

corrected to match the language adopted by the Commission.<sup>5</sup> The wording is being corrected on the online application used to submit filings on Form N-CEN, on disseminated filings on *SEC.gov*, and in relevant portions of the Filer Manual. Additionally, Item E.3.a of Form N-CEN is being updated to provide filers space to report a second value, if necessary, for the number of shares needed to form a creation unit.

#### *Additional Revisions To Remove Non-Procedural Rule Content From Volume II*

Appendix C (“EDGAR Submission Types”) is being removed from Volume II of the Filer Manual, because it consists only of examples, sample templates, and lists of information, and not instruction in the nature of a procedural rule. This content may have originally been included in the Filer Manual when EDGAR and similar technology were novel and it was thought necessary to include elementary technical information. Removing the content reduces the size of the Filer Manual by approximately 20 pages. The content will be placed on the EDGAR—Information for Filers web page on *www.SEC.gov*, where it may be consulted by interested filers.

### III. Amendments to Rule 301 of Regulation S–T

Along with the adoption of the updated Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of the current revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

The updated EDGAR Filer Manual is available at <https://www.sec.gov/edgar/filerinformation/current-edgar-filer-manual>.

### IV. Administrative Law Matters

Because the Filer Manual and rule amendments relate solely to agency procedures or practice and do not substantially alter the rights and obligations of non-agency parties, publication for notice and comment is not required under the Administrative Procedure Act (“APA”).<sup>6</sup> It follows that the amendments do not require analysis

<sup>5</sup> Item E.3.e of Form N-CEN, as adopted by the Commission, requires filers to report “Dollars for one or more creation units *redeemed* on the same day, if charged on that basis” (emphasis added). However, Form N-CEN, as displayed in EDGAR and depicted in the Filer Manual, requires filers to report: “Dollars for one or more creation units *purchased* on the same day, if charged on that basis” (emphasis added).

<sup>6</sup> 5 U.S.C. 553(b)(A).

under requirements of the Regulatory Flexibility Act<sup>7</sup> or a report to Congress under the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>8</sup>

The effective date for the updated Filer Manual and related rule amendments is October 3, 2023. In accordance with the APA,<sup>9</sup> we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the related system upgrades.

### V. Statutory Basis

We are adopting the amendments to Regulation S–T under the authority in Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>10</sup> Sections 3, 12, 13, 14, 15, 15B, 23 and 35A of the Securities Exchange Act of 1934,<sup>11</sup> Section 319 of the Trust Indenture Act of 1939,<sup>12</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>13</sup>

#### List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

#### Text of the Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

#### **PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS**

■ 1. The general authority citation for part 232 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, 80b–4, 80b–6a, 80b–10, 80b–11, 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

\* \* \* \* \*

■ 2. Section 232.301 is revised to read as follows:

#### **§ 232.301 EDGAR Filer Manual.**

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the

<sup>7</sup> 5 U.S.C. 601 through 612.

<sup>8</sup> 5 U.S.C. 804(3)(c).

<sup>9</sup> 5 U.S.C. 553(d)(3).

<sup>10</sup> 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

<sup>11</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78o–4, 78w, and 78ll.

<sup>12</sup> 15 U.S.C. 77sss.

<sup>13</sup> 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: “General Information,” Version 41 (December 2022). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 67 (September 2023). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available for inspection at the Commission and at the National Archives and Records Administration (NARA). The EDGAR Filer Manual is available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. For information on the availability of the EDGAR Filer Manual at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The EDGAR Filer Manual may also be obtained from <https://www.sec.gov/edgar/filerinformation/current-edgar-filer-manual>.

By the Commission.

Dated: September 18, 2023.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2023–21806 Filed 10–2–23; 8:45 am]

**BILLING CODE 8011–01–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:** Final rule.

**SUMMARY:** The Coast Guard is establishing 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, will be enforced annually for one weekend each September, and will restrict vessel traffic on the AICW and Beaufort Inlet during high-speed boat races. The restriction of vessel traffic movement in the SLR is for the purpose of protecting participants and spectators from the hazards posed by these events. Entry of vessels or persons into this regulated area will be prohibited unless specifically authorized by the Captain of the Port (COTP), North Carolina or a designated representative.

**DATES:** This rule is effective without actual notice October 3, 2023. For the purposes of enforcement this year, actual notice will be used from September 30, 2023 until October 3, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0510 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 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

AICW Atlantic Intracoastal Waterway  
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 Information and Regulatory History

On March 13, 2023, NC East Sports, Inc. 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 each year. 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. In response, on August 23, 2023, the Coast Guard published a notice of proposed rulemaking (NPRM) titled “Special Local Regulation; Atlantic Intracoastal Waterway, Morehead City, NC.” There we stated why we had issued the NPRM and invited comments on our proposed regulatory action related to this high-speed boat race. During the comment period that ended September 22, 2023, we received no 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 contrary to public interest because immediate action is needed to protect non-participating persons, vessels, and participants against the hazards associated with restricted waterway during this high-speed boat race.

##### III. Legal Authority and Need for the Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. 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 rule will 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.

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

As noted above, we received no comments on our NPRM. There are no

changes in the regulatory text of this rule from that in the NPRM.

