

notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 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.

B. 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).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. 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 is a safety zone. It is categorically excluded from further review under paragraph L60(a) 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.

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. 01.4.

■ 2. Add § 165.T08–0990 to read as follows:

§ 165.T08–0990 Safety Zone; Lake of the Ozarks Fireworks Display, MM 0.2, Lake of the Ozarks, MO.

(a) *Location.* The following area is a safety zone: All navigable waters within a 500-foot radius of 38°12'11.1" N, 92°37'59.4" W, at Mile Marker 0.2 on the Lake of the Ozarks. These coordinates are based on the World Geodetic System (WGS 84)/North American Datum 83 (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 and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Upper Mississippi River (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 on VHF–FM channel 16

or by telephone at 1–866–360–3386. 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.

(d) *Enforcement period.* This section will be enforced from 8:30 p.m. to 10 p.m. on December 31, 2025.

B.N. Parker,

Captain, U.S. Coast Guard, Captain of the Port, Sector Upper Mississippi River.

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FEDERAL MARITIME COMMISSION

46 CFR Part 541

[Docket No. FMC–2025–0107]

RIN 3072–AD08

Demurrage and Detention Billing Requirements Properly Issued Invoices Provision Set Aside by Court

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This final rule removes from the Code of Federal Regulations a section of the final rule published on February 26, 2024, entitled “Demurrage and Detention Billing Requirements.” This action is responsive to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that set aside the properly issued invoices provision of the rule.

DATES: This action is effective on December 29, 2025.

FOR FURTHER INFORMATION CONTACT: David Eng, Secretary; Phone: (202) 523–5725; Email: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: On February 26, 2024, the Federal Maritime Commission (Commission) published a final rule entitled “Demurrage and Detention Billing Requirements” under the authority of the Ocean Shipping Reform Act of 2022, Public Law 117–14 (June 16, 2022), 89 FR 14330. This rule established requirements for common carriers and marine terminal operators to include specific minimum information on demurrage and detention invoices, outlined certain detention and demurrage billing practices, such as determination of which parties may appropriately be billed for demurrage or detention charges, and set timeframes for issuing invoices, disputing charges with the billing party, and resolving such disputes.

In April 2024, the World Shipping Council, a trade association representing the largest vessel-operating common

carriers globally, filed a petition for review in the United States Court of Appeals for the District of Columbia Circuit, challenging the rule as arbitrary and capricious under the Administrative Procedure Act. On September 23, 2025, the Court held that one section of the rule, 46 CFR 541.4, “is arbitrary and capricious because the Commission failed to explain the seeming inconsistency between its contractual-privity-based rationale and its categorical bar against billing motor carriers even when in privity with the billing party.” *World Shipping Council v. Federal Maritime Commission*, 152 F.4th 215, 220 (D.C. Cir. 2025). Accordingly, the court severed and set aside 46 CFR 541.4. Consistent with that decision, this rule removes 46 CFR 541.4 from the Code of Federal Regulations. The other provisions of the rule remain in effect.

The Commission is not required to provide notice and comment or delay the effective date of this rule. This rule

is not subject to the requirement to provide public comment because it falls under the good cause exception at 5 U.S.C. 553(b)(B). The good cause exception is satisfied when notice and comment is “impracticable, unnecessary, or contrary to the public interest.” Notice and comment for this action would be unnecessary and contrary to the public interest. This rule is a necessary administrative step following the court’s order setting aside 46 CFR 541.4. Per the court’s decision, section 541.4 has no legal effect. Public comment would not have any impact on the action. For those same reasons, and because this rule implements a court order already in effect, the Commission has good cause to waive the 30-day effective date under 5 U.S.C. 553(d)(3). Delaying the ministerial act of removing the regulatory text in the **Federal Register** is contrary to the public interest because it could lead to confusion, particularly among the regulated public.

List of Subjects in 46 CFR Part 541

Common carriers, Demurrage and detention, Exports, Imports, Marine terminal operators.

For the reasons set forth in the preamble, the Commission amends 46 CFR part 541 as follows:

PART 541—DEMURRAGE AND DETENTION

- 1. The authority citation for part 541 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. 40101, 40102, 40307, 40501–40503, 41101–41106, 40901–40904, and 46105; and 46 CFR 515.23.

§ 541.4 [Removed and Reserved]

- 2. Remove and reserve § 541.4.

By the Commission.

David Eng,

Secretary.

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