

Proposed Rules

Federal Register

Vol. 89, No. 18

Friday, January 26, 2024

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket Number USCG–2023–0985]

RIN 1625–AA00

Safety Zone; Coastal Virginia Offshore Wind—Commercial Wind Farm Project Area, Outer Continental Shelf, Lease OCS–A 0483, Offshore Virginia, Atlantic Ocean

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish 179 temporary 500-meter safety zones around the construction of 176 wind turbine generators and three offshore substations in Federal waters on the Outer Continental Shelf, east-northeast of Virginia Beach, Virginia. This action would protect life, property, and the environment during construction of their foundations and their subsequent installation, from May 1, 2024, to May 1, 2027. When subject to enforcement, only attending vessels and those vessels specifically authorized by the Fifth Coast Guard District Commander, or a designated representative, are permitted to enter or remain in the temporary safety zones.

DATES: Comments and related material must be received by the Coast Guard on or before February 26, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0985 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of **SUPPLEMENTARY INFORMATION**. 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 Mr. Matthew Creelman, Waterways Management, at Coast Guard Fifth District, telephone 757–398–6230, email Matthew.K.Creelman2@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BOEM Bureau of Ocean Energy Management
CFR Code of Federal Regulations
CVOWCWF Coastal Virginia Offshore Wind—Commercial Wind Farm
DMS Degrees Minutes Seconds
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
OCS Outer Continental Shelf
OSS Offshore Substation
WGS 84 World Geodetic System 84
NM Nautical Mile
§ Section
U.S.C. United States Code
WTG Wind Turbine Generator

II. Background, Purpose, and Legal Basis

On December 13, 2023, the Virginia Electric and Power Company, doing business as Dominion Energy, notified the Coast Guard that they plan to begin construction of facilities in the Coastal Virginia Offshore Wind-Commercial Wind Farm (CVOWCWF) project area within Federal waters on the Outer Continental Shelf (OCS), specifically in the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS–A 0483, approximately 23 nautical miles (NM) east-northeast of Virginia Beach, Virginia.

The construction of these OCS facilities, which is inherently complex because of their location offshore, presents many unusually hazardous conditions, including those presented by hydraulic pile driving hammer operations, heavy lift operations, overhead cutting operations, the risk that debris will fall, increased vessel traffic in support of construction, and the presence of stationary barges in close proximity to the facilities and each other.

The Fifth Coast Guard District Commander has determined that the establishment of temporary safety zones during construction of WTGs and substation, is warranted to ensure the safety of life, property, and the environment. Each temporary safety zone will have a 500-meter radius around an individual construction site

and be enforced only during construction.

The Coast Guard is proposing this rule under the authorities provided in 14 U.S.C. 544, 43 U.S.C. 1333, and Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.3. Pursuant to those authorities, 33 CFR 147.10 provides for the establishment of safety zones for non-mineral energy resource, permanent or temporary structures located on the OCS for the purpose of protecting life and property on the facilities, its appurtenances and attending vessels, or on the adjacent waters within the safety zone. A safety zone established under 33 CFR part 147 may include provisions to restrict, prevent, or control certain activities (including access by vessels or persons) to maintain safety of life, and to protect property and the environment.

III. Discussion of Proposed Rule

The District Commander is proposing to establish 179 temporary 500-meter safety zones around the construction sites of 176 WTGs and three OSSs on the OCS from May 1, 2024, through 11:59 p.m. on May 1, 2027. Construction will take place in the CVOWCWF project area, more specifically, in the BOEM Renewable Energy Lease Area OCS–A–0483 approximately 23 NM east-northeast of Virginia Beach, Virginia, within Federal waters on the OCS.

The construction of these facilities is expected to take place in mixed phases alternating between the installation of several monopile type foundations followed by the installation of the upper structures then repeating this process throughout the project area until all 179 facilities have been completed. Each of the 179 temporary safety zones would be subject to enforcement individually, at different times, as construction progresses from one structure location to the next. The entire process of constructing an individual structure is expected to last approximately 48 hours. The Coast Guard would provide notice of each enforcement period via the Local Notice to Mariners and issue a Broadcast Notice to Mariners via marine channel 16 (VHF–FM) as soon as practicable in response to notification of the beginning of construction at an individual site. The Coast Guard is proposing this rulemaking be effective

through May 1, 2027, in case there are any construction delays due to weather or other unforeseen circumstances. If the project is completed before May 1, 2027, however, enforcement of the safety zones would be suspended, and notice of such would be given via Local Notice to Mariners.

