



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

[Docket Number USCG-2026-0629]

RIN 1625-AA08

### Special Local Regulation; Ohio River Mile Marker 90-91, Wheeling, WV

**AGENCY:** Coast Guard, Department of Homeland Security.

**ACTION:** Temporary final rule.

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**SUMMARY:** The Coast Guard is establishing a temporary special local regulation on the waters of the Ohio River from mile marker 90 to mile marker 91 in Wheeling, WV. This action is necessary to provide for the safety of life on these navigable waters from potential hazards during the Wheeling Water Ski Show for the activities planned on June 7, 2026. This rulemaking would prohibit persons and vessels from being in the one-mile regulated area unless authorized by the Captain of the Port Pittsburgh or a designated representative.

**DATES:** This rule is effective from 11 a.m. to 8 p.m. on June 7, 2026.

**ADDRESSES:** To view available documents go to <https://www.regulations.gov> and search for USCG-2026-0629.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, contact Petty Officer Brett Lanzel, MSU Pittsburgh, U.S. Coast Guard; telephone 206-815-6624, email [Brett.J.Lanzel@uscg.mil](mailto:Brett.J.Lanzel@uscg.mil).

### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port

DHS	Department of Homeland Security
FR	<i>Federal Register</i>
NPRM	Notice of proposed rulemaking
§	Section
SLR	Special Local Regulation
U.S.C.	United States Code

## **II. Background and Authority**

On May 5, 2026, the Coast Guard received notification that the Wheeling Water Ski Show will be taking place on the Ohio River near Wheeling, WV. This event will involve vessels and water-skiers performing stunts and formations on the River.

The Captain of the Port (COTP) Pittsburgh is issuing this Special Local Regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the Water Ski Show are a safety concern for anyone on the Ohio River within a mile of the event. The hazards associated with this event include vessels with restricted maneuverability operating at high speeds, and in close proximity to other vessels, and the presence of performers and other persons in the water. The purpose of this rulemaking is to protect performers, the public, and transiting vessels before, during, and after the scheduled event.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), 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 and contrary to the public interest. The Coast Guard was notified of this event on May 5, 2026, but we must establish this SLR by June 7, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the *Federal Register*.

## **III. Discussion of the Rule**

This rule establishes a temporary SLR from 11 a.m. until 8 p.m. on June 7, 2026. The SLR will cover all navigable waters from Mile Marker 90 to 91 on the Ohio River located near Wheeling, WV. The duration of the regulation is intended to protect personnel, vessels, and the marine environment in these navigable waters during the water ski show. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

#### **IV. 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.

##### *A. Impact on Small Entities*

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to rules that are not subject to 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 et seq.), 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 special local regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

## **List of Subjects in 33 CFR Part 100**

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 100 as follows:

### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05-1.

2. Add § 100.T899-0629 to read as follows:

#### **§ 100.T899-0629 Special Local Regulation; Ohio River Mile Marker 90-91, Wheeling, WV.**

(a) *Location.* This special local regulation applies to the following regulated area: All navigable waters on the Ohio River between mile marker 90 and mile marker 91.

(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 Pittsburgh (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their 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 (412) 670-4288. Those in the regulated area 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 11 a.m. to 8 p.m. on June 7, 2026.

**Justin R. Jolley,**  
*Commander, U.S. Coast Guard,*  
*Captain of the Port, MSU Pittsburgh.*

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