

demarcate the boundary between the airspace where U.S. operators are prohibited from conducting operations due to flight safety risks associated with the conflict in Yemen and where they are permitted to operate, as the inadvertent risk emanating from potential air defense operations is primarily confined to Yemen's land territory.

III. Technical Amendment

Consistent with the foregoing: *Prohibited Operations.* U.S. civil aviation operations remain prohibited in the Sanaa FIR (OYSC) in that airspace west of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), northwest of a line drawn direct from NODMA to IMPAG (140638N 0503924E) then from IMPAG to TIMAD (115500N 0463500E), north of a line drawn direct from TIMAD to PARIM (123200N 0432720E), and east of a line drawn direct from PARIM to RIBOK (154700N 0415230E). Use of jet route UN303 is not authorized.

Permitted Operations. U.S. civil aviation operations remain permitted in the Sanaa FIR (OYSC) in that airspace east of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), southeast of a line drawn direct from NODMA to IMPAG (140638N 0503924E) then from IMPAG to TIMAD (115500N 0463500E), south of a line drawn direct from TIMAD to PARIM (123200N 0432720E), and west of a line drawn direct from PARIM to RIBOK (154700N 0415230E). Use of jet routes UT702 and M999 are authorized.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Yemen.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend § 91.1611 by revising paragraphs (b) and (c) to read as follows:

§ 91.1611 Special Federal Aviation Regulation No. 115—Prohibition Against Certain Flights in Specified Areas of the Sanaa Flight Information Region (FIR) (OYSC).

* * * * *

(b) *Flight prohibition.* Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the portion of the Sanaa Flight Information Region (FIR) (OYSC) that is west of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), northwest of a line drawn direct from NODMA to IMPAG (140638N 0503924E) then from IMPAG to TIMAD (115500N 0463500E), north of a line drawn direct from TIMAD to PARIM (123200N 0432720E), and east of a line drawn direct from PARIM to RIBOK (154700N 0415230E). Use of jet route UN303 is not authorized.

(c) *Permitted operations.* This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the Sanaa FIR (OYSC) under the following circumstances:

(1) *Permitted operations that do not require an approval or exemption from the FAA.* Flight operations may be conducted in the Sanaa FIR (OYSC) in that airspace east of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), southeast of a line drawn direct from NODMA to IMPAG (140638N 0503924E) then from IMPAG to TIMAD (115500N 0463500E), south of a line drawn direct from TIMAD to PARIM (123200N 0432720E), and west of a line drawn direct from PARIM to RIBOK (154700N 0415230E). Use of jet routes UT702 and M999 are authorized. All flight operations conducted under this subparagraph must be conducted subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Yemen.

(2) *Operations permitted under an approval or exemption issued by the FAA.* Flight operations may be conducted in the Sanaa FIR (OYSC) in that airspace west of a line drawn direct from KAPET (163322N 0530614E) to NODMA (152603N 0533359E), northwest of a line drawn direct from NODMA to IMPAG (140638N 0503924E) then from IMPAG to TIMAD (115500N 0463500E), north of a line drawn direct from TIMAD to PARIM (123200N 0432720E), and east of a line drawn direct from PARIM to RIBOK (154700N 0415230E) if such flight operations are conducted under a contract, grant, or cooperative agreement with a

department, agency, or instrumentality of the U.S. Government (or under a subcontract between the prime contractor of the U.S. Government department, agency, or instrumentality and the person subject to paragraph (a)), with the approval of the FAA, or under an exemption issued by the FAA. The FAA will consider requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. Government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

* * * * *

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on September 15, 2023.

Brandon Roberts,

Executive Director, Office of Rulemaking.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2023–0511

Special Local Regulation; Swim the Loop and Motts Channel Sprint; Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the “Swim the Loop and Motts Channel Sprint” on October 15, 2023, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event, which lies in the vicinity of Wrightsville Beach, NC. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any official authorized by the Captain of the Port (COTP), Sector North Carolina.

DATES: The regulation identified in the “Event” column of Table 4 to 33 CFR 100.501(i)(4) as covering the Swim the Loop and Motts Channel Sprint will be enforced from 7 a.m. until 11 a.m. on October 15, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Chief Petty Officer Elvin Rodriguez, Waterways Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone 910-772-2239, email NCMarineevents@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.501(i)(4) for the Swim the Loop and Motts Channel Sprint regulated area from 7 a.m. to 11 a.m. on October 15, 2023. As indicated in a footnote to Table 4 of § 100.501(i)(4), the enforcement dates and times for each of the listed events in this table are subject to change, and the October date differs from dates provided in the table. We are making this special local regulation subject to enforcement at the stated time to provide for the safety of life on navigable waterways during the day of the event. Table 4 to § 100.501(i)(4) specifies the location of the regulated area for this event as comprising the navigable waters surrounding Harbor Island, NC, including the Intracoastal Waterway, Lees Cut, Banks Channel and Motts Channel. During the enforcement period, as reflected in § 100.501(i)(4), the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or from any official representative of the COTP, Sector North Carolina.

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, Marine Safety Information Bulletin, and Broadcast Notice to Mariners.

Timothy J. List,

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

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2023-0786]

RIN 1625-AA87

Security Zone; Patapsco River, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: At the request of the United States Secret Service (USSS), the Coast

Guard is establishing a temporary security zone for the protection of persons who will be in Baltimore, MD on September 24, 2023. This security zone will prohibit persons and vessels from entering or remaining within the security zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 4 p.m. until 8 p.m. on Sunday, September 24, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2023-0786 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 LCDR Kate Newkirk, Waterways Management Division, Sector Maryland-National Capital Region, U.S. Coast Guard; (410) 365-8141, Kate.M.Newkirk@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
USSS United States Secret Service

II. Background Information and Regulatory History

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 the Coast Guard was notified by the USSS of the visit without sufficient time to publish an NPRM. Delay in promulgating this rule would be impracticable because this security zone must be in by September 24, 2023, to protect these USSS protectees in the vicinity of Baltimore, MD. The presence of these USSS protectees creates unique safety and security concerns.

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** for the same reasons discussed above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70051 and 70124. The Captain of the Port Maryland-National Capital Region (COTP) has determined that the presence of persons under the protection of the USSS at this location presents a potential target for terrorist attack, sabotage, or other subversive acts, accidents, or other causes of similar nature. This rule is needed to protect persons under the protection of the USSS, personnel in and around the visit site, navigable waterways, and waterfront facilities.

IV. Discussion of the Rule

This rule establishes a security zone from 4 p.m. until 8 p.m. on September 24, 2023, on the Patapsco River, in the vicinity of Baltimore, MD. The security zone will cover all navigable waters of the Inner Harbor on the Patapsco River, encompassed by a line connecting the following points beginning at 39°16'56.60" N, 076°36'26.17" W, thence to 39°17'1.25" N, 076°36'21.67" W, located at Baltimore, MD. The duration of the zone is intended to protect persons under the protection of the USSS, personnel in and around the visit site, navigable waterways, and waterfront facilities.

No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or a designated representative and must proceed as directed by on-scene enforcement vessels. Any vessel permitted to transit the zone will be required to continue through the zone without pause or delay as directed by on-scene enforcement vessels.

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