I. Table of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>COTP</td>
<td>Captain of the Port Sector Mobile</td>
</tr>
<tr>
<td>DHS</td>
<td>Department of Homeland Security</td>
</tr>
<tr>
<td>FR</td>
<td>Federal Register</td>
</tr>
<tr>
<td>MM</td>
<td>Mile Marker</td>
</tr>
<tr>
<td>NPRM</td>
<td>Notice of Proposed Rulemaking</td>
</tr>
<tr>
<td>PATCOM</td>
<td>Patrol Commander</td>
</tr>
</tbody>
</table>

II. Background, Purpose, and Legal Basis

On November 30, 2017, the sponsor for the Tuscaloosa Air Show submitted an application for a marine event permit for the Tuscaloosa Air Show that will take place every day from 10 a.m. through 5 p.m. from April 12, 2018 through April 15, 2018. The air show will consist of various flight demonstrations over the Black Warrior River between Mile Marker (MM) 335.0 and MM 337.0 in Tuscaloosa, AL. Over the years, there have been unfortunate instances of aircraft mishaps that involve crashing during performances at various air shows around the world. Occasionally, these incidents result in a wide area of scattered debris in the water that can damage property or cause significant injury or death to the public observing the air shows. The Captain of the Port Sector Mobile (COTP) has determined a safety zone is necessary to protect the general public from hazards associated with aerial flight demonstrations.

The purpose of this proposed rulemaking is to ensure the safety of vessels and persons during the air show on the navigable waters of the Black Warrior River between MM 335.0 and 337.0 in Tuscaloosa, AL. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The Coast Guard proposes to establish a temporary safety zone on the Black Warrior River, extending the entire width of the river between MM 335.0 and MM 337.0 in Tuscaloosa, AL every day from 10 a.m. through 5 p.m. from April 12, 2018 through April 15, 2018. The proposed rulemaking is needed to provide for the safety of life and property on these navigable waters during the Tuscaloosa Air Show. This proposed rulemaking restricts transit into, through, and within the zone unless specifically authorized by the COTP. No vessel or person would be permitted to enter the zone without obtaining permission from the COTP or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM would be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign “PATCOM”. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The “official patrol vessels” consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the zone.

Spectator vessels desiring to transit the zone may do so only with prior approval of the PATCOM and when so directed by that officer would be operated at a minimum safe navigation speed in a manner which will not endanger any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of official patrol vessels in the zone during the effective dates and times, unless cleared for entry by or through an official patrol vessel. Any spectator vessel may anchor outside the zone, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the zone in such a way that they shall not interfere with the progress of the air show. Such mooring must be complete at least 30 minutes prior to the establishment of the zone and remain moored through the duration of the air show.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

The COTP or a designated representative would terminate enforcement of the safety zone at the conclusion of the air show.

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. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not
been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM 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 size, location, and duration of the proposed rulemaking. The proposed safety zone would take place on a two mile stretch of the on the Black Warrior River between MM 335.0 and 337.0, during a short duration of only seven hours, lasting for only four days from April 12, 2018 through April 15, 2018, which is a time of year of lower than normal traffic. Additionally, the Coast Guard would issue Broadcast Notices to Mariners via VHF–FM marine channel 16 about the safety zone so that waterway users may plan accordingly for transits during this restriction. The proposed rule also allows vessels to seek permission from the COTP or a designated representative 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 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 rule would address your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact 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 contact 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 effects of this rule elsewhere in this preamble.

**F. Environment**

We have analyzed this rule under Department of Homeland Security Directive 023–01, which guides 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 on the Black Warrior River, extending the entire width of the river, between MM 335.0 and 337.0. It is categorically excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under ADDRESSES. 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 contact 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.

We encourage you to submit comments through the Federal eRulemaking Portal at http://www.regulations.gov. If your material cannot be submitted using http://www.regulations.gov, contact the person in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to http://www.regulations.gov and will include any personal information you have provided. For more about privacy and the docket, visit http://www.regulations.gov/privacyNotice. Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at http://www.regulations.gov
and can be viewed by following that
website’s instructions. Additionally, if
you go to the online docket and sign up
for email alerts, you will be notified
when comments are posted or a final
rule is published.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation
(water), Reporting and recordkeeping
requirements, 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:

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.T08–0015 to read as
follows:

§165.T08–0015 Safety Zone; Black Warrior
River, Tuscaloosa, AL.

(a) Location. The following area is a
proposed safety zone: All navigable
waters of the Black Warrior River,
extending the entire width of the river,
between mile marker (MM) 335.0 and
MM 337.5 in Tuscaloosa, AL.

(b) Enforcement period. This section
is effective from 10 a.m. on April 12,
2018 through 5 p.m. on April 15, 2018.

