

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-2024-0618 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 is proposing 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. Add § 165.T14-0618 to read as follows

#### § 165.T14-0618 Safety Zone, Kahanamoku Beach, Honolulu, HI

(a) *Location.* The following area is a safety zone: All waters offshore of Kahanamoku Beach, from surface to bottom, encompassed by a line connecting the following points beginning at 21°16'52.02" N 157°50'27.88" W, thence to 21°16'44.24" N 157°50'29.67" W, thence to 21°16'40.06" N 157°50'16.65" W, thence to 21°16'47.24" N 157°50'13.39" W, back to the beginning point. These coordinates are based on 1984 World Geodetic System (WGS 84).

(b) *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 by calling Sector Honolulu Command Center at 808-842-2603. During the enforcement periods, all persons and vessels permitted to enter 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 periods.* This section will be enforced from 9 p.m. to 4:30 a.m., daily, on August 13, 2024 through August 15, 2024 and from 6:30 to 9:30 p.m., daily, on August 15, 17 and 18, 2024.

Dated: July 11, 2024.

Aja L. Kirksey,

Captain, U.S. Coast Guard, Captain of the Port Sector Honolulu.

[FR Doc. 2024-15694 Filed 7-16-24; 8:45 am]

BILLING CODE 9110-04-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R05-OAR-2024-0184; FRL-11968-01-R5]

#### Air Plan Approval; Wisconsin; Nitrogen Oxide Emissions Control Requirements

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve Wisconsin's additions and amendments to chapters NR 400, 428, and 484 of the Wisconsin Administrative Code (Wis. Adm. Code). These changes clarify existing requirements and ensure clear and consistent implementation of Wisconsin's control requirements for emissions of nitrogen oxide (NO<sub>x</sub>).

**DATES:** Comments must be received on or before August 16, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2024-0184 at <https://www.regulations.gov>, or via email to [arra.sarah@epa.gov](mailto:arra.sarah@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general

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

**FOR FURTHER INFORMATION CONTACT:**

Katie Mullen, Air and Radiation Division (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-3490, [mullen.kathleen@epa.gov](mailto:mullen.kathleen@epa.gov). The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

**I. What is the background of this SIP submission?**

Chapter NR 428, Wis. Adm. Code, regulates the emissions of NO<sub>x</sub> from certain stationary sources located in Wisconsin’s current ozone nonattainment areas and areas with a history of ozone nonattainment, including Kenosha, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha counties.

Since the promulgation of the 2001 and 2007 revisions to chapter NR 428, Wis. Adm. Code, Wisconsin has identified several implementation issues associated with certain parts of this chapter. The purpose of Wisconsin’s proposed revisions is to ensure clear and consistent implementation of NO<sub>x</sub> control requirements in chapter NR 428. Wisconsin is not currently seeking approval of this rule as it pertains to the reasonably available control technology (RACT) requirements under the 2015 ozone national ambient air quality standard (NAAQS). EPA will be addressing RACT at a later date.

**II. What is EPA’s analysis of the proposed SIP revision?**

Wisconsin’s April 10, 2024, submittal requested that EPA approve revisions to NO<sub>x</sub> control requirements in chapters NR 400, NR 428, and NR 484 of the Wis. Adm. Code. Wisconsin’s proposed revisions clarify emission limits for units using more than one type of fuel, incorporate procedures for approving a site-specific emission limit alternative to ensure that limits are achievable in practice, revise and clarify existing compliance and monitoring requirements, clarify an applicability exception, update cross references, and include definitions.

*A. Clarification of NO<sub>x</sub> Emission Limits During Secondary Fuel Useage*

Wisconsin has revised sections NR 428.04(2)(i), 428.05(2)(b), 428.05(2)(f), 428.05(3)(f), 428.22(1), and 428.22(3) of the Wis. Adm. Code to clarify that a unit firing secondary fuel is not subject to emission limits and monitoring requirements when using only the secondary fuel under certain limited circumstances, which include any of the following conditions:

- a. The emissions unit heat input capacity or maximum design power output while utilizing the secondary fuel is less than the corresponding applicability thresholds.
- b. The emissions unit burns the secondary fuel only during periods of curtailment or supply interruption of other fuel(s) not to exceed 500 hours in a 12 consecutive month period.
- c. During periodic testing, maintenance, or operator training of the secondary fuel when the periodic testing, maintenance, or operator training does not exceed 48 hours during any calendar year.
- d. The secondary fuel constitutes less than 1% of the unit’s fuel consumption within a 12 consecutive month period.

Also, NR 428.04(4)(c), 428.05(5)(c), and 428.24(1)(c) contain the secondary fuel recordkeeping requirements. EPA is proposing that these revisions are approvable since they clarify the applicability of emission limits and monitoring requirements when a facility uses more than one type of fuel.

