

Under the provisions of 33 CFR 165.33, no person or vessel may enter or remain in this security zone without the permission of the Captain of the Port Detroit. Each person and vessel in this security zone shall obey any direction or order of the Captain of the Port Detroit. The Captain of the Port Detroit may take possession and control of any vessel in this security zone. The Captain of the Port Detroit may remove any person, vessel, article, or thing from this security zone. No person may board, or take or place any article or thing on board any vessel in this security zone without the permission of the Captain of Port Detroit. No person may take or place any article or thing upon any waterfront facility in this security zone without the permission of the Captain of the Port Detroit.

Vessels that wish to transit through this security zone shall request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals may be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via Local Notice to Mariners and VHF radio broadcasts that the regulation is in effect and when enforced.

This document is issued under authority of 33 CFR 165.915 and 5 U.S.C. 552(a). If the Captain of the Port determines that this security zone need not be enforced for the full duration stated in this document; he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: November 27, 2018.

Jeffrey W. Novak,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0868]

RIN 1625–AA00

Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the regulation for safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River. This action is necessary to provide for the safety of life on navigable waters during the fireworks displays. This rule includes updating 3 existing safety zones, adding 1 safety zone for a fireworks display that was previously published as a temporary regulation, and removing 10 safety zones for inactive fireworks displays.

DATES: This rule is effective January 2, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2018–0868 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 LCDR Dixon Whitley, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email msupdxwmm@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 amending the regulation for safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River, 33 CFR 165.1315. This rule is removing 10 safety zones for inactive fireworks displays, adding 1 safety zone for a new, recurring fireworks display for which we previously issued a temporary safety zone, and updating the date or location for 3 existing fireworks displays.

On September 28, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, “Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone” (83 FR 49028). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to annual fireworks displays. During the comment period that ended October 29, 2018, we received four comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the 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 event. Because firework discharge sites pose a potential hazard to the maritime public, these safety zones are necessary in order to restrict vessel movement and reduce vessel congregation in the proximity of the firework discharge sites. 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 and provides the public accurate information regarding safety zones for annual fireworks displays in the Captain of the Port Zone Columbia River.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received four comments on our NPRM published September 28, 2018. The first comment suggested establishing new safety zones to replace the 10 inactive safety zones this rule is removing. There has been no indication from the sponsors of these events that they plan to continue them and our office has not received any additional information to warrant the addition of replacement safety zones. The second and third comments contained no suggested changes or recommendations. The fourth comment supported the creation of this rule. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The Coast Guard is removing 10 fireworks display safety zones in 33 CFR 165.1315 that are listed in Table 1 below because there has been no indication from the sponsors of these events that they plan to continue them.

TABLE 1—LIST OF SAFETY ZONE WE ARE REMOVING FROM 33 CFR 165.1315

| | | | | |
|--|-----------------------|--------------------------|-------------|--------------|
| Cinco de Mayo Fireworks | Portland, OR | One day in May | 45°30'58" N | 122°40'12" W |
| Newport High School Graduation Fireworks | Newport, OR | One day in June | 44°36'48" N | 124°04'10" W |
| Celebrate Milwaukie | Milwaukie, OR | One day in July | 45°26'33" N | 122°38'44" W |
| Arlington 4th of July | Arlington, OR | One day in July | 45°43'23" N | 120°12'11" W |
| East County 4th of July Fireworks | Gresham, OR | One day in July | 45°33'32" N | 122°27'10" W |
| Rufus 4th of July Fireworks | Rufus, OR | One day in July | 45°41'39" N | 120°45'16" W |
| Maritime Heritage Festival | St. Helens, OR | One day in July | 45°51'54" N | 122°47'26" W |
| Lynch Picnic | West Linn, OR | One day in July | 45°23'37" N | 122°37'52" W |
| First Friday Milwaukie | Milwaukie, OR | One day in September .. | 45°26'33" N | 122°38'44" W |
| Willamette Falls Heritage Festival | Oregon City, OR | One day in October | 45°21'44" N | 122°36'21" W |

