m. on Saturday, October 15, 2022 with a rain date effective from 7:45 p.m. through 9:30 p.m. on Sunday, October 16, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0354 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 Marine Science Technician 2nd Class Mark Paget, Waterways Management Division, Sector Long Island Sound; Tele: (203) 468-4583; Email: Mark.A.Paget@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Long Island Sound

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 16, 2022, the Mystic Chamber of Commerce notified the Coast Guard that it will be conducting a fireworks display to commemorate the Mystic Seaport Bridge 100th Anniversary from 7:45 p.m. to 9:30 p.m. on Saturday, October 15, 2022, with a rain date scheduled from 7:45 p.m. to 9:30 p.m. on Sunday, October 16, 2022. The fireworks are to be launched from a barge in the Mystic River approximately 200 yards west of the Mystic River Boathouse Park, Mystic, CT. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

In response, on August 3, 2022, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Mystic River, Mystic, CT (87 FR 47381). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended September 2, 2022; we received 0 comments.

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 to facilitate the safety of the persons and vessels involved in the fireworks display.

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 Captain of the Port Long Island Sound (COTP) has determined that potential hazards associated with the fireworks to be used in this October 15, 2022 display will be a safety concern for anyone within a 200-yard radius of the barge. This rule is needed to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published August 3, 2022. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from 7:45 p.m. through 9:30 p.m. on Saturday, October 15, 2022 with a rain date scheduled from 7:45 p.m. through 9:30 p.m. on Sunday October 16, 2022. The safety zone will cover all navigable waters within 200 yards of a barge in the Mystic River located approximately 200 yards west of the Mystic River Boathouse Park, Mystic, CT. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 8 p.m. to 9 p.m. fireworks display. All persons or vessels would be prohibited from entering the safety zone without permission from the COTP or a designated representative.

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. 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, and duration of the safety zone. Due to the size of the fall-out zone, vessel traffic will be impeded throughout the duration of the fireworks display.

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 0 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