

This action amends Class E airspace, designated as a surface area, by adding a small extension to the northeast of the airport. The surface airspace extension is designed to contain IFR aircraft descending below 1,000 feet above the surface. The amended surface area is described as follows: That airspace extending upward from the surface within a 4.2-mile radius of the airport, and 1 mile each side of the 047° bearing from the airport, extending from the 4.2-mile radius to 5.4 miles northeast of the Bryce Canyon Airport.

Also, this action amends Class E airspace by establishing an area, designated as an extension to a surface area, to the southwest of the airport. This area is also designed to contain IFR aircraft descending below 1,000 feet above the surface and is described as follows: That airspace extending upward from the surface within 1 mile each side of the 227° bearing from the airport, extending from the 4.2-mile radius to 7.8 miles southwest of the Bryce Canyon Airport.

Additionally, this action amends Class E airspace, extending upward from 700 feet above the surface, by reducing the area to the east and southeast of the airport. This area is designed to contain IFR arrivals descending below 1,500 feet above the surface and IFR departures until reaching 1,200 feet above the surface. This area is described as follows: That airspace extending upward from 700 feet above the surface within 8 miles north and 4.2 miles south of the 047° bearing from the airport, extending from the airport to 16 miles northeast of the airport, and with 8 miles north and 4.2 miles south of the 227° bearing from the airport, extending from the airport to 16 miles southwest of Bryce Canyon Airport.

Further, this action removes Class E airspace extending upward from 1,200 feet above the surface. This airspace is wholly contained within the Denver en route airspace and duplication is not necessary.

Lastly, this action makes an administrative update to the Class E surface airspace's legal descriptions. The surface airspace should be in effect full time. The following two sentences do not accurately reflect the time of use and are removed. "This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

FAA Order 7400.11, Airspace Designations and Reporting Points, is

published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM UT E2 Bryce Canyon, UT [Amended]

Bryce Canyon Airport, UT
(Lat. 37°42'23" N, long. 112°08'45" W)

That airspace extending upward from the surface within a 4.2-mile radius of the airport, and 1 mile each side of the 047° bearing from the airport, extending from the 4.2-mile radius to 5.4 miles northeast of Bryce Canyon Airport.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM UT E4 Bryce Canyon, UT [New]

Bryce Canyon Airport, UT
(Lat. 37°42'23" N, long. 112°08'45" W)

That airspace extending upward from the surface within 1 mile each side of the 227° bearing from the airport, extending from the 4.2-mile radius to 7.8 miles southwest of Bryce Canyon Airport.

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM UT E5 Bryce Canyon, UT [Amended]

Bryce Canyon Airport, UT
(Lat. 37°42'23" N, long. 112°08'45" W)

That airspace extending upward from 700 feet above the surface within 8 miles north and 4.2 miles south of the 047° bearing from the airport, extending from the airport to 16 miles northeast of the airport, and within 8 miles north and 4.2 miles south of the 227° bearing from the airport, extending from the airport to 16 miles southwest of Bryce Canyon Airport.

Issued in Seattle, Washington, on April 7, 2020.

Shawn M. Kozica

Group Manager, Western Service Center Operations Support Group.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2020-0061]

RIN 1625-AA00

Safety Zone for Fireworks Displays; Upper Potomac River, Washington Channel, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for

certain waters of the Upper Potomac River. This action is necessary to provide for the safety of life on these navigable waters of the Washington Channel adjacent to The Wharf DC, Washington, DC, for recurring fireworks displays from April 4, 2020, through December 31, 2020. This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative.

DATES: This rule is effective without actual notice from April 14, 2020 through December 31, 2020. For the purposes of enforcement, actual notice will be used from April 4, 2020, until April 14, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0061 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 on this rule, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410-576-2674, email Ronald.L.Houck@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 COTP Captain of the Port
 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

On January 9, 2020, Pyrotecnico, Inc., of New Castle, PA, notified the Coast Guard that it will be conducting seven fireworks displays, sponsored by The Wharf DC, from 7 p.m. to 11:59 p.m. for various events from April 4, 2020, through December 31, 2020. The fireworks are to be launched from a barge in the Washington Channel, adjacent to The Wharf DC in Washington, DC. The fireworks company has provided dates for two of the events, April 4, 2020, and December 5, 2020. However, the dates for the remaining five events have not yet been finalized.

