

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

[Docket Number USCG–2024–0253]

RIN 1625–AA00

Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone**AGENCY:** Coast Guard, Department of Homeland Security (DHS).**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the regulations establishing safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River. This action would include updating 12 existing safety zones, adding 2 safety zones for fireworks displays that were previously published under temporary regulations, and reordering the table alphabetically. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 13, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0253 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the

SUPPLEMENTARY INFORMATION section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Carlie Gilligan, Sector Columbia River Waterways Management Division, U.S. Coast Guard; telephone 503–240–9319, email SCRWWM@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, Purpose, and Legal Basis

The Coast Guard proposes to revise its regulation for recurring fireworks displays in the geographic boundaries of the Thirteenth Coast Guard District

Sector Columbia River Captain of the Port (COTP) Zone, 33 CFR 165.1315. This proposed rule would update the name of 10 events, update the date or location of 2 events, add 2 safety zones for new, recurring fireworks displays that were previously published as temporary safety zones, and reorder the table alphabetically. The purpose of this revision is to provide the public accurate information regarding safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River Zone.

The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70034. The Captain of the Port Sector Columbia River has determined that fireworks displays create hazardous conditions for the maritime public because of the large number of vessels near the displays, as well as the noise, falling debris, and explosions that occur during the events. Because firework discharge sites pose a potential hazard to the maritime public, these safety zones are necessary to restrict vessel movement and reduce vessel congregation near firework discharge sites.

III. Discussion of Proposed Rule

The Coast Guard proposes to revise safety zone regulations designated in the table in 33 CFR 165.1315(a). Specifically, this rule would alphabetize the events, make minor updates to the names of 10 events, update the location of 1 event (Newport 4th of July), update the typical date of 1 event (The 4th of July at Pekin Ferry), and add two events (Umatilla Landing Days and City of Richland Lighted Boat Parade Festival).

The Umatilla Landing Days safety zone was previously issued as a temporary final rule (88 FR 32966, May 23, 2023), and after conferring with the event sponsor, the Coast Guard has learned it will be a recurring fireworks display. This safety zone would cover all navigable waters within a 400-foot radius of the fireworks launch site in Umatilla, OR, located at 45°55'37" N, 119°19'47" W.

On November 29, 2023, the Coast Guard announced the creation of a temporary safety zone for all navigable waters within a 600-foot radius of a fireworks display on the Columbia River for the City of Richland Christmas Fireworks display in Richland, WA, which ended December 2, 2023. A copy of the announcement is available in the Docket USCG–2024–0253, which can be found using instructions in the

ADDRESSES section. After conferring with the event sponsor, the Coast Guard has learned it will become a recurring fireworks display. This new reoccurring

safety zone would cover all navigable waters within a 600-foot radius of the fireworks launch site in Richland, WA, located at 46°16'29" N, 119°16'10" W.

Finally, the Coast Guard is revising twelve existing fireworks display safety zones. These revisions include updating the date for 4th of July at Pekin Ferry to more precisely describe when the fireworks display will occur, updating the location for Newport 4th of July, and making minor name updates to the following events: Brookings, OR July 4th Celebration; Port of Cascade Locks 4th of July Fireworks; Bald Eagle Days; City of Coos Bay July 4th Celebration/Fireworks Over the Bay; The Dalles Area Fourth of July; Ilwaco July 4th Committee Fireworks/Independence Day at the Port; Tri-City Chamber of Commerce Fireworks/Kennewick River of Fire Festival; City of Rainier/Rainier Days; City of St. Helens 4th of July Fireworks; and Cedco Inc./The Mill Casino Independence Day. These updates will eliminate confusion caused by the fireworks display safety zones listed in the 33 CFR 165.1315 table and any subsequently issued temporary safety zones resulting from changes to the dates or locations of the events. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 NPRM 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, the NPRM 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 day of the events. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM and the rule would allow 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 proposed rule would 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 IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the proposed 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. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves safety zones lasting various times that would prohibit entry within defined areas. Normally such actions are 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 preliminary 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. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0253 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

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 proposes to amend 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. In § 165.1315, revise and republish paragraph (a) to read as follows:

§ 165.1315 Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone.

