

GUMPY, GA	WP	(Lat. 32°33'48.15" N, long. 082°49'48.76" W)
LOTTIS, GA	FIX	(Lat. 32°20'11.64" N, long. 081°51'18.42" W)
TBERT, GA	WP	(Lat. 32°08'46.76" N, long. 081°11'57.44" W)

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Issued in Washington, DC, on May 9, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-10316 Filed 5-12-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-0991; Airspace
Docket No. 21-ASO-7]

RIN 2120-AA66

Amendment and Establishment of Area Navigation (RNAV) Routes; Eastern United States

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends 3 low altitude United States Area Navigation (RNAV) routes, designated T-224, T-258, T-323, and establishes 9 new low altitude RNAV routes, designated T-404, T-406, T-410, T-412, T-414, T-423, T-425, T-427, and T-429, in the eastern United States. The routes enhance the efficiency of the National Airspace System (NAS) by expanding the availability of RNAV routing and supporting the transition of the NAS from ground-based to satellite-based navigation, under the VHF Omnidirectional Range (VOR) Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, July 14, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2021-0991, in the **Federal Register** (86 FR 67373; November 26, 2021), amending 3, and establishing 10 low altitude RNAV routes in the eastern United States. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

United States RNAV are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

Differences From the NPRM

The description of T-323 in the regulatory text of the NPRM differed from that contained in the preamble text. A number of points were inadvertently omitted from the route description and four points were incorrectly stated as removed from the route. Specifically, the LRSEY, GA, waypoint (WP) was not stated as added in the preamble discussion, but it was included in the regulatory text. The preamble incorrectly stated that the following four WPs would be removed from the route: BOBBR, GA; BIGNN, GA; ZADOT, TN; and WELLA, KY. However, as an unintended consequence, this would result in a higher minimum enroute altitude requirement for segments of the route,

which would adversely affect efficiency. Therefore, these points are reinserted in the description of T-323 as described below.

The NPRM also proposed to establish T-408 to extend between the NOKIE, GA, WP, and the TBERT, SC WP. The FAA has decided to delay the implementation of T-408 until a later date, therefore T-408 is removed from this action.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending 3 low altitude RNAV routes, designated T-224, T-258, T-323, and establishing 9 new RNAV routes, designated T-404, T-406, T-410, T-412, T-414, T-423, T-425, T-427, and T-429, in the eastern United States. The purpose of the routes is to expand the availability of RNAV and improve the efficiency of the NAS by supporting the transition of the NAS from ground-based to satellite-based navigation, under the VOR MON program. The following is a general description of the proposed routes.

T-224: T-224 currently extends between the Palacios, TX, (PSX) VOR and Tactical Air Navigational System (VORTAC), and the Lake Charles, LA, (LCH) VORTAC. This amendment extends T-224 to the northeast to a new end point at the existing COLIN, VA, FIX. The amended route generally overlies VOR Federal airway V-20 between the Lake Charles VORTAC and the COLIN, VA, FIX. Due to the planned decommissioning of various VORs under the VOR MON Program, the following WPs are used in the T-224 description in place of the VORs. The SHWNN, TX, WP replaces the Beaumont, TX (BPT) VOR/Distance Measuring Equipment (DME). The Lake Charles VORTAC is replaced by the KNZLY, LA, WP. The DAFLY, LA, WP replaces the Lafayette, LA, (LFT) VORTAC. The KJAAY, LA, WP replaces the Reserve, LA, (RQR) VOR/DME. The

WTERS, MS, WP replaces the Gulfport, MS, (GPT) VORTAC. The LYNRD, AL, WP replaces the SEMMES, AL, (SJI) VORTAC. The WILL, AL, WP replaces the Monroeville, AL, (MCV) VORTAC. The MGMRY, AL, WP replaces the Montgomery, AL, (MGM) VORTAC. The RSVLT, GA, WP replaces the Columbus, GA, (CGS) VORTAC. The UGAAA, GA, WP replaces the Athens, GA, (AHN) VOR/DME. The ECITY, SC, WP replaces the Electric City, SC, (ELW) VORTAC. The STYLZ, NC, WP replaces the Sugarloaf Mountain, NC, (SUG) VORTAC. The BONZE, NC, WP replaces the Barretts Mountain, NC, (BZM) VOR/DME. The MCDON, VA, WP replaces the South Boston, VA, (SBV) VORTAC. As amended, T-224 extends between the Palacios, TX, (PSX) VORTAC, and the COLIN, VA, FIX.