This rule establishes a SLR which will 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 will encompass approximately 1.5 square miles and will 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 will 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 will 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 will be able to safely

transit the regulated area once the Event PATCOM deemed it safe to do so. A vessel within the regulated area will have to operate at safe speed that minimizes 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 will 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 will be allowed to enter the regulated area or pass directly through the regulated area as instructed. A spectator vessel will be prohibited from loitering within the Race Zone, Buffer Zone, or other portions of the navigable channel while it is within the regulated area. Official patrol vessels will direct spectators to the designated spectator area. Only participant vessels will 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 can request permission to pass through the SLR between race heats. No vessel or person will be permitted to enter the SLR without obtaining permission from the COTP North Carolina 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 section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). 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 SLR. Vessel traffic will not be allowed to enter or transit a portion of the AICW or Beaufort Inlet during an active race event for times as published each year on the second or last Friday, Saturday, and Sunday in September. The rule will, 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 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 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 an SLR to be enforced during active race events on the Atlantic Intracoastal Waterway and Beaufort Inlet in Morehead City,

NC. 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 Record of Environmental Consideration 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.

*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:

For the reasons discussed in the preamble, the Coast Guard is proposing 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 the following event after the last entry to read as follows.

**§ 100.501 Special Local Regulations; Marine Events Within the Fifth Coast Guard District.**

\* \* \* \* \*

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.

Timothy J. List,

Captain, U.S. Coast Guard, Captain of the Port, Sector North Carolina.

[FR Doc. 2023-21751 Filed 10-2-23; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2023-0466]

RIN 1625-AA00

#### Safety Zone; Wilmington River, Savannah, GA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary interim rule and request for comments.

**SUMMARY:** The Coast Guard is revising a temporary safety zone encompassing the Causton Bluff Bridge, on the Wilmington River, Savannah, GA. This action is necessary to provide for the safety of life on these navigable waters for the planned demolition and removal of structural components of the original bridge, in preparation of the construction of a new span. This rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Savannah or a designated representative.

**DATES:** This temporary interim rule is effective without actual notice from October 3, 2023 through November 30, 2023. For the purposes of enforcement, actual notice will be used from October 2, 2023, until October 3, 2023.

Comments and related material must reach the Coast Guard on or before October 18, 2023.

**ADDRESSES:** You may submit comments identified by docket number USCG-2023-0466 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 on this rule, call or email LTJG Anthony Harris, Office of Waterways Management, Marine Safety Unit Savannah, U.S. Coast Guard; telephone 912-652-4353 ext. 240, [Anthony.E.Harris@uscg.mil](mailto:Anthony.E.Harris@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

CFR Code of Federal Regulations

DHS Department of Homeland Security  
ESA Endangered Species Act  
FR Federal Register  
GA DOT Georgia Department of Transportation  
NPRM Notice of proposed rulemaking  
TIR Temporary Interim Rule  
§ Section  
U.S.C. United States Code

#### II. Background Information and Regulatory History

On September 15, 2023, the Coast Guard published a temporary interim rule (TIR)<sup>1</sup> with requests for comment. The TIR established a temporary safety zone encompassing the Causton Bluff Bridge, on the Wilmington River, Savannah, GA. When the rule was published, the Coast Guard immediately began receiving comments on the safety zone posted on the docket and emails sent directly to the Coast Guard.<sup>2</sup> In order to address the concerns raised by the commenters, the Coast Guard made the determination not to enforce the original TIR until an updated enforcement schedule could be published through a new TIR. This new TIR takes into consideration the 23 comments received thus far and revises the existing safety zone to provide the public with a schedule that equitably balances the needs of the Georgia Department of Transportation (GA DOT) and the waterway users.

The Coast Guard is issuing this TIR 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 TIR because doing so would be impracticable. This revised safety zone must be established by October 2, 2023, in order to protect vessels and waterway users from the potential hazards associated with demolition operations on the Causton Bluff Bridge. We lack sufficient time to provide a reasonable comment period and then to consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this TIR effective less than 30

<sup>1</sup> 88 FR 63527.

<sup>2</sup> The emailed comments have been posted to the docket folder. These comments are accessible at: [www.regulations.gov/docket/USCG-2023-0466/comments](https://www.regulations.gov/docket/USCG-2023-0466/comments).

days after publication in the **Federal Register**. Delaying the effective date of this TIR would be contrary to the public's interest because we must ensure the protection of vessels and waterway users during the demolition operations.

We are soliciting comments on this rulemaking. If we determine that changes to this rulemaking action are necessary, the Coast Guard will consider comments received in a subsequent TIR or temporary final rule.

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

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Savannah (COTP) has determined that potential hazards associated with the demolition operations of the Causton Bluff Bridge. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the demolition project continues.

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

As noted above, we received 23 comment submissions on our TIR that published in the **Federal Register** on September 15, 2023. The commenters expressed concerns regarding the timing and duration of the demolition operations, the restrictions on daylight hour transit for recreational and commercial vessel traffic and related economic impacts, potential dangers to recreational vessels in the designated anchorage area during tropical storms and hurricanes, and the Coast Guard's notification process. These concerns are discussed below.

Several commenters expressed concerns about the timing of the demolition project, particularly about scheduling the work during peak "snowbird" season, when seasonal recreational boaters transit from northern states to warmer southern states, and the economic impact on recreational vessel owners, along with other economic impacts to shoreside docks and marinas.

The project sponsor and the Coast Guard are unable to further delay the project, as proposed by the commenters because of restrictions related to the Federal Endangered Species Act (ESA)<sup>3</sup> and related Georgia State regulations. The project location coincides with the habitat of the Atlantic sturgeon and shortnose sturgeon, which are protected as an Endangered species by the Federal ESA. The National Oceanic and Atmospheric Administration (NOAA)

<sup>3</sup> 15 U.S.C. 1531 et seq.