The positions of each individual safety zone proposed by this rulemaking are referred to using a unique alphanumeric naming convention.

Consistent with size limitations on OCS safety zones in 33 CFR 147.15, the proposed safety zones would include the area within 500 meters around the

center points of the positions provided in the table below while each structure is under active construction. The positions are expressed in Degree Minutes Second (DMS) based on World Geodetic System 84 (WGS 84).

Name	Facility type	Latitude	Longitude
G1K11	WTG	36°52'10.43097128" N	075°20'50.55112518" W
G1M03	WTG	36°50'17.85976540" N	075°28'04.02927152" W
G1K12	WTG	36°52'10.59092864" N	075°19'54.56958689" W
G1M04	WTG	36°50'18.07627889" N	075°27'08.07134847" W
G1K13	WTG	36°52'10.74355846" N	075°18'58.58792867" W
G1M05	WTG	36°50'18.28547996" N	075°26'12.11326220" W
G1K14	WTG	36°52'10.88886719" N	075°18'02.60615617" W
G1M06	WTG	36°50'18.48736529" N	075°25'16.15501832" W
G1K15	WTG	36°52'11.02685154" N	075°17'06.62427499" W
G1M07	WTG	36°50'18.68193157" N	075°24'20.19662240" W
G1K16	WTG	36°52'11.15750822" N	075°16'10.64229074" W
G1M08	WTG	36°50'18.86918522" N	075°23'24.23808009" W
G1K17	WTG	36°52'11.28084368" N	075°15'14.66020907" W
G1M09	WTG	36°50'19.04912296" N	075°22'28.27939699" W
G1K18	WTG	36°52'11.39685463" N	075°14'18.67803558" W
G1M10	WTG	36°50'19.22174146" N	075°21'32.32057869" W
G1K19	WTG	36°52'11.50553780" N	075°13'22.69577588" W
G1M11	WTG	36°50'19.38704718" N	075°20'36.36163083" W
G1L03	WTG	36°51'13.39015630" N	075°28'11.19226080" W
G1M12	WTG	36°50'19.54503681" N	075°19'40.40255901" W
G1L04	WTG	36°51'13.60768637" N	075°27'15.22311182" W
G1M13	WTG	36°50'19.69570706" N	075°18'44.44336883" W
G1L05	WTG	36°51'13.81789345" N	075°26'19.25379877" W
G1M14	WTG	36°50'19.83906437" N	075°17'48.48406591" W
G1L06	WTG	36°51'14.02078396" N	075°25'23.28432730" W
G1M15	WTG	36°50'19.97510546" N	075°16'52.52465182" W
G1L07	WTG	36°51'14.21635459" N	075°24'27.31470302" W
G1M16	WTG	36°50'20.10382703" N	075°15'56.56514024" W
G1L08	WTG	36°51'14.40460203" N	075°23'31.34493152" W
G1M17	WTG	36°50'20.22523552" N	075°15'00.60553275" W
G1L09	WTG	36°51'14.58553272" N	075°22'35.37501844" W
G1M18	WTG	36°50'20.33932767" N	075°14'04.64583497" W
G1L10	WTG	36°51'14.75914336" N	075°21'39.40496939" W
G1M19	WTG	36°50'20.44610343" N	075°13'08.68605250" W
G1L12	WTG	36°51'15.08440100" N	075°19'47.46448580" W
G1N03	WTG	36°49'22.32924535" N	075°27'56.82891331" W
G1L13	WTG	36°51'15.23605115" N	075°18'51.49406251" W
G1N04	WTG	36°49'22.54474453" N	075°27'00.88220767" W
G1L14	WTG	36°51'15.38038104" N	075°17'55.52352570" W
G1N05	WTG	36°49'22.75293211" N	075°26'04.93533961" W
G1L15	WTG	36°51'15.51738738" N	075°16'59.55288098" W
G1N06	WTG	36°49'22.95380477" N	075°25'08.98831473" W
G1L16	WTG	36°51'15.64707661" N	075°16'03.58213399" W
G1N07	WTG	36°49'23.14736895" N	075°24'13.04113865" W
G1L17	WTG	36°51'15.76944545" N	075°15'07.61129032" W
G1N08	WTG	36°49'23.33362134" N	075°23'17.09381697" W
G1L18	WTG	36°51'15.88449062" N	075°14'11.64035558" W
G1N09	WTG	36°49'23.51255863" N	075°22'21.14635529" W
G1L19	WTG	36°51'15.99221858" N	075°13'15.66933541" W
G1N10	WTG	36°49'23.68418726" N	075°21'25.19875519" W
G1N11	WTG	36°49'23.84850393" N	075°20'29.25103034" W
G2F06	WTG	36°55'51.61831765" N	075°25'59.09646230" W
G1N12	WTG	36°49'24.00550534" N	075°19'33.30318231" W
G2F07	WTG	36°55'51.81892515" N	075°25'03.07058271" W
G1N13	WTG	36°49'24.15519793" N	075°18'37.35521671" W
G2F08	WTG	36°55'52.01218908" N	075°24'07.04455187" W
G1N14	WTG	36°49'24.29757841" N	075°17'41.40713915" W
G2F09	WTG	36°55'52.19811586" N	075°23'11.01837544" W
G1N15	WTG	36°49'24.43264349" N	075°16'45.45895522" W
G2F10	WTG	36°55'52.37670219" N	075°22'14.99205905" W
G1N16	WTG	36°49'24.56039962" N	075°15'49.51067054" W
G2F11	WTG	36°55'52.54794477" N	075°21'18.96560832" W
G1N17	WTG	36°49'24.68084352" N	075°14'53.56229072" W
G2G03	WTG	36°54'55.47610540" N	075°28'39.95488075" W