T-258: T-258 currently extends between the MINIM, AL, FIX, and the CANER, GA, FIX. This amendment extends T-258 easterly to the GMINI, NC, FIX. T-258 overlies VOR Federal Airway V-66 between the CANER, GA, FIX, and the GMINI, NC, WP. In support of the transition from ground-based to satellite-based navigation, WPs are used to replace VORTACs in the T-258 route description as follows. The DAYVS, AL, WP replaces the Brookwood, AL, (OKW) VORTAC. The BRAVS, GA, WP replaces the La Grange, GA, (LGC) VORTAC. The UGAAA, GA, WP replaces the Athens, GA, (AHN) VORTAC. The HRTWL, SC, WP replaces the Greenwood, SC, (GRD) VORTAC. The GMINI, NC, WP replaces the Sandhills, NC, (SDZ) VORTAC. As amended, T-258 extends between the MINIM, AL, FIX, and the GMINI, NC, WP.

T-323: T-323 currently extends between the CROCS, GA, WP, and the Hazard, KY, (AZQ) DME. This amend extends T-323 southward from the CROCS, GA, WP to a new starting point at the MARQO, FL, WP (located adjacent to the Taylor, FL, (TAY) VORTAC). The DACEL, KY, WP replaces the Hazard DME as the route end point. The following WPs and one FIX are added to the route: LRSEY, GA; HELNN, NC; OCOEE, NC; CRECY, TN; and the KNITS, TN, FIX. The ZPPLN, NC; HIGGI, NC; and KIDBE, TN WPs are removed from the route. Contrary to the proposal in the NPRM, the ZADOT, TN; WELLA, KY; BOBBR, GA; and BIGNN, GA, WPs are retained in the T-323 route description. As amended, T-323 extends between the MARQO, FL, WP, and the DACEL, KY, WP.

T-404: T-404 is a new route that extends from the TYGRR, AL, WP, (60 feet northeast of the Eufaula, AL, (EUF) VORTAC), eastward to the CAYCE, SC, WP (60 feet west of the Columbia, SC,

(CAE) VORTAC). T-404 overlies VOR Federal airway V-323 between the Eufaula VORTAC, and the Macon, GA, (MCN) VORTAC; and VOR Federal airway V-56 from the Macon, GA, (MCN) VORTAC to the Columbia, SC, (CAE) VORTAC. In T-404 description, the TYGRR WP replaces the Eufaula VORTAC. The NOKIE, GA, WP replaces the Macon VORTAC. The WANSA, SC, WP replaces the Colliers, SC, (IRQ) VORTAC. The CAYCE, SC, WP replaces the Columbia, SC, (CAE) VORTAC.

T-406: T-406 is a new route that extends from the KNZLY, LA, WP (replacing the Lake Charles, LA, (LCH) VORTAC), eastward to the DURBE, SC, WP (replacing the Allendale, SC, (ALD) VOR). The route essentially overlies VOR Federal airway V-70.

T-410: T-410 is a new route that extends from the existing SINCA, GA, FIX (located 23 nautical miles (NM) north of the Macon, GA, (MCN) VORTAC), eastward to the WANSA, SC, WP (replacing the Colliers, SC, (IRQ) VORTAC), then continuing to the existing WIDER, SC, FIX (located 21 NM northwest of the Columbia, SC, (CAE) VORTAC). T-410 overlies those segments of VOR Federal airway V-155 between the SINCA FIX and the WIDER FIX.

T-412: T-412 is a new route that extends from the KNZLY, LA, WP, (replacing the Lake Charles, LA, (LCH) VORTAC), eastward to the TIROE, GA, FIX (60 feet southwest of the Colliers, SC, (IRQ) VORTAC). The route overlies those segments of VOR Federal airway V-222 that extend between the Lake Charles VORTAC and the TIROE FIX.

T-414: T-414 is a new route that extends between the existing LOGEN, GA, FIX (located 29 NM northeast of the Atlanta, GA, (ATL) VORTAC), and the BOJAR, VA, FIX (.55 NM northwest of the Lynchburg, VA, (LYH) VORTAC). The route overlies those segments of VOR Federal airway V-222 that extend between the LOGEN FIX and the BOJAR FIX.

T-423: T-423 is a new route that extends between the STYLZ, NC, WP, (replacing the Sugarloaf Mountain, NC, (SUG) VORTAC), and the Charleston, WV, (HVQ) VOR/DME. The route overlies those segments of VOR Federal airway V-35 that extend between the Sugarloaf Mountain VORTAC, and the Charleston VORTAC.