*B. Procedures for Approving a Site-Specific Emission Limit Alternative*

Section NR 428.055 provides a pathway for facilities to request a site-specific emission limit if the facility demonstrates that compliance with requirements under sections NR 428.04 or 428.05 are technologically or economically infeasible. The proposed site-specific emission limit is only effective after it has been approved to the State Implementation Plan (SIP) by EPA. These revisions are approvable since they explain the steps needed to implement a site-specific alternative emission limit.

*C. Clarification of Monitoring Requirements for Specific Categories of Emissions Units*

Wisconsin has created language under sections NR 428.08(2)(e), 428.08(2)(f), and 428.08(3) that clarifies monitoring requirements and exceptions for NO<sub>x</sub> emissions units such as kilns, furnaces, asphalt plants, process heating units, and engines. Section NR 428.02(2)(g) incorporates an alternative to operating

a continuous emissions monitoring system (CEMS) by meeting operational and performance testing requirements that are consistent with the SIP-approved compliance demonstration requirements for emission limitations under s. NR 428.23(1)(b). Section NR 428.08(2)(g)4. a. requires that emissions performance tests be conducted according to Method 7, 7A, 7B, 7C, 7D, or 7E under 40 CFR part 60, appendix A. Section NR 484.04 table 2 Row (15m), which incorporates these Federal test methods by reference, is revised to cross-reference to section NR 428.08(2)(g)(4)(a). These revisions are approvable since they clarify the monitoring requirements and exceptions for NO<sub>x</sub> emission units subject to this rule.

*D. Revision of Compliance Monitoring Plan Submittal Deadline*

Wisconsin has revised its deadline for compliance monitoring plan submittals under section NR 428.07(1)(a)2., Wis. Adm. Code, from “at least 180 days prior to initial operation” to “at least 180 days prior to initial operation, or an alternative date less than 180 days approved by the department.” The previous rule language required plans to be submitted 180 days before initial operation. This means a source would have been required to wait for the 180-day period to end prior to operating, even if the source was permitted and physically capable of operation prior to that date. This revised rule is approvable since it streamlines the implementation of this section by allowing the source to request an alternative date to avoid the waiting period if warranted.

*E. Clarification of Exception*

Wisconsin’s revisions clarify that the unit exception under section NR 428.21(3), Wis. Adm. Code, applies only to units constructed before August 1, 2007, as originally intended. This revision is approvable since it clarifies which emission units qualify for this exception.

*F. Definitions and Cross References*

The proposed rule incorporates a definition for SIP, the acronym for State Implementation Plan, under section NR 400.03(4)(mf). Wisconsin has also added definitions for “primary fuel”, “secondary fuel”, “simple cycle stationary combustion turbine”, and “supply interruption” or “curtailment” under section NR 428.02(7i), (7p), (7u) and (7w). Wisconsin has also updated cross references through Ch. NR 428, Wis. Adm. Code, to be consistent with the proposed rule language. These

administrative type revisions are approvable since they ensure terms included in the new rule language are defined and cross references are updated.

EPA has reviewed the amendments contained in Wisconsin's submittal, as discussed in detail above, and is proposing to approve the amended portions of NR 400, 428, and 484. Because these changes provide clarity and generally strengthen the currently approved SIP, EPA is proposing that these changes will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other Clean Air Act (CAA) requirement, and therefore, fulfill section 110(l) of the CAA.

### III. What action is EPA taking?

EPA is proposing to approve the revisions in NR 400, 428, and 484 of the Wisconsin Administrative Code since these changes clarify and streamline Wisconsin's NO<sub>x</sub> control regulatory requirements.

### IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Wisconsin rule(s) 400.03(4)(mf), 428.02(7i), 428.02(7p), 428.02(7u), 428.02(7w), 428.04(2)(i), 428.04(4)(c), 428.05(2)(b), 428.05(2)(f), 428.05(3)(f), 428.05(5)(c), 428.22(1), 428.22(3), 428.24(1)(c), 428.08(2)(e)(title), 428.08(2)(f)(title), 428.08(2)(g), 428.08(3), 484.04 Table 2 Row (15m), and 428.21(3)(d), effective April 1, 2024, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond

those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993), and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean

that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The WDNR did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: June 10, 2024.

**Debra Shore,**

*Regional Administrator, Region 5.*

[FR Doc. 2024–15598 Filed 7–16–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2023–0318; FRL–11926–01–R5]

### Air Plan Approval; Ohio; Greif Packaging LLC

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve under the Clean Air Act (CAA), a State Implementation Plan (SIP) revision to the sulfur dioxide (SO<sub>2</sub>) regulations under Chapter 3745–18 of the Ohio Administrative Code (OAC). Ohio submitted the request to EPA on June 8, 2023. The revision removes SO<sub>2</sub> emissions limitations for fuel burning equipment at the Greif Packaging, LLC facility located at 9420 Warmingtton Rd. SW in Massillon, Ohio (Greif facility). The units that were subject to these