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- **Mail:** Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size (.17 inches), include the commenter's complete first and last name and full mailing address, and be signed. Written comments may be of any length.

#### D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director of ATF within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

#### Disclosure

Copies of this proposed rule and the comments received will be available for public inspection through the Federal eRulemaking portal, <https://www.regulations.gov>, or by appointment during normal business hours at the ATF Reading Room, Room 1E-062, 99 New York Avenue NE, Washington, DC 20226; telephone: (202) 648-8740.

#### Drafting Information

The author of this document is Shermaine Kenner, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

#### List of Subjects in 27 CFR Part 555

Administrative practice and procedure, Explosives, Freight, Hazardous substances, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, Warehouses.

#### Authority and Issuance

Accordingly, for the reasons discussed in the preamble, the Department of Justice proposes to amend 27 CFR part 555 as follows:

#### **PART 555—COMMERCE IN EXPLOSIVES**

■ 1. The authority citation for 27 CFR part 555 continues to read as follows:

**Authority:** 18 U.S.C. 847.

■ 2. Amend § 555.201, by revising paragraph (f) to read as follows:

#### **§ 555.201 General.**

\* \* \* \* \*

(f) Any person who stores explosive materials shall notify the authority having jurisdiction for fire safety in the locality in which the explosive materials are being stored of the type of explosives, magazine capacity, and location of each site where such explosive materials are stored. Notification shall be made orally before the end of the day on which storage of the explosive materials commenced, and in writing within 48 hours from the time such storage commenced. Thereafter, written notification shall be made once every 12 months following the initial notification, but no later than the end of the month during which the 12-month period is completed, unless the person is no longer storing explosive materials at the relevant site. When a person ceases to store explosive materials at a site, written notification to the authority having jurisdiction for fire safety in the locality in which the explosive materials were stored shall be made within 48 hours of the person discontinuing storage. Each written notification must also contain the name, title, and agency of the fire authority official notified and the date of the written notification. A copy of each written notification must be maintained by the person submitting the notification for five years from the date of notification and made available for examination or inspection by an ATF officer at all reasonable times.

Dated: August 11, 2023.

**Merrick B. Garland,**  
*Attorney General.*

[FR Doc. 2023-18075 Filed 8-22-23; 8:45 am]

**BILLING CODE 4410-FY-P**

#### **DEPARTMENT OF HOMELAND SECURITY**

#### **Coast Guard**

#### **33 CFR Part 100**

[Docket Number USCG-2023-0510]

RIN 1625-AA08

#### **Special Local Regulation; Atlantic Intracoastal Waterway, Morehead City, NC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a special local regulation (SLR) for certain navigable waters of the

Atlantic Intracoastal Waterway (AICW) and Beaufort Inlet in Morehead City, North Carolina. This SLR, which would be enforced annually for one weekend each September, would restrict vessel traffic on the AICW and Beaufort Inlet during high-speed boat races. The restriction of vessel traffic movement in the SLR is proposed for the purpose of protecting participants and spectators from the hazards posed by these events. Entry of vessels or persons into this regulated area would be prohibited unless specifically authorized by the Captain of the Port (COTP), North Carolina or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before September 22, 2023.

**ADDRESSES:** You may submit comments identified by docket number USCG-2023-0510 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Petty Officer Ken Farah, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone 910-772-2221, email [ncmarineevents@uscg.mil](mailto:ncmarineevents@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  
SLR Special Local Regulation  
U.S.C. United States Code

#### **II. Background, Purpose, and Legal Basis**

On March 13, 2023, the NC East Sports, Inc organization notified the Coast Guard that it will be hosting the Crystal Coast Grand Prix powerboat race in Morehead City, NC. This high speed boat race will take place from 10 a.m. to 6 p.m. on the waters of the Atlantic Intracoastal Waterway (AICW) and Beaufort Inlet each year on one consecutive Friday, Saturday, and/or Sunday in September. It is anticipated that approximately 60 high speed vessels will be participating. The racecourse encompasses approximately 1.5 square miles and will include all navigable waters of the AICW and

Beaufort Inlet, North Carolina from approximate positions more particularly described in the discussion (paragraph III of this preamble), below. The Captain of the Port, Sector North Carolina (COTP) has determined that the presence of vessels not associated with the race, and anyone else in or transiting the designated area of the AICW and Beaufort Inlet in Morehead City, NC during the high speed vessel race would pose a safety concern to the participating vessels, and to spectators of the event, as well as to others within the designated area. The purpose of this rulemaking is to ensure the safety of vessels, participants, and other persons from the hazards associated with the event.