(c) Regulations.

1. In accordance with the general
regulations in §165.23 of this part, entry
into, transiting through, or exiting from
this area is prohibited unless authorized
by the Captain of the Port Sector Mobile
(COTP) or a designated representative.
A designated representative may be a
Patrol Commander (PATCOM). The
PATCOM will be aboard either a Coast
Guard or Coast Guard Auxiliary vessel.
The PATCOM may be contacted on
Channel 16 VHF–FM (156.8 MHz) by
the call sign “PATCOM”.

2. All persons and vessels not
registered with the event sponsor as
participants or official patrol vessels are
considered spectators. The “official
patrol vessels” consist of any Coast
Guard, state, or local law enforcement
and sponsor provided vessels assigned
or approved by the COTP to patrol the
regulated area.

3. Spectator vessels desiring to
transit the regulated area may do so only
with prior approval of the PATCOM and
when so directed by that officer will be
operated at a minimum safe navigation
speed in a manner that will not
endanger participants in the zone or any
other vessels.

4. No spectator vessel shall anchor,
block, loiter, or impede the through
transit of participants or official patrol
vessels in the regulated area during the
effective dates and times, unless cleared
for entry by or through an official patrol
vessel.

5. Any spectator vessel may anchor
outside the regulated area, but may not
anchor in, block, or loiter in a navigable
channel. Spectator vessels may be
moored to a waterfront facility within
the regulated area in such a way that
they shall not interfere with the progress
of the event. Such mooring must be
complete at least 30 minutes prior to the
establishment of the regulated area and
remain moored through the duration of
the event.

6. The Patrol Commander may forbid
and control the movement of all vessels
in the regulated area. When hailed or
signaled by an official patrol vessel, a
vessel shall come to an immediate stop
and comply with the directions given.
Failure to do so may result in expulsion
from the area, citation for failure to
comply, or both.

7. The Patrol Commander will
terminate enforcement of the safety zone
at the conclusion of the event.

8. Entry into this zone is prohibited
without authorization by the Captain of the
Port Sector Mobile (COTP) or a
designated representative.

10. Persons or vessels seeking to
enter into or transit through the zone
must request permission from the COTP
or a designated representative. They
may be contacted on VHF–FM channels
16 or by telephone at 251–441–5976.

11. If permission is granted, all
persons and vessels must comply with
the instructions of the COTP or
designated representative.

(d) Informational broadcasts. The
COTP or a designated representative
will inform the public through
Broadcast Notices to Mariners of the
enforcement period for the temporary
safety zone as well as any changes in the
planned schedule.


M.R. Mclellan,
Captain, U.S. Coast Guard, Captain
of the Port Sector Mobile.

[FR Doc. 2018–04253 Filed 3–2–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 63


Approval of Section 112(l) Authority for
Hazardous Air Pollutants;
Perchloroethylene Air Emission
Standards for Dry Cleaning Facilities;
State of Vermont

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection
Agency (EPA) is proposing to grant the
Vermont Department of Environmental
Conservation (VT DEC) the authority to
implement and enforce, with respect to
area sources only, the Vermont
Perchloroethylene Dry Cleaning Rule in
place of the National Emissions
Standards for Hazardous Air Pollutants
for Perchloroethylene Dry Cleaning
Facilities (Dry Cleaning NESHAP).

Pursuant to the Clean Air Act (CAA),
the VT DEC submitted a request for
approval to implement and enforce
Vermont’s Perchloroethylene Dry
Cleaning Rule of the Vermont Air
Pollution Control Regulations as a
partial substitution for the National
Emissions Standards for Hazardous Air
Pollutants for Perchloroethylene Dry
Cleaning Facilities (Dry Cleaning
NESHAP), as it applies to area sources.

EPA has reviewed this request and is
proposing to determine that the
Vermont Perchloroethylene Dry
Cleaning Rule satisfies the requirements
necessary for partial rule substitution.

Thus, EPA is hereby proposing to grant
VT DEC’s request. This action would
not affect the authority of any party to
implement and enforce the Dry Cleaning
NESHAP with respect to major source
dry cleaners. This approval would make
the Vermont Perchloroethylene Dry
Cleaning Rule federally enforceable in
Vermont.

DATES: Written comments must be
received on or before April 4, 2018.

ADDRESSES: Submit your comments,
identified by Docket ID No. EPA–R01–
OAR–2017–0343 at http://
www.regulations.gov, or via email to
lancey.susan@epa.gov. For comments
submitted at Regulations.gov, follow the
online instructions for submitting
comments. Once submitted, comments
cannot be edited or removed from
Regulations.gov. For either manner of
submission, the EPA may publish any
comment received to its public docket.
Do not submit electronically any