

perpendicular from the I-90 Bridge to the northwest corner of the East log boom and a line extending from the southeast corner of the East log boom to the southeast corner of the hydroplane race-course and then to the northerly tip of Ohlers Island in Andrews Bay. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA Chart 18447).

The Coast Guard will maintain a patrol consisting of Coast Guard vessels, assisted by Auxiliary Coast Guard vessels in Zone II. The Coast Guard patrol of this area is under the direction of the Coast Guard Patrol Commander (Patrol Commander). The Patrol Commander is empowered to control the movement of vessels on the race-course and in the adjoining waters during the periods this regulation is in effect. The Patrol Commander may be assisted by other federal, state, and local law enforcement agencies.

Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

During the times in which the regulation is in effect, swimming, wading, or otherwise entering the water in Zone I by any person is prohibited while hydroplane boats are on the race-course. At other times in Zone I, any person entering the water from the shoreline shall remain west of the swim line, denoted by buoys, and any person entering the water from the log boom shall remain within ten (10) feet of the log boom.

During the times in which the regulation is in effect, any person swimming or otherwise entering the water in Zone II shall remain within ten (10) feet of a vessel.

During the times this regulation is in effect, rafting to a log boom will be limited to groups of three (3) vessels.

During the times this regulation is in effect, up to six (6) vessels may raft together in Zone II if none of the vessels are secured to a log boom.

During the times this regulation is in effect, only vessels authorized by the Patrol Commander, other law enforcement agencies, or event sponsors shall be permitted to tow other watercraft of inflatable devices.

Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

Upon completion of the daily racing activities, all vessels leaving either Zone

I or Zone II shall proceed at speeds of seven (7) miles per hour or less. The maximum speed may be reduced at the discretion of the Patrol Commander.

A succession of sharp, short signals by whistle or horn from vessels controlling the areas under the direction of the Patrol Commander shall serve as signal to stop. Vessels signaled shall stop and shall comply with lawful orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

The Coast Guard may be assisted by other federal, state, and local law enforcement agencies, as well as official Seafair event craft.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via marine information broadcasts, and Local Notice to Mariners.

Dated: July 26, 2024.

**Mark A. McDonnell,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Puget Sound.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2024-0170]

RIN 1625-AA00

#### Safety Zone; West River Entrance, Shady Side, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for waters near the West River Entrance near Shady Side, Maryland within 200 yards of the sunken recreational vessel LOVEBUG and salvage operations located at  $-38^{\circ} 51.660$  N,  $076^{\circ} 29.600$  W. The safety zone is needed to protect the public and vessels from potential hazards created by an obstruction to the West River. Additionally, the safety zone is needed to ensure a safe working environment for the first responders and dive teams from passing traffic. This rule will prohibit persons or vessels from entering this zone unless specifically authorized by the Captain of the Port (COTP) Sector Maryland-National Capital Region (NCR) or a designated representative.

**DATES:** This rule is effective without actual notice from August 1, 2024 to August 02, 2024. For purposes of enforcement, actual notice will be used from July 27, 2024 through August 1, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2024-0170 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 on this rule, call or email LCDR Kate Newkirk, Sector Maryland-NCR, Waterways Management Branch, U.S. Coast Guard; 410-365-8141, [MDNCRWaterways@uscg.mil](mailto:MDNCRWaterways@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 immediate action is necessary to respond to the potential safety hazards associated with emergency salvage operations. It is impracticable to publish an NPRM because we must establish this safety zone immediately on July 27, 2024.

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 and contrary to the public interest because immediate action is necessary to ensure the safety of vessels and persons on these navigable waters during the emergency vessel salvage operation.

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

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The COTP Sector Maryland-NCR has

determined that potential hazards associated with this vessel salvage operation starting on July 27, 2024 will be a safety concern for anyone within a 200-yard radius of the vessel salvage operation in the West River Entrance. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the vessel salvage operations are being conducted.