(a) *Safety zones.* The following areas are designated safety zones: Waters of the Columbia River and its tributaries, waters of the Siuslaw River, Yaquina River, Umpqua River, Clatskanie River, Tillamook Bay and waters of the Washington and Oregon Coasts, within a 450 yard radius of the launch site at the approximate locations listed in the following table:

TABLE 1 TO PARAGRAPH (a)

Event name (typically)	Event location	Date of event	Latitude	Longitude
Portland Rose Festival Fireworks	Portland, OR	One day in May or June	45°30'58" N	122°40'12" W
The 4th of July at Pekin Ferry	Ridgefield, WA	One day in June or July	45°52'07" N	122°43'53" W
Umatilla Landing Days	Umatilla, OR	One day in June	45°55'37" N	119°19'47" W
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	One day in July	46°11'34" N	123°49'28" W
Bandon 4th of July	Bandon, OR	One day in July	43°07'29" N	124°25'05" W
Brookings July 4th Celebration	Brookings, OR	One day in July	42°02'39" N	124°16'14" W
Cascade Locks 4th of July Fireworks	Cascade Locks, OR	One day in July	45°40'15" N	121°53'43" W
Cathlamet Bald Eagle Days	Cathlamet, WA	One day in July	46°12'14" N	123°23'17" W
Clatskanie Heritage Days Fireworks	Clatskanie, OR	One day in July	46°6'17" N	123°12'02" W
Fireworks Over the Bay	Coos Bay, OR	One day in July	43°22'06" N	124°12'24" W
Florence Independence Day Celebration	Florence, OR	One day in July	43°58'09" N	124°05'50" W
Fort Dalles Fourth of July	The Dalles, OR	One day in July	45°36'18" N	121°10'23" W
Gardiner 4th of July	Gardiner, OR	One day in July	43°43'55" N	124°06'48" W
Garibaldi Days Fireworks	Garibaldi, OR	One day in July	45°33'13" N	123°54'56" W
Hood River 4th of July	Hood River, OR	One day in July	45°42'58" N	121°30'32" W
Huntington 4th of July	Huntington, OR	One day in July	44°18'02" N	117°13'33" W
Ilwaco Independence Day at the Port	Ilwaco, WA	One day in July	46°18'17" N	124°02'00" W
Independence Day at the Fort Vancouver	Vancouver, WA	One day in July	45°36'57" N	122°40'09" W
July 4th Party at the Port of Gold Beach	Gold Beach, OR	One day in July	42°25'30" N	124°25'03" W
Kennewick River of Fire Fireworks	Kennewick, WA	One day in July	46°13'37" N	119°08'47" W
Lincoln City 4th of July	Lincoln City, OR	One day in July	44°55'28" N	124°01'31" W
Newport 4th of July	Newport, OR	One day in July	44°37'31" N	124°02'5" W
Oaks Park Association 4th of July	Portland, OR	One day in July	45°28'22" N	122°39'59" W
Port Orford 4th of July Jubilee	Port Orford, OR	One day in July	42°44'31" N	124°29'30" W
Rainier Days in the Park	Rainier, OR	One day in July	46°05'46" N	122°56'18" W
Roseburg Hometown 4th of July	Roseburg, OR	One day in July	43°12'58" N	123°22'10" W
Splash Aberdeen Waterfront Festival	Aberdeen, WA	One day in July	46°58'40" N	123°47'45" W
St. Helens 4th of July Fireworks	St. Helens, OR	One day in July	45°51'54" N	122°47'26" W
The Mill Casino Independence Day	North Bend, OR	One day in July	43°23'42" N	124°12'55" W
Toledo Summer Festival	Toledo, OR	One day in July	44°37'08" N	123°56'24" W
Waldport 4th of July	Waldport, OR	One day in July	44°25'31" N	124°04'44" W
Washougal 4th of July	Washougal, WA	One day in July	45°34'32" N	122°22'53" W
Waterfront Blues Festival Fireworks	Portland, OR	One day in July	45°30'42" N	122°40'14" W
Waverly Country Club 4th of July Fireworks	Milwaukie, OR	One day in July	45°27'03" N	122°39'18" W
Westport 4th of July	Westport, WA	One day in July	46°54'17" N	124°05'59" W
Winchester Bay 4th of July Fireworks	Winchester Bay, OR	One day in July	43°40'56" N	124°11'13" W
Yachats 4th of July	Yachats, OR	One day in July	44°18'38" N	124°06'27" W
Astoria Regatta	Astoria, OR	One day in August	46°11'34" N	123°49'28" W
Oregon Symphony Concert Fireworks	Portland, OR	One day in August or September.	45°30'42" N	122°40'14" W
Leukemia and Lymphoma Light the Night Fireworks.	Portland, OR	One day in October	45°30'23" N	122°40'4" W
Veterans Day Celebration	The Dalles, OR	One day in November	45°36'18" N	121°10'34" W
City of Richland Lighted Boat Parade Fireworks	Richland, WA	One weekend in December.	46°16'29" N	119°16'10" W

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Dated: April 6, 2024.