Additionally, the Coast Guard is adding a new fireworks display safety zone. We previously issued a temporary safety zone (83 FR 30869, July 2, 2018) for that event, and after conferring with

the event sponsor, we determined it will become a recurring fireworks display. This safety zone will cover all navigable waters within a 450-yard radius of the fireworks barge in the Willamette River

located at approximately 45°24'37" N, 122°39'30" W in the vicinity of George Rogers Park in Lake Oswego, OR. The following will be added to the table in 33 CFR 165.1315:

| | | | | |
|---|-----------------------|-----------------------|-------------|--------------|
| City of Lake Oswego 4th of July Fireworks | Lake Oswego, OR | One day in July | 45°24'37" N | 122°39'30" W |
|---|-----------------------|-----------------------|-------------|--------------|

Finally, the Coast Guard is revising three 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, correcting the wrong state listed for the Independence Day at the Port and updating the location for the Leukemia and Lymphoma Light the Night Fireworks.

These updates will eliminate any 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 appears at the end of this document.

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 size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around these safety zones which will impact small designated areas of the Oregon coast, Tillamook Bay, the Columbia River and its tributaries, and the Clatskanie River for approximately 2 hours during the evening when commercial vessel traffic is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones, 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 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 zones 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 contact 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. If you believe this 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 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 and Commandant Instruction M16475.1D, 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 safety zones lasting less approximately two hours in duration that will prohibit entry within 450 yards of fireworks launch sites. 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. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

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.

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: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.1315, revise 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:

| 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 |
| Tri-City Chamber of Commerce Fireworks/River of Fire Festival | Kennewick, WA | One day in July | 46°13'37" N | 119°08'47" W |
| Astoria-Warrenton 4th of July Fireworks | Astoria, OR | One day in July | 46°11'34" N | 123°49'28" W |
| Waterfront Blues Festival Fireworks | Portland, OR | One day in July | 45°30'42" N | 122°40'14" W |
| Florence Independence Day Celebration | Florence, OR | One day in July | 43°58'09" N | 124°05'50" W |
| Oaks Park Association 4th of July | Portland, OR | One day in July | 45°28'22" N | 122°39'59" W |
| City of Rainier/Rainier Days | Rainier, OR | One day in July | 46°05'46" N | 122°56'18" W |
| Ilwaco July 4th Committee Fireworks/Independence Day at the Port | Ilwaco, WA | One day in July | 46°18'17" N | 124°02'00" W |
| Splash Aberdeen Waterfront Festival | Aberdeen, WA | One day in July | 46°58'40" N | 123°47'45" W |
| City of Coos Bay July 4th Celebration/Fireworks Over the Bay | Coos Bay, OR | One day in July | 43°22'06" N | 124°12'24" W |
| Port of Cascade Locks 4th of July Fireworks | Cascade Locks, OR | One day in July | 45°40'15" N | 121°53'43" W |
| Clatskanie Heritage Days Fireworks | Clatskanie, OR | One day in July | 46°6'17" N | 123°12'02" W |
| Washougal 4th of July | Washougal, WA | One day in July | 45°34'32" N | 122°22'53" W |
| City of St. Helens 4th of July Fireworks | St. Helens, OR | One day in July | 45°51'54" N | 122°47'26" W |
| Waverly Country Club 4th of July Fireworks | Milwaukie, OR | One day in July | 45°27'03" N | 122°39'18" W |
| Hood River 4th of July | Hood River, OR | One day in July | 45°42'58" N | 121°30'32" W |
| Winchester Bay 4th of July Fireworks | Winchester Bay, OR | One day in July | 43°40'56" N | 124°11'13" W |
| Brookings, OR July 4th Fireworks | Brookings, OR | One day in July | 42°02'39" N | 124°16'14" W |
| Yachats 4th of July | Yachats, OR | One day in July | 44°18'38" N | 124°06'27" W |
| Lincoln City 4th of July | Lincoln City, OR | One day in July | 44°55'28" N | 124°01'31" 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 |
| Gardiner 4th of July | Gardiner, OR | One day in July | 43°43'55" N | 124°06'48" W |
| Huntington 4th of July | Huntington, OR | One day in July | 44°18'02" N | 117°13'33" W |
| Toledo Summer Festival | Toledo, OR | One day in July | 44°37'08" N | 123°56'24" W |
| Port Orford 4th of July | Port Orford, OR | One day in July | 42°44'31" N | 124°29'30" W |
| The Dalles Area Fourth of July | The Dalles, OR | One day in July | 45°36'18" N | 121°10'23" W |
| Roseburg Hometown 4th of July | Roseburg, OR | One day in July | 43°12'58" N | 123°22'10" W |
| Newport 4th of July | Newport, OR | One day in July | 44°37'40" N | 124°02'45" W |
| Cedco Inc./The Mill Casino Independence Day | North Bend, OR | One day in July | 43°23'42" N | 124°12'55" W |
| Waldport 4th of July | Waldport, OR | One day in July | 44°25'31" N | 124°04'44" W |