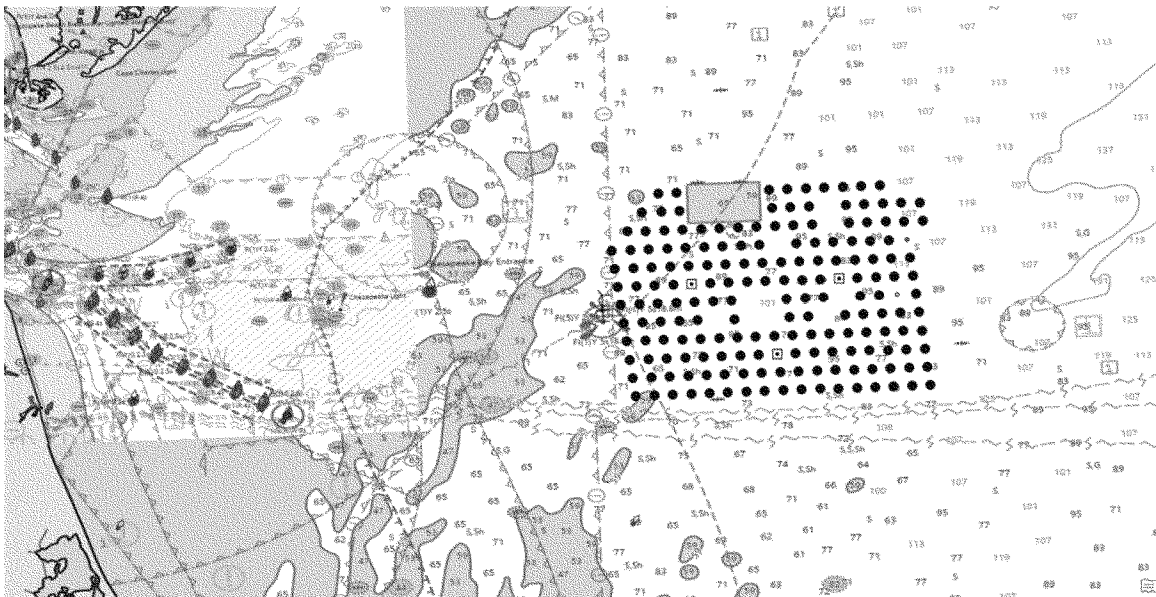
Name	Facility type	Latitude	Longitude
G1N18	WTG	36°49'24.79397189" N	075°13'57.61382134" W
G2G04	WTG	36°54'55.69770649" N	075°27'43.94075021" W
G1N19	WTG	36°49'24.89979121" N	075°13'01.66526804" W
G2G05	WTG	36°54'55.91197477" N	075°26'47.92645237" W
G2B06	WTG	36°59'33.71078023" N	075°26'27.78408472" W
G2G06	WTG	36°54'56.11890692" N	075°25'51.91199284" W
G2B07	WTG	36°59'33.91543395" N	075°25'31.71304424" W
G2G08	WTG	36°54'56.51075936" N	075°23'59.88261121" W
G2C05	WTG	36°58'38.57467997" N	075°27'20.62031850" W
G2G09	WTG	36°54'56.69568276" N	075°23'03.86770040" W
G2C06	WTG	36°58'38.21250366" N	075°26'20.58758650" W
G2G10	WTG	36°54'56.87326655" N	075°22'07.85265041" W
G2C07	WTG	36°58'38.41606238" N	075°25'24.55006971" W
G2H03	WTG	36°53'59.94685093" N	075°28'32.77985639" W
G2D04	WTG	36°57'42.25404052" N	075°28'05.53076883" W
G2H04	WTG	36°54'00.16743776" N	075°27'36.77698565" W
G2D05	WTG	36°57'42.47136588" N	075°27'09.48264513" W
G2H05	WTG	36°54'00.38069261" N	075°26'40.77394842" W
G2D06	WTG	36°57'42.68134287" N	075°26'13.43435729" W
G2H06	WTG	36°54'00.58661217" N	075°25'44.77075028" W
G2D07	WTG	36°57'42.88396818" N	075°25'17.38591093" W
G2H07	WTG	36°54'00.78520287" N	075°24'48.76739692" W
G2D08	WTG	36°57'43.07924823" N	075°24'21.33731172" W
G2H08	WTG	36°54'00.97646139" N	075°23'52.76389394" W
G2D09	WTG	36°57'43.26717972" N	075°23'25.28856531" W
G2H09	WTG	36°54'01.16038445" N	075°22'56.76024694" W
G2D10	WTG	36°57'43.44775934" N	075°22'29.23967731" W
G2J03	WTG	36°53'04.41747586" N	075°28'25.56744405" W
G2D11	WTG	36°57'43.62099353" N	075°21'33.19065340" W
G2J04	WTG	36°53'04.63703769" N	075°27'29.57582449" W
G2E03	WTG	36°56'46.50113710" N	075°28'54.35420276" W
G2J05	WTG	36°53'04.84927487" N	075°26'33.58403927" W
G2E04	WTG	36°56'46.72478481" N	075°27'58.31753397" W
G2J06	WTG	36°53'05.05418408" N	075°25'37.59209399" W
G2E05	WTG	36°56'46.94108831" N	075°27'02.28069620" W
G2J07	WTG	36°53'05.25176202" N	075°24'41.59999425" W