#### IV. Discussion of the Rule

This rule establishes a safety zone from July 27, 2024 through August 02, 2024. The safety zone will cover all navigable waters within 200 yards of the vessel salvage operation. This rule is necessary to ensure the safety of vessels and persons during the vessel salvage operation. This rule will prohibit persons or vessels from entering this zone unless specifically authorized by the COTP or a designated representative.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

#### 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 size, location, and duration of the proposed rulemaking. This safety zone would take place on a relatively small area of the West River Entrance and waters associated with Shady Side, MD, lasting from July 27, 2024 through August 02, 2024. Additionally, the Coast Guard would issue Broadcast Notices to Mariners via VHF-FM marine channel

16 about the safety zone so that waterway users may plan accordingly for transits during this restriction, and the rule will allow vessels to seek permission from the COTP Maryland-NCR or a designated representative 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 200 yard safety zone around salvage operations near the West River Entrance for less than 7 days. It is categorically excluded from further review under paragraph L60(c) 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 protestors. 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.T05–0170 to read as follows:

#### § 165.T05–0170 Safety Zone; West River Entrance, Shady Side, MD.

(a) *Location.* The following area is a safety zone: all navigable waters within 200 yards of the location of the vessel LOVEBUG and associated salvage operation located at position –38° 51.660 N, 076° 29.600 W.

(b) *Enforcement period.* This section is effective from July 27, 2024 through August 02, 2024.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting through, or exiting from this area is prohibited unless authorized by the COTP Maryland-NCR or a designated representative.

(2) Vessels desiring to transit the regulated area may do so only with prior approval of the COTP Maryland-NCR or a designated representative and when so directed will be operated at a minimum safe navigation speed in a manner that will not endanger salvage operations in the zone or any other vessels.

(3) The COTP Maryland-NCR or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) Entry into this zone is prohibited unless authorized by the COTP Maryland-NCR or a designated representative.

(5) Persons or vessels seeking to enter or transit through the zone must request permission from the COTP Maryland-NCR or a designated representative. They may be contacted on VHF–FM channel 16 or by telephone at 410–576–2693.

(6) If permission is granted, all persons and vessels must comply with the instructions of the COTP Maryland-NCR or designated representative.

(d) *Informational broadcasts.* The COTP Maryland-NCR or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: July 27, 2024.

**Patrick C. Burkett,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Maryland-National Capital Region.*

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## DEPARTMENT OF EDUCATION

### 34 CFR Chapter VI

[ED–2024–OPE–0073]

#### Transitioning Gang-Involved Youth to Higher Education Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Final priority and definition.

**SUMMARY:** The Department of Education (Department) issues a priority and definition for use in the Transitioning Gang-Involved Youth to Higher Education Program. The Department may use the priority and definition for competitions in fiscal year (FY) 2024 and later years. This priority and definition will support projects for organizations that work directly with gang-involved youth to help such youth pursue higher education opportunities that will lead to postsecondary certification or credentials.

**DATES:** This priority and definition are effective September 3, 2024.

**FOR FURTHER INFORMATION CONTACT:** Jymece Seward, U.S. Department of Education, 400 Maryland Avenue SW, Room 5C113, Washington, DC 20202–4260. Telephone: 202–453–6138. Email: [Jymece.Seward@ed.gov](mailto:Jymece.Seward@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

#### SUPPLEMENTARY INFORMATION:

*Purpose of Program:* The purpose of the Transitioning Gang-Involved Youth

to Higher Education (TGIY) Program is to provide a funding opportunity for organizations that work directly with gang-involved youth to help such youth pursue higher education opportunities that will lead to postsecondary certification or credentials.

*Assistance Listing Number:* 84.116Y.

*Program Authority:* 20 U.S.C. 1138–1138d; Explanatory Statement accompanying Division D of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47).

We published a notice of proposed priority and definition in the **Federal Register** on June 6, 2024 (89 FR 48356) (NPP). That document contained background information and the Department's reasons for proposing the particular priority and definition. There are no differences between the proposed priority and definition and the final priority and definition.

*Public Comment:* In response to our invitation in the NPP, 11 parties submitted comments on the priority and definition. Generally, we do not address technical and other minor changes, or suggested changes that the law does not authorize us to make under applicable statutory authority. In addition, we do not address general comments that raised concerns not directly related to the proposed priority and definition.

*Analysis of Comments and Changes:* An analysis of the comments and of any changes in the priority and definition since publication of the NPP follows.

#### General Comments

*Comments:* Four commenters expressed support for the program. One noted that the 14–24 age range is a key period for positive intervention and that the criteria in the definition of “gang-involved youth” related to gang identity, permanence, organization, and elevated criminal activity align with established research on gang dynamics. One commenter supported the alignment of the criteria in the definition of “gang-involved youth” with the criteria used by the U.S. Department of Justice’s Gang Center.

*Discussion:* We appreciate the support of the grant program and the priority and the definition.

*Changes:* None.

*Comments:* One commenter suggested that this program should be run by the Bureau of Prisons.

*Discussion:* Congress has authorized funding for this program with appropriated funds for the U.S. Department of Education since FY 2021.

*Changes:* None.