On February 14, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Safety Zone for Fireworks Displays; Upper Potomac River, Washington Channel, DC" (85 FR 8507). There we stated why we issued

the NPRM, and invited comments on our proposed regulatory action related to these fireworks displays. During the comment period that ended March 16, 2020, we received no comments.

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 because immediate action is needed to respond to the potential safety hazards associated with the fireworks displays, including the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Maryland-National Capital Region (COTP) has determined that potential hazards associated with the fireworks to be used in these displays will be a safety concern for anyone within 200 feet of the fireworks barge. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled events.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published February 14, 2020. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a temporary recurring safety zone in the Washington Channel from April 4, 2020, through December 31, 2020. The safety zone will cover all navigable waters of the Washington Channel within 200 feet of the fireworks barge. It is anticipated that the safety zone will be activated for seven separate events during 2020. For each event, the barge will be located within an area bounded on the south by latitude 38°52'30" N, and bounded on the north by the Francis Case (I-395) Memorial Bridge, located at Washington, DC. The safety zone will be enforced from 7 p.m. until 11:59 p.m. for each fireworks display scheduled from April 4, 2020, through December 31, 2020. Prior to enforcement, the COTP will provide notice by publishing a Notice of Enforcement at least 2 days in advance of the event in the **Federal Register**, as well as issuing a Local Notice to Mariners and Broadcast Notice to Mariners at least 24 hours in advance. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and

after the scheduled fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, duration, and time-of-day of the safety zone. It is anticipated that the safety zone will be activated for seven separate events during 2020. Although vessel traffic will not be able to safely transit around this safety zone when being enforced, the impact will be for 5 hours or less for each of the 7 fireworks events (35 total enforcement hours or fewer) during the evening when vessel traffic in Washington Channel is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about 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 received no comments from the Small Business Administration on this rulemaking. 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 that will be in effect for the entire year, however, when activated, it will last less than 5 hours and prohibit entry within a portion of the Washington Channel. 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. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

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.

■ 2. Add § 165.T05–0061 to read as follows:

§ 165.T05–0061 Safety Zone for Fireworks Displays; Upper Potomac River, Washington Channel, Washington, DC.

(a) *Location.* The following area is a safety zone: All navigable waters of the Washington Channel within 200 feet of the fireworks barge which will be located within an area bounded on the south by latitude 38°52'30" N, and bounded on the north by the southern extent of the Francis Case (I–395) Memorial Bridge, located at Washington, DC. These coordinates are based on datum NAD 1983.

(b) *Definitions.* As used in this section—

(1) *Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing the safety zone described in paragraph (a) of this section.

(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. All vessels underway within this safety zone at the time it is activated are to depart the zone.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) 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 officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement.* This safety zone will be enforced April 4, 2020, through December 31, 2020, from 7 p.m. to 11:59

p.m. each day that a barge with a “FIREWORKS—DANGER—STAY AWAY” sign on the port and starboard sides is on-scene or a “FIREWORKS—DANGER—STAY AWAY” sign is posted on land adjacent to the shoreline, near the location described in paragraph (a) of this section. The enforcement times of this section are subject to change, but the duration of each enforcement of the zone is expected to be 5 hours or less. Prior to enforcement, the COTP will provide notice by publishing a Notice of Enforcement at least 2 days in advance of the event in the **Federal Register**, as well as issuing a Local Notice to Mariners and Broadcast Notice to Mariners at least 24 hours in advance.

Dated: March 26, 2020.

Joseph B. Loring,

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

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0648]

RIN 1625-AA11

Regulated Navigation Area; Savannah River, GA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending an existing regulated navigation area (RNA) on the Savannah River located between Fort Jackson, GA and the Savannah River Channel Entrance Sea Buoy. This rule removes inapplicable and/or outdated definitions, processes and requirements in the RNA following a change in capability, infrastructure and layout of the Southern Liquefied Natural Gas (LNG) facility on the Savannah River.

DATES: This rule is effective May 14, 2020.