G2E06	WTG	36°56'47.15004427" N	075°26'06.24369509" W
G2J09	WTG	36°53'05.62494006" N	075°22'49.61534996" W
G2E07	WTG	36°56'47.35165913" N	075°25'10.20653631" W
G2K03	WTG	36°52'08.88765106" N	075°28'18.39844436" W
G2E08	WTG	36°56'47.54592958" N	075°24'14.16922549" W
G2K04	WTG	36°52'09.10620073" N	075°27'22.41806364" W
G2E09	WTG	36°56'47.73285231" N	075°23'18.13176420" W
G2K05	WTG	36°52'09.31742657" N	075°26'26.43752208" W
G2E10	WTG	36°56'47.91243374" N	075°22'22.09416621" W
G2K06	WTG	36°52'09.52132527" N	075°25'30.45682126" W
G2E11	WTG	36°56'48.08467058" N	075°21'26.05643310" W
G2K07	WTG	36°52'09.71790326" N	075°24'34.47596683" W
G2F03	WTG	36°55'50.97245702" N	075°28'47.17314135" W
G2K08	WTG	36°52'09.90715725" N	075°23'38.49496439" W
G2F04	WTG	36°55'51.19508514" N	075°27'51.14774524" W
G2K09	WTG	36°52'10.08908391" N	075°22'42.51381954" W
G2F05	WTG	36°55'51.41036987" N	075°26'55.12218502" W
G3F14	WTG	36°55'53.01763543" N	075°18'30.88550656" W
G3B12	WTG	36°59'34.82834796" N	075°20'51.35563765" W
G3F15	WTG	36°55'53.15951871" N	075°17'34.85857490" W
G3B13	WTG	36°59'34.98885750" N	075°19'55.28375508" W
G3F16	WTG	36°55'53.29406124" N	075°16'38.83153710" W
G3B14	WTG	36°59'35.14201327" N	075°18'59.21175196" W
G3F19	WTG	36°55'53.65364064" N	075°13'50.74984322" W
G3B15	WTG	36°59'35.28781198" N	075°18'03.13963394" W
G3G11	WTG	36°54'57.04351716" N	075°21'11.83746691" W
G3B16	WTG	36°59'35.42625034" N	075°17'07.06740666" W
G3G12	WTG	36°54'57.20643128" N	075°20'15.82215551" W
G3B17	WTG	36°59'35.55733479" N	075°16'10.99507580" W
G3G13	WTG	36°54'57.36200563" N	075°19'19.80672183" W
G3B18	WTG	36°59'35.68106205" N	075°15'14.92264701" W
G3G14	WTG	36°54'57.51024665" N	075°18'23.79117153" W
G3C12	WTG	36°58'39.32403511" N	075°20'44.22693929" W
G3G16	WTG	36°54'57.78471551" N	075°16'31.75974356" W
G3C13	WTG	36°58'39.48355669" N	075°19'48.16635951" W
G3G17	WTG	36°54'57.91094652" N	075°15'35.74387716" W
G3C14	WTG	36°58'39.63572535" N	075°18'52.10565996" W
G3G18	WTG	36°54'58.02984078" N	075°14'39.72791666" W