This proposed rule would modify 33 CFR 100.501 by listing a new recurring marine event in Table 4 to Paragraph (i)(4), which covers the Coast Guard Sector North Carolina—COTP Zone. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70041.

### III. Discussion of Proposed Rule

The COTP is proposing to establish a SLR which would be enforced on a portion of the AICW and Beaufort Inlet from 10 a.m. until 6 p.m. each year on one consecutive Friday, Saturday, and/or Sunday in September. The times of enforcement would be broadcast locally over VHF-FM marine radio via a Broadcast Notice to Mariners (BNM), Marine Safety Information Bulletin (MSIB), and Local Notice to Mariners (LNM).

The regulated area would encompass approximately 1.5 square miles and would include all navigable waters of the AICW and Beaufort Inlet, North Carolina, from approximate positions: latitude 34°42'55"N, longitude 076°43'15"W, then east to latitude 34°42'56"N, longitude 076°42'13"W, then east to latitude 34°42'57"N, longitude 076°41'41"W, then east to latitude 34°42'57"N, longitude 076°41'25"W, then south east to latitude 34°42'23"N, longitude 076°40'44"W, then south to latitude 34°41'59"N, longitude 076°40'43"W, then north west to latitude 34°42'32"N, longitude 076°42'14"W, then west to latitude 34°42'32"N, longitude 076°43'15"W, then north to its point of origin.

This SLR provides additional information about areas that would be included within the regulated area, including their definitions. These areas include "Race Area," "Spectator Area," and "Buffer Zone."

The size of the regulated area is intended to ensure the safety of life on these navigable waters before, during,

and after activities associated with the high speed boat race. The COTP and the Coast Guard Event Patrol Commander (PATCOM) have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area must immediately comply with the directions given by the COTP or Event PATCOM. If a person or vessel fails to follow such directions, the Coast Guard may expel them from the area, issue them a citation for failure to comply, or both.

Except for Crystal Coast Grand Prix race participants and vessels already at berth, a vessel or person would have to get permission from the COTP or Event PATCOM to remain in the regulated area during an enforcement period or to enter the regulated area. Vessel operators would be required to request permission to enter and transit through the regulated area by contacting the Event PATCOM on VHF-FM channel 16. Vessel traffic would be able to safely transit the regulated area once the Event PATCOM deemed it safe to do so. A vessel within the regulated area would have to operate at safe speed that minimized wake. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a spectator. Official Patrols would include any vessel assigned or approved by the Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign. Official Patrols enforcing this regulated area can be contacted on VHF-FM channel 16 and channel 22A.

If permission is granted by the COTP or Event PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. A spectator vessel would be prohibited from loitering within the Race Zone, Buffer Zone, or other portions of the navigable channel while it was within the regulated area. Official patrol vessels would direct spectators to the designated spectator area. Only participant vessels would be allowed to enter the Race Area, and the Buffer Zone, if necessary.

The proposed duration of this SLR is intended to protect participants and spectators on the navigable waters of the AICW and Beaufort Inlet during the high-speed boat race. Vessels could request permission to pass through the SLR between race heats. No vessel or person would be permitted to enter the SLR without obtaining permission from the COTP North Carolina or a

designated representative. The regulatory text we are proposing appears at the end of this document.

### IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a "significant regulatory action," under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM 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 SLR. Vessel traffic would not be allowed to enter or transit a portion of the AICW or Beaufort Inlet during an active race event from 10 a.m. through 6 p.m. each year on the second or last Friday, Saturday, and Sunday in September. The rule would, however, allow vessels to request permission to pass through the regulated area between race heats. The Coast Guard will transmit a BNM via VHF-FM marine channel 16, publish an MSIB, and post a LNM regarding the enforcement period of the SLR.

#### 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 proposed rule would 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 IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

#### F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves an SLR to be enforced during active race events. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Memorandum for the Record supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### 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.

#### V. 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. If 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.

*Submitting comments.* We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2023–0510 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

*Viewing material in docket.* To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

*Personal information.* We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

#### 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 proposes to amend 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. In § 100.501, amend table 4 to paragraph (i)(4) by adding a new entry at the end of the table to read as follows:

§ 100.501 Special Local Regulations; (i) \* \* \*  
 Marine Events Within the Fifth Coast Guard District. (4) \* \* \*  
 \* \* \* \* \*

TABLE 4 TO PARAGRAPH (i)(4)

Event	Regulated area	Enforcement period(s)	Sponsor
* Crystal Coast Grand Prix Powerboat Race.	* All navigable waters of the AICW and Beaufort Inlet, North Carolina from approximate positions: latitude 34°42'55" N, longitude 076°43'15" W, then east to latitude 34°42'56" N, longitude 076°42'13" W, then east to latitude 34°42'57" N, longitude 076°41'41" W, then east to latitude 34°42'57" N, longitude 076°41'25" W, then south east to latitude 34°42'23" N, longitude 076°40'44" W, then south to latitude 34°41'59" N, longitude 076°40'43" W, then north west to latitude 34°42'32" N, longitude 076°42'14" W, then west to latitude 34°42'32" N, longitude 076°43'15" W, then north to its point of origin. <i>Race area:</i> All navigable waters of the AICW and Beaufort Inlet, North Carolina, from approximate positions: latitude 34°42'52" N, longitude 076°43'16" W, then east to latitude 34°42'52.2" N, longitude 076°42'11.04" W, then east to latitude 34°42'53.76" N, longitude 076°41'38.04" W, then southeast to latitude 34°42'10.8" N, longitude 076°40'44.4" W, then south to latitude 34°42'4.3" N, longitude 076°40'48.1" W, then northwest to latitude 34°42'47.34" N, longitude 076°41'49" W, then west to latitude 34°42'50" N, longitude 076°43'16" W, then north to the point of origin. <i>Spectator area:</i> All waters of the AICW, North Carolina, from approximate positions: latitude 34°42'42" N, longitude 076°43'15" W, then east to latitude 34°42'41" N, longitude 076°42'14" W, then south to latitude 34°42'32" N, longitude 076°42'14" W, then west to latitude 34°42'32" N, longitude 076°43'15" W, then north to the point of origin. <i>Buffer zone:</i> All waters of the AICW and Beaufort Inlet, North Carolina, from approximate positions: latitude 34°42'55" N, longitude 076°43'15" W, then east to latitude 34°42'56" N, longitude 076°42'13" W, then east to latitude 34°42'57" N, longitude 076°41'41" W, then east to latitude 34°42'57" N, longitude 076°41'25" W, then south east to latitude 34°42'23" N, longitude 076°40'44" W, then south to latitude 34°41'59" N, longitude 076°40'43" W, then north west to latitude 34°42'41" N, longitude 076°42'05" W, then west to latitude 34°42'42" N, longitude 076°43'15" W, then north to its point of origin.	* One consecutive Friday, Saturday, and/or Sunday in September.	* NC East Sports, INC.

<sup>1</sup> As noted, the enforcement dates and times for each of the listed events in this table are subject to change. In the event of a change, or for enforcement periods listed that do not allow a specific date or dates to be determined, the Captain of the Port will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcaster Notice to Mariner.

Dated: August 14, 2023.  
**Timothy J. List,**  
*Captain, U.S. Coast Guard, Captain of the Port, Sector North Carolina.*  
 [FR Doc. 2023-18172 Filed 8-22-23; 8:45 am]  
**BILLING CODE 9110-04-P**