| Event name (typically) | Event location | Date of event | Latitude | Longitude |
|---|----------------------|------------------------------------|-------------|--------------|
| Westport 4th of July | Westport, WA | One day in July | 46°54'17" N | 124°05'59" W |
| The 4th of July at Pekin Ferry | Ridgefield, WA | Saturday before July 4th | 45°52'07" N | 122°43'53" W |
| Bandon 4th of July | Bandon, OR | One day in July | 43°07'29" N | 124°25'05" W |
| Garibaldi Days Fireworks | Garibaldi, OR | One day in July | 45°33'13" N | 123°54'56" W |
| Bald Eagle Days | Cathlamet, WA | One day in July | 46°12'14" N | 123°23'17" W |
| Independence Day at the Fort Vancouver | Vancouver, WA | One day in July | 45°36'57" N | 122°40'09" W |
| Oregon Symphony Concert Fireworks | Portland, OR | One day in August or September. | 45°30'42" N | 122°40'14" W |
| Astoria Regatta | Astoria, OR | One day in August | 46°11'34" N | 123°49'28" W |
| Leukemia and Lymphoma Light the Night Fire- works. | 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 |

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Dated: November 27, 2018.

D.F. Berliner,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2017-0672; FRL-9986-75-
Region 8]

Approval and Promulgation of Implementation Plans; South Dakota; Regional Haze 5-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision submitted by the State of South Dakota through the South Dakota Department of Environment and Natural Resources (DENR) on January 27, 2016. South Dakota's January 27, 2016 SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and the EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). The EPA is finalizing approval of South Dakota's determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time.

DATES: This rule will be effective January 2, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2017-0672. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, Air Program, Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6175, or by email at gregory.kate@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" means the EPA.

I. Background

States are required to submit a progress report in the form of a SIP revision for the first implementation period that evaluates progress towards the RPGs for each mandatory Class I federal area¹ (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state (40 CFR 51.308(g)). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The first progress report is due 5 years after

¹ Areas designated as mandatory Class I federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

submission of the initial regional haze plan. On January 21, 2011, South Dakota submitted the State's first regional haze SIP in accordance with 40 CFR 51.308, which the EPA fully approved.²

On January 27, 2016, South Dakota submitted its Progress Report which, among other things, detailed the progress made in the first period toward implementation of the long-term strategy outlined in the State's regional haze plan; the visibility improvement measured at Badlands and Wind Cave National Parks, the two Class I areas within South Dakota, and at Class I areas outside of the State potentially impacted by emissions from South Dakota; and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on March 19, 2018 (83 FR 11946), the EPA proposed to approve South Dakota's Progress Report. The details of South Dakota's submission and the rationale for the EPA's actions are explained in the NPRM.

II. Response to Comments

Comments on the proposed rulemaking were due on or before April 18, 2018. The EPA received a total of 16 public comment submissions on the proposed approval. All public comments received on this rulemaking action are available for review by the public and may be viewed by following the instructions for access to docket materials as outlined in the **ADDRESSES** section of this preamble. After reviewing the comments, the EPA has determined that 15 of the comment submissions are outside the scope of our proposed action and/or fail to identify any material issue necessitating a response. We received one comment letter from the National Parks

² 77 FR 24845 (April 26, 2012). EPA fully approved South Dakota's regional haze SIP submittal addressing the requirements of the first implementation period for regional haze.