T-425: T-425 is a new route that extends between the SIROC, GA, WP, (replacing the Brunswick, GA, (SSI) VORTAC), and the HUSKY, GA, FIX. The route overlies VOR Federal airway V-362 between the Brunswick VORTAC and the HABLE, GA, FIX. It overlies airway V-179 between the RIPPI, GA,

FIX and the HUSKY, GA, FIX. T-425 also parallels V-179 between the CROCS, GA, WP and the RIPPI FIX. Additionally, it parallels VOR Federal airway V-267 between the HABLE, GA, FIX and the CROCS, GA, WP.

T-427: T-427 is a new route that extends from the CAYCE, SC, WP (replaces the Columbia, SC, (CAE) VORTAC), westward to the UGAAA, GA, WP (replaces the Athens, GA, (AHN) VORTAC), to the WOMAC, GA, FIX, and terminating at LOGEN, GA, FIX. The route overlies VOR Federal airway V-325.

T-429: T-429 is a new route that extends from the HOKES, AL, FIX (5 NM southeast of the Gadsden, AL, (GAD) VOR/DME) westward to the HAGIE, AL, WP (replaces the Muscle Shoals, AL, (MSL) VORTAC). T-429 overlies those segments of VOR Federal airway V-325 that extend between the Gadsden VOR/DME and the Muscle Shoals VORTAC.

The full legal descriptions of the above routes are listed in "The Amendment" section, below. These changes provide RNAV routing to supplement VOR Federal airways that will be impacted by the VOR MON program, and support the transition to a more efficient Performance Based Navigation route structure.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending 3 low altitude United States Area Navigation (RNAV) routes, designated T-224, T-258, T-323, and establishes 9 new low altitude

RNAV routes, designated T-404, T-406, T-410, T-412, T-414, T-423, T-425, T-427, and T-429, in the eastern United States, in support of efforts to transition the NAS from ground-based to satellite-based navigation, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5-6.5b, which categorically excludes from further environmental impact review "Actions regarding establishment of jet routes and Federal airways (see 14 CFR

71.15, Designation of jet routes and VOR Federal airways) . . .". As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-224 PALACIOS, TX (PSX) to COLIN, VA [Amended]

Table with 3 columns: Location, Type, and Coordinates. Includes entries for Palacios, TX (PSX) VORTAC and various waypoints (WP, FIX) with their respective latitude and longitude coordinates.

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T-258 MINIM, AL to GMINI, NC [Amended]

Table with 3 columns: Location, Type, and Coordinates. Includes entries for MINIM, AL and various waypoints (WP, FIX) with their respective latitude and longitude coordinates.

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T-323 MARQO, FL to DACEL, KY [Amended]

Table with 3 columns: Location, Type, and Coordinates. Includes entries for MARQO, FL and various waypoints (WP) with their respective latitude and longitude coordinates.

BIGNN, GA	WP	(Lat. 34°20'34.38" N, long. 083°33'06.80" W)
HELNN, NC	WP	(Lat. 35°00'55.11" N, long. 083°52'09.85" W)
OCOEE, NC	WP	(Lat. 35°07'34.11" N, long. 083°53'45.00" W)
KNITS, TN	FIX	(Lat. 35°41'01.18" N, long. 083°53'58.56" W)
CRECY, TN	WP	(Lat. 35°58'52.61" N, long. 083°38'24.36" W)
ZADOT, TN	WP	(Lat. 36°35'32.17" N, long. 083°28'40.09" W)
WELLA, KY	WP	(Lat. 37°02'15.68" N, long. 083°21'31.07" W)
DACEL, KY	WP	(Lat. 37°23'10.68" N, long. 083°14'52.13" W)

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T-404 TYGRR, AL to CAYCE, SC [New]

TYGRR, AL	WP	(Lat. 31°57'01.21" N, long. 085°07'49.13" W)
NOKIE, GA	WP	(Lat. 32°41'28.86" N, long. 083°38'49.88" W)
WANSA, SC	WP	(Lat. 33°42'26.10" N, long. 082°09'43.99" W)
CAYCE, SC	WP	(Lat. 33°51'26.13" N, long. 081°03'14.76" W)

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T-406 KNZLY, LA to DURBE, SC [New]

