

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, 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 § 165.791 to read as follows:

#### § 165.791 Safety Zones; Heavy Weather and Natural or Other Disasters in San Juan Captain of the Port Zone.

(a) *Location.* The following area is a safety zone: All navigable waters, as defined in 33 CFR 2.36, within Sector San Juan Captain of the Port (COTP) zone, San Juan, Puerto Rico, as described in 33 CFR 3.35-25, during specified conditions.

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

(1) *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 COTP San Juan in the enforcement of the safety zone.

(2) *Gale force winds* means sustained surface winds, or frequent gusts, of 34 knots (39 mph) or more usually seen in coastal regions.

(3) *Port Condition WHISKEY* means a condition set by the COTP when gale force winds are expected to make landfall at the port within 72 hours.

(4) *Port Condition X-RAY* means a condition set by the COTP when gale force winds are expected to make landfall at the port within 48 hours.

(5) *Port Condition YANKEE* means a condition set by the COTP when gale force winds are expected to make landfall at the port within 24 hours.

(6) *Port Condition ZULU* means a condition set by the COTP when gale force winds are expected to make landfall at the port within 12 hours.

(7) *Regulated facilities* means shoreside facilities regulated by the Coast Guard under the Ports and Waterways Safety Act,<sup>8</sup> Maritime Transportation and Security Act,<sup>9</sup> Clean Water Act,<sup>10</sup> and the Oil Pollution Act of 1990,<sup>11</sup> and regulations in 33 CFR parts 105, 154, 156, and 158.

(8) *Waterfront facilities* means any land structure or shore area immediately adjacent to the navigable waters of the San Juan COTP zone.

(c) *Regulations.* (1) *Port Condition WHISKEY.* All vessels, regulated facilities, and waterfront facilities within the San Juan COTP zone must exercise due diligence in preparation for potential storm impacts. All regulated facilities and waterfront facilities must begin removing all debris and securing potential flying hazards. Oceangoing vessels greater than 500 gross tons (GT) must make plans to depart no later than the setting of Port Condition Yankee unless authorized by the COTP. Oceangoing vessels greater than 500 GT intending to remain in port must contact the COTP prior to the setting port condition X-Ray.

(2) *Port Condition X-RAY.* All vessels, regulated facilities, and waterfront facilities within the San Juan COTP zone must ensure that potential flying debris is removed or secured. Hazardous materials/pollution hazards must be secured in a safe manner and away from waterfront areas. Vessels greater than 500 GT without an approval to remain in port must depart prior to the setting of Port Condition YANKEE. Vessels with the COTP's permission to remain in port must implement their pre-approved mooring arrangement. Regulated facilities must prepare to terminate all cargo operations.

(3) *Port Condition YANKEE.* Affected ports are closed to inbound vessel traffic. All oceangoing vessels greater than 500 GT must have departed designated ports within the San Juan COTP zone. Regulated facilities must terminate all cargo operations, not

associated with storm preparations, unless specifically authorized by the COTP. All MTSA regulated facilities must continue to operate in accordance with their approved Facility Security Plans and comply with the requirements of the MTSA.

(4) *Port Condition ZULU.* The port is closed to all vessel traffic except as specifically authorized by the COTP. Regulated facilities must cease all cargo operations, including bunkering and lightering. Waivers may be granted except for when Cargo of Particular Hazard or Certain Dangerous Cargo are involved.

(5) *Emergency Regulation for Other Disasters.* Any natural or other disasters that are anticipated to affect the Sector San Juan COTP zone will result in the prohibition of facility operations and vessel traffic transiting or remaining in the affected port.

(6) *Transit requests.* Persons and vessels desiring to enter, transit through, anchor in, or remain in the regulated area may contact the COTP via telephone at (787) 289-2041, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain in the regulated area is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative.

(7) *Safety zones notice.* Coast Guard Sector San Juan will notify the maritime community, to the furthest extent practicable, of the periods during which the safety zone described in paragraph (a) will be subject to enforcement via Broadcast Notice to Mariners or by on-scene designated representatives.

Dated: April 1, 2024.

**Robert M. Pirone,**

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

[FR Doc. 2024-07228 Filed 4-4-24; 8:45 am]

**BILLING CODE 9110-04-P**

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2024-0228]

RIN 1625-AA87

#### Security Zone; Cooper River, Charleston, SC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

<sup>8</sup> 46 U.S.C. 70001 *et seq.*

<sup>9</sup> 46 U.S.C. 70101 *et seq.*

<sup>10</sup> 33 U.S.C. 1251 *et seq.*

<sup>11</sup> 33 U.S.C. 2701 *et seq.*

**SUMMARY:** The Coast Guard is establishing a temporary security zone for navigable waters of the Cooper River, in the vicinity of the Arthur Ravenel Jr. Bridge, in Mount Pleasant, SC. This security zone is necessary to provide for the security and protection of life of participants and spectators during the Cooper River Bridge Run event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Charleston or a designated representative.

