

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0207]

RIN 1625–AA08

Special Local Regulation; Clear Lake, Clear Creek, TX

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations for annual marine events in the Sector Houston-Galveston area of responsibility. This rulemaking will prohibit persons and vessels not participating in the event from being within the specified zones unless authorized by the Captain of the Port Houston-Galveston or a designated representative.

DATES: This rule is effective June 24, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0207 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 rule, call or email Lieutenant Junior Grade Linda I Duncan, Sector Houston-Galveston Waterways Management Division, U.S. Coast Guard; telephone 713–398–5823, email houstonwwm@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

On March 4, 2024, an organization notified the Coast Guard that it will be conducting an annual high speed boat race from 8 a.m. to noon on June 21, 2024. The boat race is to be held in the waters of Clear Lake, in Clear Creek, TX. The Captain of the Port Houston-Galveston (COTP) has determined that potential hazards associated with the power boat race will be a safety concern for anyone within the Pre-Stage Zone, Approach Zone, Course Run Zone, and Shut-Down Zone before, during, and after the scheduled event. In response,

on May 14, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Special Local regulation; Clear Lake, Clear Creek, TX (89 FR 41914). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this boat race. During the comment period that ended June 13, 2024, we received 1 comment.

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 is impracticable because immediate action is needed to respond to the potential safety hazards associated with the power boat race being held on June 21, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041 The Captain of the Port Houston-Galveston (COTP) has determined that potential hazards associated with the power boat race in Clear Lake, TX, will be a safety concern for anyone within the Pre-Stage Zone, Approach Zone, Course Run Zone, and Shut-Down Zone before, during, and after the scheduled event. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within these areas during the power boat race.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published May 14, 2024. However, the concerns were unrelated to the proposed revisions and outside the scope of Coast Guard authority. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The COTP is establishing a special local regulation from 8 a.m. to noon on a Friday of the third week of June. The special local regulation will encompass five different zones to include the Pre-Stage Zone, Approach Zone, Course Run Zone, Shut-Down Zone, and the Spectator Zone as described below:

Pre-Stage Zone: This area is the pre-staging area for participating vessels to line up. It will include all waters within the following areas 29°33.13 N, 095°01.84 W thence to 29°33.12 N, 095°01.89 W thence to 29°33.23 N, 095°01.96 W thence to 29°33.13 N, 095°01.84 W.

Approach Zone: ¼ mile distance required for participating vessels to obtain the minimum 40 mph requirement for course entry. This will be a straight line to begin at approximately 29°33.256 N, 095°01.89

W and end at approximately 29°33.33 N, 095°02.15 W.

Course Run Zone: ¾ mile distance where participating vessels will conduct their high-speed run. This will be a straight line to begin at approximately 29°33.33 N, 095°02.16 W and end at approximately 29°33.53 N, 095°02.98 W.

Shut-Down Zone: 1 mile distance where participating vessels will be allowed to slow their speeds back to an idle. This will be a straight line to begin at approximately 29°33.53 N, 095°02.98 W and end at approximately 29°33.74 N, 095°04.1 W.

Spectator Zone: All vessels that will be viewing the event will be required to stay within a designated area. The sponsor is responsible for marking the spectator zone with 4 buoys on the outer corners and ensuring that all vessels within the area are anchored and remain in the area during all ongoing high-speed runs. The following coordinates are the approximate location of the Spectator Zone: 29°33.15 N, 95°02.34 W, thence to 29°33.11 N, 95°02.35 W, thence to 29°33.21 N, 95°02.50 W, thence to 29°33.15 N, 95°02.53 W.

No vessel or person will be permitted to enter the established zones without obtaining permission from the on-water Safety-Officer or designated representative.

The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Houston-Galveston in the enforcement of the regulated areas.

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 regulated area. Vessel traffic will be able to safely transit around this safety zone which will impact a small, designated area of Clear Lake for 4 hours during the morning when vessel traffic is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

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 affects 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 marine event and special local regulation lasting only 4 hours that will prohibit entry within 100 feet of the boat course. 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.

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

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 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 § 100.801, amend table 3, by adding item 7 to read as follows:

§ 100.801 Annual Marine Events in the Eighth Coast Guard District.