KNZLY, LA	WP	(Lat. 30°08'29.48" N, long. 093°06'19.37" W)
DAFLY, LA	WP	(Lat. 30°11'37.70" N, long. 091°59'33.94" W)
RCOLA, LA	WP	(Lat. 30°29'06.52" N, long. 091°17'37.96" W)
PELLO, MS	WP	(Lat. 30°33'40.17" N, long. 089°43'50.44" W)
GARTS, MS	WP	(Lat. 31°05'52.39" N, long. 088°29'10.68" W)
WILL, AL	WP	(Lat. 31°27'33.96" N, long. 087°21'08.62" W)
RUTEL, AL	FIX	(Lat. 31°42'57.69" N, long. 086°21'36.33" W)
TYGRR, AL	WP	(Lat. 31°57'01.21" N, long. 085°07'49.13" W)
DOOLY, GA	WP	(Lat. 32°12'48.02" N, long. 083°29'50.66" W)
DURBE, SC	WP	(Lat. 33°00'44.75" N, long. 081°17'32.69" W)

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T-410 SINCA, GA to WIDER, SC [New]

SINCA, GA	FIX	(Lat. 33°04'52.28" N, long. 083°36'17.52" W)
WANSA, SC	WP	(Lat. 33°42'26.10" N, long. 082°09'43.99" W)
WIDER, SC	FIX	(Lat. 34°09'27.05" N, long. 081°16'26.39" W)

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T-412 KNZLY, LA to TIROE, GA [New]

KNZLY, LA	WP	(Lat. 30°08'29.48" N, long. 093°06'19.37" W)
ICEKI, MS	WP	(Lat. 31°18'16.12" N, long. 090°15'28.85" W)
SSLAW, MS	WP	(Lat. 31°25'07.18" N, long. 089°20'16.05" W)
WILL, AL	WP	(Lat. 31°27'33.96" N, long. 087°21'08.62" W)
MGMRY, AL	WP	(Lat. 32°13'20.78" N, long. 086°19'11.24" W)
HHRVY, AL	WP	(Lat. 32°57'47.52" N, long. 085°19'35.23" W)
BRAYS, GA	WP	(Lat. 33°02'56.44" N, long. 085°12'22.93" W)
TIROE, GA	FIX	(Lat. 33°18'23.23" N, long. 084°51'57.71" W)

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T-414 LOGEN, GA to BOJAR, VA [New]

LOGEN, GA	FIX	(Lat. 33°59'16.98" N, long. 084°03'24.43" W)
MILBY, SC	WP	(Lat. 34°41'02.23" N, long. 083°18'42.53" W)
STYLZ, NC	WP	(Lat. 35°24'22.83" N, long. 082°16'07.01" W)
BONZE, NC	WP	(Lat. 35°52'09.16" N, long. 081°14'24.10" W)
AYARA, VA	FIX	(Lat. 37°03'40.36" N, long. 079°31'24.92" W)
BOJAR, VA	FIX	(Lat. 37°15'43.97" N, long. 079°14'33.36" W)

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T-423 STYLZ, NC to CHARLESTON, WV (HVQ) [New]

STYLZ, NC	WP	(Lat. 35°24'22.83" N, long. 082°16'07.01" W)
HORAL, TN	WP	(Lat. 36°26'13.99" N, long. 082°07'46.48" W)
GAUZY, VA	WP	(Lat. 36°49'29.79" N, long. 082°04'44.40" W)
Charleston, WV (HVQ)	VOR/DME	(Lat. 38°20'58.83" N, long. 081°46'11.69" W)

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T-425 SIROC, GA to HUSKY, GA [New]

SIROC, GA	WP	(Lat. 31°03'02.32" N, long. 081°26'45.89" W)
HABLE, GA	FIX	(Lat. 31°21'09.68" N, long. 082°06'09.96" W)
CROCS, GA	WP	(Lat. 32°27'17.69" N, long. 082°46'29.06" W)
RIPPI, GA	FIX	(Lat. 32°54'20.25" N, long. 083°20'19.52" W)
WEMOB, GA	FIX	(Lat. 33°16'06.20" N, long. 083°53'01.92" W)
HUSKY, GA	FIX	(Lat. 33°19'49.65" N, long. 083°58'48.75" W)

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T-427 CAYCE, SC to LOGEN, GA [New]

CAYCE, SC	WP	(Lat. 33°51'26.13" N, long. 081°03'14.76" W)
UGAAA, GA	WP	(Lat. 33°56'51.32" N, long. 083°19'28.42" W)
WOMAC, GA	FIX	(Lat. 34°07'48.86" N, long. 083°54'20.77" W)
LOGEN, GA	FIX	(Lat. 33°59'16.98" N, long. 084°03'24.43" W)

