

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

[Docket No. USCG-2024-0087]

**Security Zone; Potomac River and Anacostia River, and Adjacent Waters; Washington, DC****AGENCY:** Coast Guard, Department of Homeland Security (DHS).**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a security zone along the Potomac River, the Anacostia River, and adjacent waters at Washington, DC, for activities associated with the U.S. President's State of the Union Address. The zone will be enforced on March 7, 2024, through the early morning hours of March 8, 2024. During the enforcement period, entry into, or remaining within the zone is prohibited unless authorized by the Captain of the Port or his designated representative.

**DATES:** The regulations in 33 CFR 165.508 will be enforced from 9 a.m. on March 7, 2024, until 2 a.m. on March 8, 2024, for the security zone locations identified in 33 CFR 165.508(a)(6).

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email LTJG Ausley, U.S. Coast Guard Sector Maryland-National Capital Region (Waterways Management Division); telephone 410-576-2519, email [navin.m.ausley@uscg.mil](mailto:navin.m.ausley@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce regulations in 33 CFR 165.508 for the security zone locations identified in paragraph (a)(6) from 9 a.m. on March 7, 2024, to 2 a.m. on March 8, 2024. This action is being taken to protect government officials, mitigate potential terrorist acts and incidents, and enhance public and maritime safety and security immediately before, during, and after the U.S. President's State of the Union Address before a Joint Session of Congress. Our regulations for the Security Zone; Potomac River and Anacostia River, and adjacent waters; Washington, DC, § 165.508(a)(6), specifies the location for this security zone as an area that includes all navigable waters described in paragraphs (a)(1) through (a)(3), which includes Zones 1, 2, and 3.

• Security Zone 1, paragraph (a)(1); all navigable waters of the Potomac River, from shoreline to shoreline,

bounded to the north by the Francis Scott Key (US-29) Bridge, at mile 113, and bounded to the south by a line drawn from the Virginia shoreline at Ronald Reagan Washington National Airport, at 38°51'21.3" N, 077°02'00.0" W, eastward across the Potomac River to the District of Columbia shoreline at Hains Point at position 38°51'24.3" N, 077°01'19.8" W, including the waters of the Boundary Channel, Pentagon Lagoon, Georgetown Channel Tidal Basin, and Roaches Run.

- Security Zone 2, paragraph (a)(2); all navigable waters of the Anacostia River, from shoreline to shoreline, bounded to the north by the John Philip Sousa (Pennsylvania Avenue) Bridge, at mile 2.9, and bounded to the south by a line drawn from the District of Columbia shoreline at Hains Point at position 38°51'24.3" N, 077°01'19.8" W, southward across the Anacostia River to the District of Columbia shoreline at Giesboro Point at position 38°50'52.4" N, 077°01'10.9" W, including the waters of the Washington Channel.

- Security Zone 3 paragraph (a)(3); all navigable waters of the Potomac River, from shoreline to shoreline, bounded to the north by a line drawn from the Virginia shoreline at Ronald Reagan Washington National Airport, at 38°51'21.3" N, 077°02'00.0" W, eastward across the Potomac River to the District of Columbia shoreline at Hains Point at position 38°51'24.3" N, 077°01'19.8" W, thence southward across the Anacostia River to the District of Columbia shoreline at Giesboro Point at position 38°50'52.4" N, 077°01'10.9" W, and bounded to the south by the Woodrow Wilson Memorial (I-95/I-495) Bridge, at mile 103.8.

During the enforcement period, as specified in § 165.508(b), entry into or remaining in these zones is prohibited unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. Public vessels and vessels already at berth at the time the security zone is implemented do not have to depart the security zone. All vessels underway within the security zone at the time it is implemented are to depart the zone at the time the security zone is implemented. To seek permission to transit the zone, the Captain of the Port Maryland-National Capital Region can be contacted at telephone number (410) 576-2693 or on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). Coast Guard vessels enforcing this zone can be contacted on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). The Coast Guard may be assisted by other Federal, state, or local law enforcement agencies in enforcing this regulation. If the Captain

of the Port or his designated on-scene patrol personnel determines the security zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to suspend enforcement and grant general permission to enter the security zone.

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

Dated: February 13, 2024.

**David E. O'Connell,**

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

[FR Doc. 2024-03298 Filed 2-15-24; 8:45 am]

**BILLING CODE 9110-04-P**

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

[Docket Number USCG-2024-0040]

**RIN 1625-AA00****Emergency Safety Zone; Pacific Ocean, Bodega Bay, CA****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of the Pacific Ocean near Bodega Bay, CA in support of pollution response operations for the vessel ALEUTIAN STORM from February 13, 2024, to February 19, 2024. Based on this information, this safety zone is necessary to protect vessels and the marine environment from potential hazards associated with pollution response operations. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission from the Captain of the Port San Francisco or a designated representative.