**DATES:** This rule is effective from 7:30 a.m. through 10:30 a.m., on April 6, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0228 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 Marine Science Technician First Class Thomas J. Welker, Sector Charleston, Waterways Management Division, U.S. Coast Guard; telephone 843–740–3184, email [Thomas.J.Welker@uscg.mil](mailto:Thomas.J.Welker@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 without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This 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.” Under 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. The Coast Guard did not receive the information required to develop and finalize plans for an official patrol of the security zone in ample time to allow for public comment for the Cooper River Bridge Run event scheduled on April 6, 2024. The Coast

Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It would be impracticable to delay promulgating this rule, as it is necessary to protect the safety of participants and spectators participating in this event, and to mitigate potential subversive acts.

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** for the same reasons discussed above.

##### **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70051 and 70124. The Captain of the Port (COTP) Charleston has determined that the presence of persons under the protection of the Coast Guard in the Sector Charleston COTP zone presents a potential target for terrorist attack, sabotage, or other subversive acts, accidents, or other causes of similar nature. The rule is needed to protect persons under the protection of the Coast Guard, personnel in and around the Cooper River Bridge Run event.

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

This rule establishes a security zone in Mount Pleasant, SC, from 7:30 a.m. through 10:30 a.m. on April 6, 2024. The security zone would cover all navigable waters of the Cooper River, in the vicinity of the Arthur Ravenel Jr. Bridge.

Entry into this security zone is prohibited unless specifically authorized by the Captain of the Port (COTP) or their designated representative. A designated representative is a commissioned, warrant, or petty officer of the Coast Guard assigned to units under the operational control of the Coast Guard Sector Charleston. Requests for entry will be considered and reviewed on a case-by-case basis. The COTP may be contacted by telephone at 843–740–3184 or can be reached by VHF–FM channel 16. Persons and vessels permitted to enter these security zones must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or their designated representative.

###### **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 size, location, duration, and time-of-year of the security zone. This security zone will impact a small, designated area on the navigable waters of Cooper River for approximately three hours during a time of year when vessel traffic is normally low. To alleviate the effects of this rule on the public, the COTP may elect to temporarily suspend enforcement of this security zone. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter 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 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 security 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 security zone lasting only 3 hours that will prohibit entry into all navigable waters of the Cooper River, in the vicinity of the Arthur Ravenel Jr. Bridge. 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, 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.T07-0228 to read as follows:

#### § 165.T07-0228 Security Zone; Cooper River Bridge Run, Charleston, SC.

(a) *Location.* The following area is a security zone: All waters of the Cooper River, and Town Creek Reaches encompassed within the following points: Beginning at 32°48'32" N, 079°56'08" W, thence east to 32°48'20" N, 079°54'18" W, thence south to 32°47'20" N, 079°54'29" W, thence west to 32°47'20" N, 079°55'28" W, thence north to origin. All coordinates are 1984 World Geodetic System (WGS 84).

(b) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Charleston (COTP) or the COTP's designated representative.

(2) Vessels requiring entry into the security zone must request permission from the COTP or a designated representative. To seek entry into the security zone, contact the COTP or the COTP's representative by telephone at 843-740-7050 or on VHF-FM channel 16.

(3) Persons and vessels permitted to enter the security zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(c) *Definitions.* As used in this section, *designated representative* is a commissioned, warrant, or petty officer of the Coast Guard assigned to units under the operational control of Coast Guard Sector Charleston.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. through 10:30 a.m. on April 6, 2024.

Dated: April 1, 2024.

**F.J. DelRosso,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2022-0955; FRL-10549-02-R9]

### Approval of Implementation Plans for Air Quality Planning Purposes; State of Nevada; Clark County Second 10-Year Maintenance Plan for the 1997 8-Hour Ozone Standard

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve, as a revision of the Nevada state implementation plan (SIP), the State's second 10-year plan for maintaining the 1997 8-hour ozone standard in Clark County ("Clark County Second Maintenance Plan" or "Plan"). The Clark County Second Maintenance Plan includes, among other elements, a base year emissions inventory, a maintenance demonstration, contingency provisions, and motor vehicle emissions budgets for use in transportation conformity determinations to ensure the continued maintenance of the 1997 National Ambient Air Quality Standards for ozone ("1997 ozone NAAQS" or "1997 8-hour ozone standard"). With this action, the EPA is approving the motor