Name	Facility type	Latitude	Longitude
G3C16	WTG	36°58'39.91800046" N	075°16'59.98392414" W
G3G19	WTG	36°54'58.14139499" N	075°13'43.71186768" W
G3C17	WTG	36°58'40.04811007" N	075°16'03.92289920" W
G3H12	WTG	36°54'01.66816614" N	075°20'08.74849831" W
G3C18	WTG	36°58'40.17086334" N	075°15'07.86177303" W
G3H13	WTG	36°54'01.82276296" N	075°19'12.74433164" W
G3C19	WTG	36°58'40.28626670" N	075°14'11.80055940" W
G3H14	WTG	36°54'01.97002729" N	075°18'16.74004507" W
G3C20	WTG	36°58'40.39431689" N	075°13'15.73925991" W
G3H16	WTG	36°54'02.24255501" N	075°16'24.73115496" W
G3D12	WTG	36°57'43.78687899" N	075°20'37.14149923" W
G3H17	WTG	36°54'02.36782157" N	075°15'28.72655864" W
G3D13	WTG	36°57'43.94541242" N	075°19'41.09222040" W
G3H19	WTG	36°54'02.59635391" N	075°13'36.71709160" W
G3D14	WTG	36°57'44.09660027" N	075°18'45.04281857" W
G3J12	WTG	36°53'06.12974216" N	075°20'01.63737188" W
G3D16	WTG	36°57'44.37692600" N	075°16'52.94368860" W
G3J13	WTG	36°53'06.28335391" N	075°19'05.64446363" W
G3D17	WTG	36°57'44.50606705" N	075°15'56.89396774" W
G3J15	WTG	36°53'06.56858897" N	075°17'13.65830753" W
G3D18	WTG	36°57'44.62785910" N	075°15'00.84415047" W
G3J16	WTG	36°53'06.70021537" N	075°16'17.66507094" W
G3D19	WTG	36°57'44.74230209" N	075°14'04.79424245" W
G3J17	WTG	36°53'06.82450998" N	075°15'21.67173614" W
G3D20	WTG	36°57'44.84939275" N	075°13'08.74424932" W
G3J18	WTG	36°53'06.94147924" N	075°14'25.67830877" W
G3E13	WTG	36°56'48.40710702" N	075°19'33.98058407" W
G3J19	WTG	36°53'07.05111989" N	075°13'29.68479445" W
G3E14	WTG	36°56'48.55730976" N	075°18'37.94247944" W
T1L11	OSS	36°51'14.92543064" N	075°20'43.43478996" W
G3E15	WTG	36°56'48.70016447" N	075°17'41.90426225" W
T2G07	OSS	36°54'56.31849964" N	075°24'55.89737723" W
G3E16	WTG	36°56'48.83567758" N	075°16'45.86593816" W
T3G15	OSS	36°54'57.65115104" N	075°17'27.77551023" W
G3E17	WTG	36°56'48.96384581" N	075°15'49.82751279" W
G3E18	WTG	36°56'49.08466587" N	075°14'53.78899178" W
G3F12	WTG	36°55'52.71185004" N	075°20'22.93902891" W
G3F13	WTG	36°55'52.86841469" N	075°19'26.91232645" W

The positions of the 179 proposed safety zones are shown on the chartlets

below. For scaling purposes, the grid spacing is 0.95 x 0.8 NM.

BILLING CODE 9110-04-P



(Small scale chartlet showing the positions of the proposed safety zones.)



(Large scale chartlet showing the positions of the proposed safety zones with alphanumeric naming convention.)

BILLING CODE 9110-04-C

Navigation in the vicinity of the proposed safety zones consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows, and recreational vessels.

When subject to enforcement, no unauthorized vessel or person would be permitted to enter a safety zone without obtaining permission from the Fifth Coast Guard District Commander or a designated representative. Requests for entry into the safety zone would be considered and reviewed on a case-by-case basis. Persons or vessels seeking to

enter the safety zone must request authorization from the Fifth Coast Guard District Commander or designated representative via VHF-FM channel 16 or by phone at 757-398-6391 (Fifth Coast Guard District Command Center). If permission is granted, all persons and vessels shall comply with the instructions of the Fifth Coast Guard District Commander or designated representative.

The proposed regulatory text 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. A summary of our analyses based on these statutes and Executive orders follows.

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 Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

Aligning with 33 CFR 147.15, the safety zones established would extend to a maximum distance of 500-meters around the OCS facility measured from its center point. Vessel traffic would be able to safely transit around each of the proposed safety zones, which would occupy a small, designated area in the Atlantic Ocean, without significant impediment to their voyage. These safety zones would provide for the safety of life, and the protection of property, and of the environment during the construction of each structure, in accordance with Coast Guard maritime safety missions.

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.

This proposed rule may affect owners or operators of vessels intending to transit or anchor in the CVOWCWF, some of which might be small entities. However, these safety zones would not have a significant economic impact on a substantial number of these entities because they would be subject to enforcement only for short, temporary periods, they would allow for deviation requests, and would not be expected to impact vessel transit significantly. Regarding the enforcement period, although these safety zones would be in effect from May 1, 2024, through May 1, 2027, vessels would only be prohibited from entering or remaining in the regulated zone during periods of actual construction activity corresponding to the period of enforcement. We expect the enforcement period at each location to last approximately 48 hours as construction progresses from one structure location to the next throughout the mixed phases. Additionally, vessel traffic could pass safely around each safety zone using an alternate route. Use of an alternate route likely would cause minimal delay for the vessel in reaching

their destination depending on other traffic in the area and vessel speed. Vessels would also be able to request deviation from this rule to transit through a safety zone. Such requests would be considered on a case by-case basis and may be authorized by the Fifth Coast Guard District Commander or a designated representative. For these reasons, the Coast Guard expects any impact of this rulemaking establishing a temporary safety zone around these OCS facilities to be minimal and have no significant economic impact on small entities.

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 the establishment of a safety zone around an OCS facility to protect life, property, and the marine environment. Normally such actions are categorically excluded from further review under paragraph L60 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–2023–0985 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. 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 147

Continental shelf, Marine safety, Navigation (waters).

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 544; 43 U.S.C 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 147.T01–0985 to read as follows:

§ 147.T01–0985 Safety Zones; Coastal Virginia Offshore Wind—Commercial Wind Farm Project Area, Outer Continental Shelf, Lease OCS–A 0483, Offshore Virginia, Atlantic Ocean.

(a) *Description.* The area within 500 meters of the center point of each of the positions provided in the table below is an individual safety zone:

Name	Facility type	Latitude	Longitude
G1K11	WTG	36°52′10.43097128″ N	075°20′50.55112518″ W
G1M03	WTG	36°50′17.85976540″ N	075°28′04.02927152″ W
G1K12	WTG	36°52′10.59092864″ N	075°19′54.56958689″ W
G1M04	WTG	36°50′18.07627889″ N	075°27′08.07134847″ W
G1K13	WTG	36°52′10.74355846″ N	075°18′58.58792867″ W
G1M05	WTG	36°50′18.28547996″ N	075°26′12.11326220″ W
G1K14	WTG	36°52′10.88886719″ N	075°18′02.60615617″ W
G1M06	WTG	36°50′18.48736529″ N	075°25′16.15501832″ W
G1K15	WTG	36°52′11.02685154″ N	075°17′06.62427499″ W
G1M07	WTG	36°50′18.68193157″ N	075°24′20.19662240″ W
G1K16	WTG	36°52′11.15750822″ N	075°16′10.64229074″ W
G1M08	WTG	36°50′18.86918522″ N	075°23′24.23808009″ W
G1K17	WTG	36°52′11.28084368″ N	075°15′14.66020907″ W
G1M09	WTG	36°50′19.04912296″ N	075°22′28.27939699″ W
G1K18	WTG	36°52′11.39685463″ N	075°14′18.67803558″ W
G1M10	WTG	36°50′19.22174146″ N	075°21′32.32057869″ W
G1K19	WTG	36°52′11.50553780″ N	075°13′22.69577588″ W
G1M11	WTG	36°50′19.38704718″ N	075°20′36.36163083″ W
G1L03	WTG	36°51′13.39015630″ N	075°28′11.19226080″ W
G1M12	WTG	36°50′19.54503681″ N	075°19′40.40255901″ W
G1L04	WTG	36°51′13.60768637″ N	075°27′15.22311182″ W
G1M13	WTG	36°50′19.69570706″ N	075°18′44.44336883″ W
G1L05	WTG	36°51′13.81789345″ N	075°26′19.25379877″ W
G1M14	WTG	36°50′19.83906437″ N	075°17′48.48406591″ W
G1L06	WTG	36°51′14.02078396″ N	075°25′23.28432730″ W
G1M15	WTG	36°50′19.97510546″ N	075°16′52.52465182″ W
G1L07	WTG	36°51′14.21635459″ N	075°24′27.31470302″ W
G1M16	WTG	36°50′20.10382703″ N	075°15′56.56514024″ W
G1L08	WTG	36°51′14.40460203″ N	075°23′31.34493152″ W
G1M17	WTG	36°50′20.22523552″ N	075°15′00.60553275″ W
G1L09	WTG	36°51′14.58553272″ N	075°22′35.37501844″ W
G1M18	WTG	36°50′20.33932767″ N	075°14′04.64583497″ W
G1L10	WTG	36°51′14.75914336″ N	075°21′39.40496939″ W
G1M19	WTG	36°50′20.44610343″ N	075°13′08.68605250″ W
G1L12	WTG	36°51′15.08440100″ N	075°19′47.46448580″ W
G1N03	WTG	36°49′22.32924535″ N	075°27′56.82891331″ W
G1L13	WTG	36°51′15.23605115″ N	075°18′51.49406251″ W
G1N04	WTG	36°49′22.54474453″ N	075°27′00.88220767″ W
G1L14	WTG	36°51′15.38038104″ N	075°17′55.52352570″ W
G1N05	WTG	36°49′22.75293211″ N	075°26′04.93533961″ W
G1L15	WTG	36°51′15.51738738″ N	075°16′59.55288098″ W

