

cyber incidents to TSA.⁹ It is for this reason that CISA specifically proposed describing a covered entity as an “entity [that] is required by the Transportation Security Administration to report cyber incidents” in proposed 6 CFR 226.2(b)(14), so that any entities, such as pipeline facilities or systems, that are required to currently report cyber incidents to TSA under Security Directives would also be considered covered entities that are required to report under CIRCIA.

For the surface transportation sector, TSA currently requires reporting of cyber incidents to CISA by owner/operators of certain freight railroads, passenger railroads, rail transit systems, and hazardous and natural gas pipeline facilities and systems pursuant to Security Directives issued under the authority of 49 U.S.C. 114(l)(2).¹⁰ Under these Security Directives, TSA notifies owner/operators of pipeline facilities or systems directly if the requirements in the Security Directive are applicable to them. Using a risk-based approach, a small percentage within each mode of transportation are required to report cybersecurity incidents, but these entities represent a significant portion of capacity, throughput, and ridership for each of these modes. As indicated in the CIRCIA NPRM, and as described in this notice, CISA proposes that all such owners/operators of pipeline facilities and systems identified by TSA and required to report cybersecurity incidents pursuant to TSA Security Directives are considered covered entities under 6 CFR 226.2(b)(14) until TSA finalizes its Enhancing Surface Cyber Risk Management rule.

To address the concern regarding cross-referencing a regulatory section that does not currently exist, CISA is issuing this correction to remove the reference to that specific regulatory section and, instead, propose criterion to make clear that CIRCIA’s description of a covered entity for pipeline facilities or systems includes any entity that is currently required by TSA to report cyber incidents under a Security Directive or is otherwise identified as required to report under TSA’s final regulations. For owner/operators of pipeline facilities or systems not currently subject to reporting requirements under TSA’s Security Directives, it is CISA’s understanding, through consultation with TSA, that TSA intends to continue using a risk-based approach in determining entities subject to its regulations, similar to its Security Directive approach and that

applicability of cyber incident reporting requirements beyond the existing Security Directives will not be substantially expanded. TSA’s Security Directives indicate that approximately 100 pipeline systems are considered the most critical.¹¹ CISA acknowledges the total number of owner/operators may slightly change consistent with an updated risk analysis developed for purposes of TSA’s proposed rule. However, CISA continues to believe the Regulatory Impact Analysis for the CIRCIA rulemaking is an accurate estimate inasmuch that the applicability of the TSA covered entities will continue to be approximately 115 entities.¹²

As mentioned in the CIRCIA NPRM, CISA believes that aligning CIRCIA’s Applicability section with the population of entities from which TSA requires cyber incident reporting or at which TSA requires the implementation of enhanced cybersecurity measures is appropriate for CIRCIA and consistent with the factors contained in 6 U.S.C. 681b(c)(1). CISA will continue to coordinate with TSA throughout the rulemaking process to harmonize CIRCIA’s Applicability section with TSA, to the maximum extent practicable.

Comments on the NPRM and related material must be submitted on or before July 3, 2024. See Cyber Incident Reporting for Critical Infrastructure Act (CIRCIA) Reporting Requirements; Extension of Comment Period at 89 FR 37141. DHS believes this correction does not warrant extending the current 90-day comment period for the NPRM.

Correction

■ In FR Doc. 2024–06526, published at 89 FR 23644 in the issue of April 4, 2024, on page 23768, in the third column, in § 226.2, correct paragraph (b)(14)(iv) to read as follows:

§ 226.2 [Corrected]

* * * * *

(b) * * *

(14) * * *

(iv) A pipeline facility or system owner or operator required to report

¹¹ See TSA Security Directive Pipeline-2021–02D, at 4 n.9 (citing section 1557(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53 121 Stat. 266, 475 (codified at 6 U.S.C. 1207(b)).

¹² See Section 2.2.14 of the Preliminary RIA, which estimates 115 pipeline entities would be affected by the proposed criteria for pipeline facilities or systems.

cyber incidents by the Transportation Security Administration;

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Jennie M. Easterly,

Director, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

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BILLING CODE 9111–LF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0449]

RIN 1625–AA00

Safety Zone; Fireworks Display, Marina Park, Irrigon, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Umatilla Marina. This action is necessary to provide for the safety of life on these navigable waters near Irrigon, OR, during a fireworks display on July 27, 2024. This proposed rulemaking would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Columbia River 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 July 3, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0449 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the

SUPPLEMENTARY INFORMATION section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Carlie Gilligan, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email SCRWWM@USCG.MIL.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port

⁹ 89 FR 23768.

¹⁰ See 89 FR 23651.

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 March 6, 2024, Western Display Fireworks, LTD notified the Coast Guard that it will be conducting a fireworks display from 9:30 to 11:00 p.m. on July 27, 2024. The fireworks are to be launched from a site on land at Marina Park in Irrigon, OR. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the fireworks would be a safety concern for anyone within a 550-foot radius of the launch site before, during, or after the fireworks display.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 550-foot radius of the fireworks discharge site before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9:30 to 11:00 p.m. on July 27, 2024. The safety zone would cover all navigable waters within 550 feet of the launch site located at approximately 45°54'3.72" N 119°29'15.36" W at Marina Park in Irrigon, Oregon. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:30 to 11:00 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. 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.

This NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone created by this proposed rule is designed to minimize its impact on navigable waters. The safety zone would impact approximately a 550-foot area of Marina Park and is not anticipated to exceed 1.5 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP. The Coast Guard would issue a Notice to Mariners 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 proposed 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 proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email 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 call or email 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 potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), 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 1.5 hours that would prohibit entry within 550 feet of a launch point located at Marina Park. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. 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 call or email 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.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0449 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket,

find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

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 is proposing 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: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T13–0449 to read as follows:

§ 165.T13–0449 Safety Zone; Fireworks Display, Marina Park, Irrigon, OR

(a) **Location.** The following area is a safety zone: All navigable waters within 550 feet of a fireworks launch site in Irrigon, OR. The fireworks launch site will be at the approximate point of 45°54′3.72″ N 119°29′15.36″ W.

(b) **Definitions.** As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Columbia River

(COTP) in the enforcement of the safety zone.

Participant means all persons and vessels registered with the event sponsor as a participant in the fireworks display.

(c) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, all non-participants may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative by calling (503) 247–4038 or the Sector Columbia River Command Center on Channel 16 VHF–FM. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) **Enforcement period.** This section will be subject to enforcement from 9:30 to 11 p.m. on July 27, 2024. It will be subject to enforcement this entire period unless the COTP determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners.

Dated: May 23, 2024.

J.W. Noggle,

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

[FR Doc. 2024–11994 Filed 5–31–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2024–0162; FRL–11869–01–R3]

Air Plan Approval; District of Columbia, Maryland, and Virginia; Update of the Motor Vehicle Emissions Budgets for the Washington-MD-VA 2008 8-Hour Ozone National Ambient Air Quality Standard Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve state implementation plan (SIP) revisions submitted by the District of Columbia (the District), State of Maryland (MD), and Commonwealth of Virginia (VA). The revisions update the