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Issued in Renton, Washington, on January 26, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0338]

### Regulated Navigation Areas; Harbor Entrances Along the Coast of Northern California

**AGENCY:** Coast Guard, DHS.

**ACTION:** Request for comments.

**SUMMARY:** The Coast Guard requests public comments on the potential establishment of Regulated Navigation Areas (RNAs) at the harbor entrance bars to Crescent Harbor, Humboldt Bay, Noyo River, and Morro Bay. In order to mitigate potential hazards and provide transparent communication with all mariners during hazardous weather conditions, this proposed RNA regulation would provide predictable protocols to mariners for potential restriction to traffic and conditions that prohibit vessels from entering a specified area surrounding each bar during hazardous weather conditions unless authorized by Commander, District Eleven or a designated representative. We seek your comments on what you believe to be the potential benefit or possible negative impact if we were to establish RNAs at these harbor entrances. We welcome all suggestions, ideas, and solutions for maintaining mariner and vessel safety during adverse weather and sea conditions at these harbor entrances.

**DATES:** Your comments and related material must reach the Coast Guard on or before March 12, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG-2017-0338 using the Federal 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 notice of inquiry, call or email Lieutenant Colleen Ryan, Coast Guard District Eleven, Waterways Management; telephone 510-437-5984, email [Colleen.M.Ryan@uscg.mil](mailto:Colleen.M.Ryan@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
 COTP Captain of the Port  
 DHS Department of Homeland Security  
 FR Federal Register  
 RNA Regulated Navigation Area  
 U.S.C. United States Code  
 § Section Symbol

##### II. Background and Purpose

Since 1998 COTP San Francisco and COTP Los Angeles/Long Beach (LA/LB) have issued various navigation safety advisories and created numerous emergency safety zones to mitigate risk to mariners and their vessels transiting the Crescent Harbor, Humboldt Bay, Noyo River, and Morro Bay harbor entrances during hazardous bar conditions. These emergency safety zones promulgated policies and procedures for closing the bar to vessel traffic, while also providing parameters and procedures for waiver requests. The use and application of emergency safety zones to accomplish the required risk mitigation does not provide advance notice, consistency, or predictability of Coast Guard actions to mariners; nor do safety zones allow for the promulgation of additional safety requirements to mitigate risk of necessary transits of the harbor bars. The RNAs under consideration would define the parameters and implementation procedures for restricting access to the applicable areas during hazardous conditions and define safety requirements for vessels operating within the RNAs.

The current protocols for restricting traffic in the vicinity of the Crescent City, Humboldt Bay, Noyo River, and Morro Bay harbor bar entrances are insufficient and do not provide consistency and predictability to the mariner, or allow for the establishment of bar crossing safety measures. The existing warning promulgation process is comprised of emergency safety zone implementation which, due to the emergent nature of heavy weather does not allow for advance notice and does not adequately ensure the safety of persons and vessels operating in those areas during heavy weather. Bars along

the northern California coast experience severe wave, sea, and current conditions similar to the conditions that have contributed to various marine casualties along the northern Pacific coast. Coast Guard and National Transportation Safety Board (NTSB) casualty investigations identified a need for specific regulations to mitigate these risks to ensure the safety of the mariners and vessels operating in the vicinity of bars (see NTSB, Safety Recommendation M-05-009 at <http://www.nts.gov/investigations/AccidentReports/layouts/ntsb.recsearch/Recommendation.asp?Rec=M-05-009>).

On October 17, 2005, in a written response to the NTSB M-05-009 recommendation, the Coast Guard articulated its intention to develop written policies for transiting west coast bars and inlets. We consider access restrictions within a defined RNA to be the best method to ensure mariner and vessel safety when adverse weather and sea conditions make crossing the bar at harbor entrances especially dangerous. In November 2009, the Thirteenth Coast Guard District published a final rule (74 FR 59098, Nov. 17, 2009) to mitigate bar transit risks that addressed NTSB recommendations M-05-009 and M-05-010. The Eleventh Coast Guard District is considering drafting a proposal for a rule similar to 33 CFR 165.1325 to provide predictability to local mariners regarding restrictions on navigation in the vicinity of Crescent City, Humboldt Bay, Noyo River, and Morro Bay harbor bar entrances based on weather, sea, tide, and river conditions. Such a regulation would establish predictable sea and weather conditions that will set a "Go/No-go" standard for restricting recreational, commercial fishing, and passenger vessel access to the RNA.