J.W. Noggle,

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

[FR Doc. 2024-07779 Filed 4-11-24; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R04-OAR-2022-0592; FRL-11872-01-R4]

Air Plan Approval; Georgia; Gasoline Dispensing Facilities**AGENCY:** Environmental Protection Agency.**ACTION:** Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Georgia through the Georgia Department of Natural Resources (GA DNR), Environmental Protection Division (EPD), via a letter dated May 24, 2022. The revision seeks to remove the requirement for Enhanced Stage I Gasoline Vapor Recovery Systems (*i.e.*, Stage 1 EVR) at existing gasoline dispensing facilities (GDFs) in Catoosa, Richmond, and Walker counties. EPA is proposing to approve this change pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before May 13, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2022-0592 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia

submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Weston Freund of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number for Mr. Freund is (404) 562-8773. Mr. Freund can also be reached via electronic mail at freund.weston@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

On March 3, 1978, EPA designated the Atlanta area¹ as nonattainment for the 1979 1-hour ozone National Ambient Air Quality Standards (NAAQS). See 43 FR 8962. This designation required Georgia to revise its ozone SIP for the Atlanta area pursuant to the Part D requirements of the CAA as amended in 1977 (1977 Act). To meet this requirement, Georgia submitted revisions for its ozone SIP and EPA approved them on November 24, 1981. See 46 FR 57486. Although Georgia calculated that it would achieve the ozone standard in the Atlanta area by December 31, 1982, the control strategy for ozone that EPA approved did not result in attainment. Consequently, on May 3, 1984, EPA notified the Governor of Georgia that pursuant to CAA section 110(a)(2)(H) of the 1977 Act the SIP was inadequate to achieve the ozone NAAQS and issued a SIP call. See 49 FR 18827. Georgia responded by submitting a final SIP revision to EPA on November 21, 1985. Georgia later submitted a modified SIP submittal to EPA on October 1, 1987, to resolve several deficiencies EPA identified in the November 21, 1985, submission. Although the modified submittal resolved many of the issues, several remained with respect to Georgia's volatile organic compounds (VOC) reasonably available control technology (RACT) rules that would require further submittals.

During the same time period that EPA reviewed Georgia's latest submittals to correct its ozone SIP deficiencies, Congress enacted the CAA Amendments of 1990 (November 15, 1990). The amended CAA section 182(b)(2) requires states to adopt RACT rules for VOC sources into their SIPs for all areas in

ozone nonattainment areas that were classified as moderate or above. Specifically, CAA section 182(b)(2) requires RACT for: (1) sources covered by an existing control techniques guideline (CTG) (*i.e.*, a CTG issued prior to enactment of the 1990 amendments to the CAA); (2) sources covered by a post-enactment CTG; and (3) all major sources of VOCs not covered by a CTG (*i.e.*, non-CTG sources). Further, section 182(a)(2)(A) requires that all pre-enactment ozone nonattainment areas classified as marginal or above that retained the nonattainment designation fix any deficient RACT rules for ozone within 6 months of the date of classification under section 7511(a) of the CAA. For the areas in Georgia that were already classified as ozone nonattainment areas prior to promulgation of the CAA Amendments, this date was May 15, 1991.

Georgia submitted several SIP revisions to EPA on January 3, 1991, April 3, 1991, and September 30, 1991, to correct VOC RACT deficiencies. Included in these submittals was a revision to Rule 391-3-1-.02(2)(rr), *Gasoline Dispensing Facility*, changing it to comply with the RACT established in a 1975 CTG for addressing the control of VOC emissions from gasoline dispensing facilities.² EPA approved these revisions into the SIP on October 13, 1992. See 57 FR 46780. Prior to this approval however, EPA classified the Atlanta area as serious ozone nonattainment for the 1979 1-hour ozone NAAQS on November 6, 1991.³ See 56 FR 56694. EPA added Cherokee and Forsyth counties to the 11 counties which were previously classified as nonattainment for the Atlanta area. *Id.* As a result, Georgia submitted further SIP revisions that included additional changes to Rule 391-3-1-.02(2)(rr) on November 15, 1993, and June 17, 1996, that were approved into the SIP on March 26, 1999. See 64 FR 20186. Despite the approval, the 13-county area failed to attain the 1979 1-hour ozone NAAQS by November 15, 1999, the CAA deadline for serious ozone nonattainment areas.

EPA issued a final rulemaking action on September 26, 2003, to reclassify the

² See "Design Criteria for Stage I Vapor Control Systems Gasoline Service Stations" U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards Emission Standards and Engineering Division Research Triangle Park, EPA-450 (November 1975), available at: <https://nepis.epa.gov/Exec/ZipPDF.cgi?Dockey=20013556.txt>.

¹ The 11-county metro Atlanta area identified for the 1979 1-hour ozone NAAQS was comprised of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Spaulding, and Rockdale counties in Georgia.

³ The revised 1979 Atlanta nonattainment area consisted of the following thirteen counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties.