

TABLE 1 TO PARAGRAPH (a)—Continued

Name	Facility type	Latitude	Longitude
AR36	WTG	N 41.0530609	W - 70.5061034
AR37	WTG	N 41.0533468	W - 70.4840722
AR38	WTG	N 41.0536285	W - 70.4620407
AR39	WTG	N 41.0539059	W - 70.4400088
AR40	WTG	N 41.0541792	W - 70.4179767
AR41	WTG	N 41.0544482	W - 70.3959442
AR42	WTG	N 41.0547130	W - 70.3739115
AS32	WTG	N 41.0351987	W - 70.5938225
AS33	WTG	N 41.0355012	W - 70.5717982
AS34	WTG	N 41.0357995	W - 70.5497735
AS35	WTG	N 41.0360937	W - 70.5277485
AS36	WTG	N 41.0363836	W - 70.5057231
AS37	WTG	N 41.0366693	W - 70.4836975
AS38	WTG	N 41.0369508	W - 70.4616715
AS39	WTG	N 41.0372281	W - 70.4396452
AS40	WTG	N 41.0375012	W - 70.4176186
AS41	WTG	N 41.0377701	W - 70.3955918
AS42	WTG	N 41.0380347	W - 70.3735646
AT33	WTG	N 41.0188243	W - 70.5714016
AT34	WTG	N 41.0191225	W - 70.5493824
AT35	WTG	N 41.0194164	W - 70.5273630
AT36	WTG	N 41.0197062	W - 70.5053432
AT37	WTG	N 41.0199917	W - 70.4833231
AT38	WTG	N 41.0202731	W - 70.4613027
AT39	WTG	N 41.0205502	W - 70.4392819
AT40	WTG	N 41.0208231	W - 70.4172609
AT41	WTG	N 41.0210918	W - 70.3952396
AU36	WTG	N 41.0030287	W - 70.5049636
AU37	WTG	N 41.0033141	W - 70.4829490
AU38	WTG	N 41.0035953	W - 70.4609341
AU39	WTG	N 41.0038722	W - 70.4389190
AU40	WTG	N 41.0041450	W - 70.4169035
AV37	WTG	N 40.9866364	W - 70.4825752
AV38	WTG	N 40.9869174	W - 70.4605659
AV39	WTG	N 40.9871942	W - 70.4385563
AW38	WTG	N 40.9702395	W - 70.4601980

(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 First Coast Guard District Commander in the enforcement of the safety zones.

(c) *Regulations.* No vessel may enter or remain in the safety zones described in paragraph (a) of this section except for the following:

(1) An attending vessel as defined in 33 CFR 147.20;

(2) A vessel authorized by the First Coast Guard District Commander or a designated representative.

(d) *Request for permission.* Persons or vessels seeking to enter the safety zone must request authorization from the First Coast Guard District Commander or a designated representative. If permission is granted, all persons and vessels must comply with lawful instructions of the First Coast Guard District Commander or designated representative via VHF-FM channel 16

or by phone at 617-223-1560 (First Coast Guard District Command Center).

(e) *Effective and enforcement periods.* This section is effective from June 27, 2023, through 11:59 p.m. on May 31, 2026. But it will only be enforced during active construction or other instances which may cause a hazard to navigation deemed necessary by the First Coast Guard District Commander. The First Coast Guard District Commander will make notification of the exact dates and times in advance of each enforcement period for the locations in paragraph (a) of this section to the local maritime community through the Local Notice to Mariners and will issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM) as soon as practicable in response to an emergency. If the project is completed before May 31, 2026, enforcement of the safety zones will be suspended, and notice given via Local Notice to Mariners. The First Coast Guard District Local Notice to Mariners can be found at: <http://www.navcen.uscg.gov>.

Dated: April 27, 2024.

**J.W. Mauger,**  
Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.

[FR Doc. 2024-09538 Filed 5-1-24; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket Number USCG-2024-0318]

RIN 1625-AA00

**Safety Zone; Oceanside Pier, Oceanside, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-yard radius of the Oceanside Pier. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by first

responders and repair work to the pier. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Oceanside Fire Department Fire Chief or the Captain of the Port, Sector San Diego.

**DATES:** This rule is effective without actual notice from May 2, 2024 through 8 a.m. on May 4, 2024. For the purposes of enforcement, actual notice will be used from April 27, 2024, until May 2, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0318 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 Shelley Turner, Sector San Diego Waterways Management Division, U.S. Coast Guard; telephone 619–278–7261, email [marineeventssd@uscg.mil](mailto:marineeventssd@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**

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 a fire began on Oceanside Pier and caused extensive ongoing damage and response. Immediate action is needed to respond to the potential safety hazards associated with the emergency pier repairs and response phase. It is impracticable to publish an NPRM because we must establish this safety zone immediately.

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 immediate action is needed to

respond to the potential safety hazards associated with emergency repairs and response to the fire at Oceanside Pier.

**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 Sector San Diego (COTP) has determined that potential hazards associated with emergency pier response and repairs starting April 27, 2024, will be a safety concern for anyone within a 500-yard radius of the Oceanside Pier. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the pier is being repaired.

**IV. Discussion of the Rule**

This rule establishes a safety zone from April 27, 2024, until 8 a.m. on May 4, 2024. The safety zone will cover all navigable waters within 500 yards of Oceanside Pier. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the pier is being repaired and first responders are assessing the condition of the pier and potential hazardous material surrounding the pier after the fire. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP, Oceanside Fire Department, 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, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine

channel 16 about the zone, and the rule would allow vessels and persons 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 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 a safety zone lasting 8 days that will prohibit entry within 500 yards of the Oceanside Pier. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration 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 165

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 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T11–140 to read as follows:

#### § 165.T11–140 Safety Zone; Oceanside Pier, Oceanside, CA.

(a) *Location.* The following area is a safety zone: All water surface to bottom encompassing a 500-yard perimeter around the Oceanside Pier in Oceanside, CA.

(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 Diego (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF-Ch 16 or contacting the Joint Harbor Operations Center at (619) 278–7033. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

#### J.W. Spitler,

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. 2024–09521 Filed 5–1–24; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2024–0278]

RIN 1625–AA00

### Safety Zone; Submarine Power Cables Stone Laying Project, Straits of Mackinac, MI

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-yard radius of Tug Nancy Anne, Tug Champion, Tug General, Tug WM. Boyd, Tug Shirley Ann, crew boat Timmy V., barges Koko II, Koko III, Koko IV, MM 141, MM 142, D Barge 2002, D Barge 2006, and D Barge 2007. The safety zone is needed to protect the vessels while laying stones to protect exposed sections of 138kV Submarine Power Cables in the Straits of Mackinac, MI. Entry of vessels into this zone is prohibited unless specifically authorized by the Captain of the Port Northern Great Lakes.

**DATES:** This rule is effective from May 1, 2024, 12 a.m. through October 1, 2024, 11:59 p.m. local time. For the purposes of enforcement, actual notice will be used from May 1, 2024 until May 4, 2024. Comments and related material must be received by the Coast Guard on or before June 18, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0278 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 LT Rebecca Simpson, Sector Northern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 906–635–3223, email [ssmprevention@uscg.mil](mailto:ssmprevention@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