##### III. Information Requested

Through this request for information, the Coast Guard seeks comments and information for agency consideration and to inform any future establishment of RNAs that would create bar closure conditions as well as regulate vessel bar transits during hazardous bar conditions for all recreational, commercial fishing, and passenger vessels. The Coast Guard requests and encourages open discussion and candid feedback on the possibility of establishing RNAs for Crescent City, Humboldt Bay, Noyo River, and Morro Bay harbor bar entrances. The following considerations warrant special attention:

- Weather and sea conditions at the bars that the maritime community considers a risk to safe navigation for

recreational vessels, passenger vessels, fishing vessels and deep draft vessel;

- The economic impact of bar closures and restrictions on the maritime community; and
- Preferred methods of notification for bar restrictions and closures.

#### IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal 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. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation.

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>.

All public comments will be available in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions.

This document is issued under authority of 33 U.S.C. 1231.

Dated: February 1, 2018.

**James B. Pruett,**

*Captain, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2017-0550; FRL-9974-24-Region 4]

### Air Plan Approval; KY; Fine Particulate Matter and Ozone NAAQS Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve portions of State Implementation Plan (SIP) revisions submitted by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality, on December 21, 2016 and August 29, 2017, on behalf of the Louisville Metro Air Pollution Control District (District). EPA is proposing to approve the

portions of the submittals that modify the District's Ambient Air Quality Standards regulation, as incorporated into the SIP. The revisions to the SIP that EPA is proposing to approve pertain to changes to the District's air quality standards for fine particulate matter (PM<sub>2.5</sub>) and ozone to reflect the 2012 PM<sub>2.5</sub> and 2015 ozone national ambient air quality standards (NAAQS). EPA is proposing to approve these portions of the SIP revisions because the Commonwealth has demonstrated that they are consistent with the Clean Air Act (CAA or Act). EPA will act on the other portions of the December 21, 2016, and August 29, 2017, submittals in a separate action.

**DATES:** Written comments must be received on or before March 12, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2017-0550 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://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Madolyn Sanchez, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. Ms. Sanchez can be reached via telephone at (404) 562-9644 or via electronic mail at [sanchez.madolyn@epa.gov](mailto:sanchez.madolyn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Sections 108 and 109 of the CAA govern the establishment, review, and revision, as appropriate, of the NAAQS to protect public health and welfare.

The CAA requires periodic review of the air quality criteria—the science upon which the standards are based—and the standards themselves. EPA's regulatory provisions that govern the NAAQS are found at 40 CFR 50—*National Primary and Secondary Ambient Air Quality Standards*. In this rule, EPA is proposing to approve the portions of the revisions to the Jefferson County air quality regulations<sup>1</sup> addressing Regulation 3.01, *Ambient Air Quality Standards*, in the Kentucky SIP, submitted by the Commonwealth on December 21, 2016, and August 29, 2017. Regulation 3.01 is amended<sup>2</sup> by updating air quality standards in Section 7 for PM<sub>2.5</sub> and ozone to reflect the most recent NAAQS, removing the numbering of the subsections in Section 7, and making textual modifications to the footnotes. The SIP submittals amending the Jefferson County regulations to incorporate the most recent PM<sub>2.5</sub> and ozone NAAQS can be found in the docket for this rulemaking at [www.regulations.gov](http://www.regulations.gov) and are summarized below.

#### II. EPA's Analysis of Kentucky's Submittal

On December 14, 2012 (78 FR 3086), EPA promulgated a revised primary annual PM<sub>2.5</sub> NAAQS, strengthening it from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>, and retained the existing primary 24-hour PM<sub>2.5</sub> standard at 35 µg/m<sup>3</sup>. Accordingly, in the August 29, 2017, SIP submittal, the District revised Regulation 3.01, *Ambient Air Quality Standards*, to update the primary air quality standard for PM<sub>2.5</sub> to be consistent with the NAAQS that were promulgated by EPA in 2012. EPA has reviewed this change to the Jefferson County regulation for PM<sub>2.5</sub> and has made the determination that this change is consistent with federal regulations.

On October 1, 2015 (80 FR 65292), EPA promulgated revised 8-hour primary and secondary ozone NAAQS, strengthening both from 0.075 parts per

<sup>1</sup> In 2003, the City of Louisville and Jefferson County governments merged and the "Jefferson County Air Pollution Control District" was renamed the "Louisville Metro Air Pollution Control District." However, each of the regulations in the Jefferson County portion of the Kentucky SIP still has the subheading "Air Pollution Control District of Jefferson County." Thus, to be consistent with the terminology used in the SIP, EPA refers throughout this notice to regulations contained in the Jefferson County portion of the Kentucky SIP as the "Jefferson County" regulations.

<sup>2</sup> The District refers to the revised version of Regulation 3.01 in its December 21, 2016, submittal as "Version 6" and the revised version of Regulation 3.01 in its August 29, 2017, submittal as "Version 7." Upon EPA's final approval of changes to Regulation 3.01, the text of the regulation in the SIP will reflect Version 7.