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TABLE 3 OF § 100.801—SECTOR HOUSTON-GALVESTON ANNUAL AND RECURRING MARINE EVENTS

7. Friday of the 3rd week of June.	Texas Outlaw Challenge/Offshore Thunder Productions LLC.	Clear Lake, TX	All waters within 100 feet of the Pre-Stage Zone including all waters within the following areas 29°33.13 N, 095°01.84 W, thence to 29°33.12 N, 095°01.89 W, thence to 29°33.23 N, 095°01.96 W, thence to 29°33.13 N, 095°01.84 W; the Approach Zone comprised of a straight line to begin at approximately 29°33.256 N, 095°01.89 W and end at approximately 29°33.33 N, 095°02.15 W; the Course Run Zone comprised of a straight line to begin at approximately 29°33.33 N, 095°02.16 W and end at approximately 29°33.53 N, 095°02.98 W; the Shut-Down Zone comprised of a straight line to begin at approximately 29°33.53 N, 095°02.98 W and end at approximately 29°33.74 N, 095°04.1 W; and the Spectator Zone located within the following coordinates: 29°33.15 N, 95°02.34 W, thence to 29°33.11 N, 95°02.35 W, thence to 29°33.21 N, 95°02.50 W, thence to 29°33.15 N, 95°02.53 W.
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Keith M. Donohue,*Captain, U.S. Coast Guard, Captain of the Port, Sector Houston-Galveston.*

[FR Doc. 2024–13747 Filed 6–21–24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2024–0552]

RIN 1625–AA00

Safety Zone; M/V DALI, Transit From the Maryland/Virginia Line, Chesapeake Bay, Thimble Shoal Channel, Norfolk Harbor, and Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters of the Chesapeake Bay, Thimble Shoal Channel, a portion of Norfolk Harbor, and a portion of the Elizabeth River. This action is necessary to protect personnel, vessels, and the marine environment from potential hazards created by the M/V Dali as it is transiting from the Port of Baltimore to Norfolk, Va. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Virginia.

DATES: This rule is effective from June 22, 2024, through June 28, 2024, during such times as the M/V Dali is in transit to facilities in the Port of Virginia. For the purposes of enforcement, actual notice will be used from June 22, 2024, until June 24, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0552 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 rule, call or email CDR Patrick Grizzle, Sector Virginia, Prevention Department, U.S. Coast Guard, Telephone: 757–668–5580, email: VirginiaWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On March 26, 2024, the M/V Dali lost propulsion and allided with the Francis Scott Key Bridge in the Chesapeake Bay, near the Port of Baltimore, causing the bridge to collapse upon it. See 89 FR 24385 (April 8, 2024) for additional details about the allision. More recently, the Maryland Pilots Association, LLC has notified the Coast Guard that the M/V Dali will be transiting from the Port of Baltimore to Norfolk, Va. for repairs. The vessel transit is taking place with the assistance of multiple tugboats and will be subject to a safety zone issued by the Captain of the Port (COTP), Sector Maryland-National Capital Region. It is anticipated that the vessel will arrive in Virginia waters on June 22, 2024 and that it will reach Norfolk on June 22, 2024, but these dates are subject to change. Given both the damage to the vessel from the allision, and the vessel’s mechanical history, including the loss of propulsion which led to the allision, a 500-yard safety zone will abut the safety zone in Maryland waters to be enforced during the transit within Virginia waters.

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory 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.” 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 public interest. There is insufficient time to provide notice of a proposed rule, take and consider comments, and publish a final rule before June 22, when the rule must be in effect to provide for safety in the navigable waters around the M/V Dali as it arrives in waters subject to this safety zone in transit to Norfolk, Virginia.

Also, 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 because prompt action is needed to respond to the dangers associated with the transit of the M/V DALI.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP, Sector Virginia has determined that potential hazards associated with the transit of the M/V DALI will be a safety concern for anyone within a 500-yard radius of the vessel due to its limited ability to maneuver. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the M/V DALI transits through the waters of the COTP Zone, Sector Virginia enroute from the Port of Baltimore to the Port of Norfolk.

IV. Discussion of the Rule

This rule establishes a safety zone from June 22, 2024, to June 28, 2024. The safety zone will cover all navigable waters within 500 yards of the M/V DALI while in transit within waters of the COTP Zone, Sector Virginia, from Baltimore to Norfolk. The dates of the safety zone were chosen to protect