

60-day comment period ending December 11, 2023, was provided to allow interested persons an opportunity to respond to the proposal. AMS received one comment in support of the proposed amendment during the comment period. Based on all the information available to AMS, including the comment received in response to the proposed rule, no substantive changes were made to the amendment as proposed.

A proposed rule and referendum order was then published on April 29, 2024 (89 FR 33288). That document directed that a referendum among Oregon and Washington pear producers be conducted from May 13, 2024, through May 27, 2024, to determine whether they favored the proposal. To become effective, the amendment had to be approved by either two-thirds of the producers voting in the referendum or by those representing at least two-thirds of the volume of pears grown by those voting in the referendum. The referendum results show the amendment was supported by 99 percent of producers voting, who represented 99 percent of the volume of pears produced by those voting.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <https://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

### Order Amending the Order Regulating the Handling of Pears Grown in Oregon and Washington <sup>1</sup>

#### Findings and Determinations

The findings and determinations hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of Marketing Order 927; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

1. Marketing Order 927 as amended, and as hereby amended and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

2. Marketing Order 927 as amended, and as hereby amended regulates the handling of pears grown in Oregon and Washington and is applicable only to persons in the respective classes of commercial and industrial activity specified in the Order;

3. Marketing Order 927 as amended, and as hereby amended is limited in application to the smallest regional production area, which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

4. Marketing Order 927 as amended, and as hereby amended prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of pears produced or packed in the production area; and

5. All handling of pears grown or handled in the production area, as defined in Marketing Order 927 is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

#### (b) Determinations.

It is hereby determined that:

1. The issuance of this amendatory Order, amending the aforesaid Order, is favored or approved by producers representing at least two-thirds of the volume of pears produced by those voting in a referendum on the question of approval and who, during the period of July 1, 2022, through June 30, 2023, were engaged within the production area in the production of such pears.

2. The issuance of this amendatory Order advances the interests of producers of pears in the production area pursuant to the declared policy of the Act.

#### Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, all handling of pears grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said Order as hereby proposed to be amended as follows:

The provisions of the proposed marketing order amending the Order contained in the proposed rule issued by the Administrator and published in the **Federal Register** (88 FR 69888) on October 10, 2023, will be and are the terms and provisions of this order amending the Order and are set forth in full herein.

#### List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the AMS proposes to amend 7 CFR part 927 as follows:

#### PART 927—PEARS GROWN IN OREGON AND WASHINGTON

■ 1. The authority citation for 7 CFR part 927 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Amend § 927.52 by revising paragraph (a) to read as follows:

#### § 927.52 Prerequisites to recommendations.

(a) Decisions of the Fresh Pear Committee or the Processed Pear Committee with respect to any recommendations to the Secretary pursuant to the establishment or modification of a supplemental rate of assessment for an individual variety or subvariety of pears shall be made by affirmative vote of not less than 75 percent of the applicable total number of votes, computed in the manner described in paragraph (b) of this section, of all members. Decisions of the Fresh Pear Committee pursuant to the provisions of § 927.50 shall be made by an affirmative vote of not less than 75 percent of the applicable total number of votes, computed in the manner prescribed in paragraph (b) of this section, of all members.

\* \* \* \* \*

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

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**BILLING CODE P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2024–1021]

RIN 1625–AA00

#### Safety Zone; Gulf of Mexico and South Bay, Boca Chica Beach, TX

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones to protect personnel, vessels, and the marine environment from potential

hazards created by commercial spaceflight activities. One safety zone is in the navigable waters of South Bay, TX and the other is in the navigable waters of the Gulf of Mexico, within 12 nautical miles of the first. Entry of vessels or persons into these zones are prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi (COTP) or a designated representative.