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T-429 HOKES, SC to HAGIE, AL [New]

HOKES, AL	FIX	(Lat. 33°55'30.08" N, long. 085°59'33.20" W)
HAGIE, AL	WP	(Lat. 34°42'25.87" N, long. 087°29'29.76" W)

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Issued in Washington, DC, on May 5, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–10315 Filed 5–12–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0131]

RIN 1625–AA00

Safety Zones; Recurring Marine Events and Fireworks Displays Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its safety zones established for recurring marine events and fireworks displays that take place within the Fifth Coast Guard District area of responsibility. This action is necessary to address minor revisions to the listing of events that informs the public of regularly scheduled fireworks displays that require additional safety measures provided by regulations. Through this final rule, the current list of recurring marine events requiring safety zones will be updated with two additional events that take place in the Sector Virginia area of responsibility. This regulation prohibits persons and vessels from being in the safety zones unless authorized by the Captain of the Port Virginia or a designated representative.

DATES: This rule is effective June 13, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type Docket Number USCG–2022–0131 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Ashley Holm, Chief, Waterways Management Division, Sector Virginia, U.S. Coast Guard; telephone 757–668–5580 email Ashley.E.Holm@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

NPRM Notice of proposed rulemaking

PATCOM Patrol Commander

§ Section

U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard regularly updates the regulations for recurring safety zones within the Fifth Coast Guard District at 33 CFR 165.506, and its respective tables. These recurring safety zones are for fireworks displays that take place either on or over the navigable waters of the Fifth Coast Guard District as defined at 33 CFR 3.25. These regulations were last amended October 15, 2021 (86 FR 57358). Since then, two recurring marine events within the Fifth Coast Guard District have changed in a way that require establishment of a safety zone for protection of life, property and the environment. Hazards associated with these events include potential falling debris and possible fire, explosion, projectile, and burn hazards. The purpose of this rule is to ensure the safety of persons, vessels, and the navigable waters within close proximity to fireworks displays before, during, and after the scheduled events. In response, on March 20, 2022, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zones; Recurring Marine Events and Fireworks Displays Within the Fifth Coast Guard District (87 FR 15347). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to these fireworks displays. During the comment period that ended April 19, 2022, we received one comment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Virginia (COTP) has determined that potential hazards associated with the fireworks events present a safety concern for anyone within the safety zones. 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 event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published on March 20, 2022. The commenter was interested in understanding more about how these safety zones were developed, particularly how the Coast Guard determined how big each zone needs to be, where they are located, whether the

Coast Guard regulates the types of fireworks used in the event, and environmental analysis. The Coast Guard creates safety zones under the authority in 46 U.S.C. 70034. The Coast Guard carefully determines the appropriate size of the safety zone using the shell diameter as a referential factor and uses the National Vessel Inspection Circular (NVIC) No. 7–02, Marine Safety at Fireworks Displays, and the National Fire Protection Agency (NFPA) 1123, Code for Fireworks Display, to determine applicable size of the awarded safety zone using the established criteria. In general, fireworks shows are common occurrences both on land and on the waterway. The Coast Guard reviews each individual proposed waterborne event on a case-by-case basis. Marine event permit applications are submitted to the Coast Guard by sponsors of proposed marine events. They include a good faith estimate of spectator craft that are expected to be drawn to the event based on the “triggering event” itself. In each of the two safety zones proposed, the fireworks shows or “triggering events” are expected to draw a significant number of spectator craft based on historical precedent, general public interest and the best projections for attendance communicated to the Coast Guard via the marine event application process. Part of the marine event application process is the National Environmental Protection Act (NEPA) consideration the Coast Guard completes for all federal actions taken. The issuance of a marine event permit constitutes a “federal action”, thus requiring the NEPA review to be completed. The NEPA review considers the proposed event location and evaluates the potential impact to environmentally sensitive areas that may need to be addressed and mitigated. The issuance of a rule creating the safety zone is a separate federal action. The fireworks events in this regulation are legacy events that were inadvertently removed due to administrative error when the Coast Guard revised 33 CFR 165.506, and its respective tables, in 2021. This regulatory action was taken to re-establish the two safety zones rather than establish them as new occurrences.

There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The first safety zone would be enforced on the third or fourth Saturday in July of each year, beginning in July 2022, between 9:30 p.m. and 10 p.m. and cover all waters of John H. Kerr Reservoir within a 400 yard radius of approximate position latitude 36°37'51”