**DATES:** This rule is effective without actual notice from February 16, 2024, through 11:59 p.m. February 19, 2024. For the purposes of enforcement, actual notice will be used from February 13, 2024, through February 16, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2024-0040 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 William Harris, U.S. Coast Guard Sector San Francisco, Waterways Management Division; at telephone (415) 399-7443, email *SFWaterways@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 it is impracticable. The Coast Guard identified active pollution stemming from the aground vessel ALEUTIAN STORM on February 12, 2024, and immediate action is necessary to respond to the pollution threat. It is impracticable to go through the full rulemaking process, including a reasonable comment period and consideration, because the Coast Guard must establish this emergency temporary safety zone by February 13, 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 contrary to the public interest because immediate action is needed to protect persons, vessels, and the marine environment involved in pollution response operations at the vessel ALEUTIAN STORM.

##### **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 Francisco (COTP) has determined that potential hazards associated with pollution response operations starting February 13, 2023, will be a safety concern for anyone within a 1,100-yard radius seaward of the vessel ALEUTIAN

STORM at coordinates 38°19'43" N 123°4'16.2" W (NAD 83). This rule is needed to protect persons, vessels, and the marine environment in the navigable waters within the safety zone during pollution response operations.

##### **IV. Discussion of the Rule**

This rule establishes a temporary safety 1,100-yard safety zone in the navigable waters of the Pacific Ocean seaward of coordinates 38°19'43" N 123°4'16.2" W (NAD 83) from 11:30 a.m. on February 13, 2024, to 11:59 p.m. on February 19, 2024, or as announced by Broadcast Notice to Mariners. The effect of the temporary safety zone will be to restrict vessel navigation in this area until the Captain of the Port San Francisco (COTP) determines that the hazards associated with the pollution response operations for the vessel ALEUTIAN STORM are no longer present. Except for persons or vessels authorized by the Captain of the Port or a designated representative, no vessel may enter or remain in the restricted area. A “designated representative” means a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel, or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

##### **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 limited duration and narrowly tailored geographic area of the safety zone. Although this rule restricts access to the navigable waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified to ensure the safety zone will result in minimum impact. The vessels

desiring to transit through or around the temporary safety zone may do so upon express permission from the COTP or the COTP’s designated representative.

###### *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 less than a week during hours that will prohibit entry within 1,100 yards of pollution response operations at the vessel ALEUTIAN STORM. 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 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; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.3.

- 2. Add § 165.T11–158 to read as follows:

#### § 165.T11–158 Emergency Safety Zone; Pacific Ocean, Bodega Bay, CA

(a) **Location.** The following area is a safety zone: all navigable waters, from surface to bottom, within a 1,100-yard radius seaward of the following coordinates 38°19'43" N 123°4'16.2" W (NAD 83).

(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, or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) **Regulations.** (1) Under the general safety zone regulation 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) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP’s designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP’s designated representative to obtain permission to do so. Vessel operators given permission to enter or operate within the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative. Persons and vessels may request permission to enter the safety zone through the 24-hour Command Center at telephone (415) 399–3432.

(d) **Enforcement period.** This section will be enforced from 11:30 a.m. on February 13, 2024, to 11:59 p.m. on February 19, 2024, or as announced via Broadcast Notice to Mariners.

(e) **Information Broadcasts.** The COTP or the COTP’s designated representative will notify the maritime community of periods during which this zone will be enforced in accordance with 33 CFR 165.7.

Dated: February 13, 2024.

**Taylor Q. Lam,**

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

[FR Doc. 2024–03369 Filed 2–14–24; 4:15 pm]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 5

#### RIN 1880-AA84

[Docket ID ED–2008–OM–0011]

#### Availability of Information to the Public; Correction

**AGENCY:** Office of the Secretary, Department of Education.

**ACTION:** Final rule; correction.

**SUMMARY:** On June 14, 2010, the Department of Education (Department) published in the **Federal Register** a final rule amending the Department’s Freedom of Information Act (FOIA) regulations, and a correction was published in the **Federal Register** on January 26, 2024. The 2010 final rule implemented amendments made to the FOIA statute and clarified how the Department processes FOIA requests for agency records, and the January 26, 2024, document corrected the administrative exhaustion provisions related to the Appeals of Adverse Determinations section in the FOIA regulations. We are correcting the title of that revised provision, which inadvertently was omitted in the January 26, 2024 correction. All other provisions in the FOIA regulations remain the same.

**DATES:** This correction is effective February 16, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Deborah O. Moore, Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 381–1414. Email: [Deborah.Moore@ed.gov](mailto:Deborah.Moore@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:** On June 14, 2010, the Department published a