**DATES:** This rule is effective without actual notice from November 22, 2024, through November 25, 2024. For the purposes of enforcement, actual notice will be used from November 18, 2024, until November 22, 2024. It is subject to enforcement from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–1021 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email Lieutenant Timothy Cardenas, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email [Timothy.J.Cardenas@uscg.mil](mailto:Timothy.J.Cardenas@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 the 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 it is impracticable. We must establish this safety zone promptly to protect personnel, vessels, and the marine environment from potential hazards created by the possibility of being hit by free falling debris, descending vehicles

or vehicle components, and we lack sufficient time to provide a reasonable comment period and then 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 rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because there are fewer than 30 days left before launch is to occur, and publication of this rule is needed to respond to the potential safety hazards associated with the launch of spacecraft over the waters of the Gulf of Mexico.

**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 Corpus Christi (COTP) has determined that hazards inherent in rocket launching activity necessitate provisions to protect personnel, vessels, and the marine environment while it is taking place. The hazards inherent in SpaceX’s rocket launching activities include the chance of being hit by free falling debris, descending vehicles or vehicle components.

**IV. Discussion of the Rule**

This rule is subject to enforcement from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025. No vessel or person will be permitted to enter the temporary safety zones during the period in which the rule is subject to enforcement without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450. The Coast Guard will issue Broadcast Notices to Mariners and Safety Marine Information Broadcasts.

**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

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 zones. The safety zones cover an area of the South Bay, TX, approximately 4.5 square miles in size, and an area of the Gulf of Mexico, offshore of Boca Chica Beach, TX, approximately 115 square miles in size. The temporary safety zones will be subject to enforcement for a period of 4 hours a day, from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025. The rule does not completely prohibit vessel traffic within the waterway, and it allows mariners to request permission to enter the zones.

*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 temporary 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 contact 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### 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 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 establishment of two temporary safety zones for navigable waters in the Gulf of Mexico and South Bay. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards created by rocket launching activity that may include free falling debris and/or descending vehicles or vehicle components under various means of control. It is categorically excluded from further review under paragraph L60(c), in Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration is available for viewing in the docket. For instructions on how to locate it, see the **ADDRESSES** section above.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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.T08-1021 to read as follows:

#### § 165.T08-1021 Safety Zones; Gulf of Mexico and South Bay, Boca Chica Beach, TX.

(a) *Location.* The following areas are safety zones: Safety Zone A consists of all navigable waters of the Gulf of Mexico, from the surface to bottom, encompassed by a line connecting the following points beginning at Point 1: 26°2'36" N 097°9'8" W, thence to Point

2: 26°3'0" N 097°7'10" W, thence to Point 3: 26°7'0" N 097°57'0" W, thence to Point 4: 26°6'54" N 096°55'46" W, thence following the 12NM line to United States of America/Mexico Maritime Boundary Line, thence following the United States of America/Mexico Maritime Boundary Line to Point 5: 25°57'24.2" N 097°8'49" W, thence following the coast to Point 1. Safety Zone B consists of all navigable waters of South Bay, from the surface to bottom, encompassed by a line connecting the following points beginning at Point 6: 26°2'45" N 097°11'6.3" W, thence to Point 7: 26°2'45" N 097°10'53.4" W, thence following the coastline to Point 6. These coordinates are based on World Geodetic System (WGS) 84.

(b) *Enforcement period.* This section will be subject to enforcement from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into the temporary safety zones is prohibited unless authorized by the Captain of the Port, Sector Corpus Christi (COTP) or a designated representative. They may be contacted on Channel 16 VHF-FM (156.8 MHz) or by telephone at 361-939-0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for the safety zone through Broadcast Notices to Mariners and Safety Marine Information Broadcasts.

Dated: November 17, 2024.

**T.H. Bertheau,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Corpus Christi.*

[FR Doc. 2024-27454 Filed 11-20-24; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R04-OAR-2022-0786; FRL-10405-02-R4]

#### Air Plan Partial Approval and Partial Disapproval; North Carolina; Second Period Regional Haze Plan

**AGENCY:** Environmental Protection Agency (EPA).