

GRENA, CA .....	FIX .....	(lat. 41°43'31.31" N, long. 122°29'09.72" W)
TALEM, OR .....	FIX .....	(lat. 42°08'49.70" N, long. 122°52'41.50" W)
SAMIE, OR .....	FIX .....	(lat. 42°38'46.29" N, long. 123°00'57.97" W)
BROKN, OR .....	FIX .....	(lat. 42°45'37.47" N, long. 122°57'53.29" W)
SSTRS, OR .....	WP .....	(lat. 43°40'36.47" N, long. 121°34'47.27" W)
HERBS, OR .....	FIX .....	(lat. 44°25'07.23" N, long. 121°16'51.75" W)
JJETT, OR .....	WP .....	(lat. 44°56'35.43" N, long. 121°40'56.36" W)
CANBY, OR .....	FIX .....	(lat. 45°18'38.05" N, long. 122°45'53.61" W)
QAARY, OR .....	WP .....	(lat. 46°07'56.92" N, long. 123°29'25.62" W)
WUMOX, WA .....	FIX .....	(lat. 47°35'07.83" N, long. 122°40'26.84" W)
ZONUV, WA .....	WP .....	(lat. 48°34'10.29" N, long. 122°44'14.63" W)
SECOG, WA .....	FIX .....	(lat. 48°59'42.80" N, long. 122°32'17.97" W)

Issued in Washington, DC, on April 18, 2018.

**Rodger A. Dean Jr.,**

*Manager, Airspace Policy Group.*

[FR Doc. 2018-08550 Filed 4-25-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2018-0239]

RIN 1625-AA00

#### Safety Zone; Tennessee River, Gilbertsville, KY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone for certain waters of the Tennessee River. This action is necessary to provide for the safety of life on these navigable waters near Kentucky Dam Marina, Gilbertsville, KY, during a fireworks display. This proposed rulemaking would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before May 29, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG-2018-0239 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST3 Joseph Stranc, Marine Safety Unit Paducah Waterways division, U.S. Coast Guard;

telephone 270-442-1621 ext. 2124, email [Joseph.B.Stranc@uscg.mil](mailto:Joseph.B.Stranc@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
 COTP Captain of the Port Sector Ohio Valley  
 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**

On January 17, 2018, the Kentucky Dam Marina notified the Coast Guard that they would be conducting a fireworks display from 7 p.m. through 10 p.m. on June 30, 2018. The fireworks are to be launched from the break wall of Kentucky Dam Marina. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the fireworks display would be a safety concern for anyone within a 350-foot radius of the break wall.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 350-foot radius of the fireworks launch site before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

##### **III. Discussion of Proposed Rule**

The COTP proposes to establish a safety zone from 6:50 p.m. to 10:10 p.m. on June 30, 2018. The safety zone would cover all navigable waters of the Tennessee River at mile marker (MM) 23 within 350 feet of a break wall at Kentucky Dam Marina in Gilbertsville, KY. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from

the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or by phone at 1-800-253-7465. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative. The COTP or a designated representative would 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. 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 the size, location, duration and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone, which would impact a 350-foot designated area of the Tennessee River for approximately 3 hours on one evening. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners (BNMs) via VHF-FM marine channel 16 about the zone, 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 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 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. 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 proposed 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 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 a safety zone lasting approximately 3 hours that would prohibit entry within 350 feet of a break wall. Normally, such actions are categorically excluded from further review under paragraph L 60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration 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, 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:** 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. Add § 165.T08–0239 to read as follows:

**§ 165.T08–0239 Safety Zone; Ohio River, Cincinnati, OH.**

(a) *Location.* The following area is a safety zone: all navigable waters of the Tennessee River at mile marker (MM) 23 within a 350-foot radius from fireworks launch site on the Kentucky Dam Marina break wall in Gilbertsville, KY.

(b) *Effective date.* This section is effective from 6:50 p.m. through 10:10 p.m. on June 30, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by phone at 1–800–253–7465.

(3) If permission is granted, all persons and vessels must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notice to Mariners (BNMs) of the enforcement period for the safety zone as well as the date and time of enforcement.

Dated: April 18, 2018.

**M.B. Zamperini,**

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

[FR Doc. 2018–08743 Filed 4–25–18; 8:45 am]

**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R08–OAR–2018–0015; FRL–9976–45–Region 8]**

**Approval and Promulgation of Air Quality Implementation Plans; Colorado; Regional Haze State Implementation Plan**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of

Colorado on May 26, 2017, addressing regional haze. The EPA is proposing to approve source-specific revisions to the nitrogen oxides (NO<sub>x</sub>) best available retrofit technology (BART) determination for Craig Station Unit 1. This unit is owned in part and operated by Tri-State Generation & Transmission Association, Inc. (Tri-State). We are also proposing to approve revisions to the NO<sub>x</sub> reasonable progress determination for Tri-State’s Nucla Station. The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** *Comments:* Written comments must be received on or before May 29, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2018–0015, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](https://www.regulations.gov). The 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. The 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 <http://www2.epa.gov/dockets/commenting-epa-dockets>.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](https://www.regulations.gov) index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](https://www.regulations.gov) or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy

of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jaslyn Dobrahner, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6252, [dobrahner.jaslyn@epa.gov](mailto:dobrahner.jaslyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean the EPA.

**Table of Contents**

- I. What action is the EPA taking?
- II. Background
  - A. Requirements of the Clean Air Act and the EPA’s Regional Haze Rule
  - B. Best Available Retrofit Technology (BART)
  - C. Reasonable Progress Requirements
  - D. Consultation With Federal Land Managers (FLMs)
  - E. Regulatory and Legal History of the 2012 Colorado SIP
- III. Craig Unit 1—NO<sub>x</sub> BART
  - A. Background
  - B. May 26, 2017 Submittal
  - C. The EPA’s Evaluation of Craig Unit 1 Amendments
- IV. Nucla—NO<sub>x</sub> Reasonable Progress
  - A. Background
  - B. May 26, 2017 Submittal
  - C. The EPA’s Evaluation of Nucla Amendments
- V. Coordination With FLMs
- VI. The EPA’s Proposed Action
  - VII. Incorporation by Reference
  - VIII. Statutory and Executive Order Reviews

**I. What action is the EPA taking?**

On December 31, 2012, the EPA approved a regional haze SIP revision submitted by the State of Colorado on May 25, 2011. The 2011 SIP revision included NO<sub>x</sub> BART emission limits for Craig Station Units 1 and 2 near Craig, Colorado, and a NO<sub>x</sub> reasonable progress emission limit for the Nucla Station located in Montrose County.<sup>1</sup> The State of Colorado submitted proposed revisions to the 2011 SIP submittal on May 26, 2017, that modify the NO<sub>x</sub> BART determination for Craig Unit 1 and the NO<sub>x</sub> reasonable progress determination for Nucla. The EPA is now proposing to approve those revisions. Specifically, the EPA is proposing to approve the State’s revisions to the Craig Unit 1 NO<sub>x</sub> BART determination that would require Craig Unit 1 to meet an annual NO<sub>x</sub> emission limit of 4,065 tons per year (tpy) by December 31, 2019. The SIP revision would also require the unit to either (1) convert to natural gas by August 31, 2023, and if converting to natural gas,

<sup>1</sup> 77 FR 76871 (December 31, 2012).