ADDRESSES: To view documents mentioned in this preamble go to: <http://www.regulations.gov> and enter USCG-2018-0648 in the “SEARCH” feature. Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Joseph Palmquist, Coast Guard; telephone 912-652-4353 ext. 221, email joseph.b.palmquist@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
RNA Regulated Navigation Area
DHS Department of Homeland Security
GT Gross Tons
LNG Liquefied Natural Gas
FR Federal Register
GA Georgia
FiFi Fire Fighting
NPRM Notice of proposed rulemaking
BNM Broadcast Notice to Mariners
§ Section
U.S.C. United States Code
OMB Office of Management and Budget

II. Background Information and Regulatory History

A notice of proposed rulemaking (NPRM) entitled “Revision for Regulated Navigation Area; Savannah GA” was published in the **Federal Register** on June 13, 2019 (84 FR 25506). The NPRM proposed to amend the regulated navigation area (RNA) on the Savannah River located between Fort Jackson, GA (32°04.93 N, 081°02.19 W) and the Savannah River Channel Entrance Sea Buoy in 33 CFR 165.756. The NPRM proposed to remove inapplicable and/or outdated definitions, processes and requirements in the RNA following a change in capability, infrastructure and layout of the Southern Liquefied Natural Gas (LNG) facility on the Savannah River. The NPRM provided for a 60-day comment period, which closed on August 12, 2019. We received three comments on the NPRM that are addressed below.

III. Legal Authority and Need for the Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. Through the NPRM and commenting period, the Coast Guard has determined that the RNA needs to be amended to remove inapplicable and/or outdated definitions, processes, and requirements due to changes in capability, infrastructure, and layout of the Southern LNG facility on the Savannah River.

IV. Discussion of Comments and Changes to the Rule

A. Discussion of Comments

The Coast Guard received three comment submissions from the public in response to the proposed rule. Two of the comments proposed additional amendments and/or changes. One comment agreed to the Coast Guard’s proposed amendments to the RNA. The comments that proposed additional amendments were from companies and/

or parties directly involved or impacted by the RNA, and the final comment received was from a private citizen. All three comments received are discussed below.

The first comment agreed with the proposed changes; however, it proposed further sections of the existing RNA, originally published on September 10, 2007, be amended. The commenter proposed removal of three paragraphs from the original RNA in § 165.756: (d)(1)(iii)(D), (d)(3)(i), and (d)(3)(ii). This recommendation is due to the possibility of smaller vessels calling to port at the Southern LNG Facility in the future. The commenter’s first preference is to remove these paragraphs, but in the alternative, proposed to amend the three paragraphs to apply only to LNG Tankships with cargo capacity of over 120,000 m³. In alignment with the purpose of this rule—to adapt the RNA to the facility changes—the Coast Guard agrees that stating which requirements apply only to large LNG Tankships will provide additional clarity to the applicability of these requirements. This final rule further amends existing § 165.756(d)(1)(iii)(D), (d)(3)(i), and (d)(3)(ii) (redesignated by this rule as §§ 165.756(d)(1)(iii)(D), (d)(2)(i), and (d)(2)(ii), respectively) by adding a statement that the requirements of those paragraphs only apply to LNG Tankerships with cargo capacity of over 120,000 m³.

The second commenter expressed concern with removing paragraph (d)(5) of § 165.756 as proposed in the NPRM due to potential safety concerns. The commenter stated that, “By removing the Docking Pilot as a watch stander on the bridge of an LNG Tankship, one of the layers of safety is being eliminated.” While the Coast Guard agrees that having a docking pilot onboard each moored vessel could have a positive impact on the emergency response to a potential incident, this is not a standard practice among other LNG facilities, nor is this a requirement for other deep draft vessels moored throughout the Port of Savannah. In addition, it is a standard practice for the vessel to maintain a bridge watchstander while moored. No LNG vessels moor outside of the slip at Southern LNG at Elba Island due to the changes in the facility layout. Therefore, the passing arrangements and communications this watchstander facilitated are no longer necessary. For these reasons, we believe the requirement in paragraph (d)(5) to have an additional watchstander on the bridge, such as a docking pilot, is an unnecessary burden and are removing this requirement with this final rule. LNG tankship vessels mooring in this