Name	Facility type	Latitude	Longitude
G1N06	WTG	36°49'22.95380477" N	075°25'08.98831473" W
G1L16	WTG	36°51'15.64707661" N	075°16'03.58213399" W
G1N07	WTG	36°49'23.14736895" N	075°24'13.04113865" W
G1L17	WTG	36°51'15.76944545" N	075°15'07.61129032" W
G1N08	WTG	36°49'23.33362134" N	075°23'17.09381697" W
G1L18	WTG	36°51'15.88449062" N	075°14'11.64035558" W
G1N09	WTG	36°49'23.51255863" N	075°22'21.14635529" W
G1L19	WTG	36°51'15.99221858" N	075°13'15.66933541" W
G1N10	WTG	36°49'23.68418726" N	075°21'25.19875519" W
G1N11	WTG	36°49'23.84850393" N	075°20'29.25103034" W
G2F06	WTG	36°55'51.61831765" N	075°25'59.09646230" W
G1N12	WTG	36°49'24.00550534" N	075°19'33.30318231" W
G2F07	WTG	36°55'51.81892515" N	075°25'03.07058271" W
G1N13	WTG	36°49'24.15519793" N	075°18'37.35521671" W
G2F08	WTG	36°55'52.01218908" N	075°24'07.04455187" W
G1N14	WTG	36°49'24.29757841" N	075°17'41.40713915" W
G2F09	WTG	36°55'52.19811586" N	075°23'11.01837544" W
G1N15	WTG	36°49'24.43264349" N	075°16'45.45895522" W
G2F10	WTG	36°55'52.37670219" N	075°22'14.99205905" W
G1N16	WTG	36°49'24.56039962" N	075°15'49.51067054" W
G2F11	WTG	36°55'52.54794477" N	075°21'18.96560832" W
G1N17	WTG	36°49'24.68084352" N	075°14'53.56229072" W
G2G03	WTG	36°54'55.47610540" N	075°28'39.95488075" W
G1N18	WTG	36°49'24.79397189" N	075°13'57.61382134" W
G2G04	WTG	36°54'55.69770649" N	075°27'43.94075021" W
G1N19	WTG	36°49'24.89979121" N	075°13'01.66526804" W
G2G05	WTG	36°54'55.91197477" N	075°26'47.92645237" W
G2B06	WTG	36°59'33.71078023" N	075°26'27.78408472" W
G2G06	WTG	36°54'56.11890692" N	075°25'51.91199284" W
G2B07	WTG	36°59'33.91543395" N	075°25'31.71304424" W
G2G08	WTG	36°54'56.51075936" N	075°23'59.88261121" W
G2C05	WTG	36°58'38.57467997" N	075°27'20.62031850" W
G2G09	WTG	36°54'56.69568276" N	075°23'03.86770040" W
G2C06	WTG	36°58'38.21250366" N	075°26'20.58758650" W
G2G10	WTG	36°54'56.87326655" N	075°22'07.85265041" W
G2C07	WTG	36°58'38.41606238" N	075°25'24.55006971" W
G2H03	WTG	36°53'59.94685093" N	075°28'32.77985639" W
G2D04	WTG	36°57'42.25404052" N	075°28'05.53076883" W
G2H04	WTG	36°54'00.16743776" N	075°27'36.77698565" W
G2D05	WTG	36°57'42.47136588" N	075°27'09.48264513" W
G2H05	WTG	36°54'00.38069261" N	075°26'40.77394842" W
G2D06	WTG	36°57'42.68134287" N	075°26'13.43435729" W
G2H06	WTG	36°54'00.58661217" N	075°25'44.77075028" W
G2D07	WTG	36°57'42.88396818" N	075°25'17.38591093" W
G2H07	WTG	36°54'00.78520287" N	075°24'48.76739692" W
G2D08	WTG	36°57'43.07924823" N	075°24'21.33731172" W
G2H08	WTG	36°54'00.97646139" N	075°23'52.76389394" W
G2D09	WTG	36°57'43.26717972" N	075°23'25.28856531" W
G2H09	WTG	36°54'01.16038445" N	075°22'56.76024694" W
G2D10	WTG	36°57'43.44775934" N	075°22'29.23967731" W
G2J03	WTG	36°53'04.41747586" N	075°28'25.56744405" W
G2D11	WTG	36°57'43.62099353" N	075°21'33.19065340" W
G2J04	WTG	36°53'04.63703769" N	075°27'29.57582449" W
G2E03	WTG	36°56'46.50113710" N	075°28'54.35420276" W
G2J05	WTG	36°53'04.84927487" N	075°26'33.58403927" W
G2E04	WTG	36°56'46.72478481" N	075°27'58.31753397" W
G2J06	WTG	36°53'05.05418408" N	075°25'37.59209399" W
G2E05	WTG	36°56'46.94108831" N	075°27'02.28069620" W
G2J07	WTG	36°53'05.25176202" N	075°24'41.59999425" W
G2E06	WTG	36°56'47.15004427" N	075°26'06.24369509" W
G2J09	WTG	36°53'05.62494006" N	075°22'49.61534996" W
G2E07	WTG	36°56'47.35165913" N	075°25'10.20653631" W
G2K03	WTG	36°52'08.88765106" N	075°28'18.39844436" W
G2E08	WTG	36°56'47.54592958" N	075°24'14.16922549" W
G2K04	WTG	36°52'09.10620073" N	075°27'22.41806364" W
G2E09	WTG	36°56'47.73285231" N	075°23'18.13176420" W
G2K05	WTG	36°52'09.31742657" N	075°26'26.43752208" W
G2E10	WTG	36°56'47.91243374" N	075°22'22.09416621" W
G2K06	WTG	36°52'09.52132527" N	075°25'30.45682126" W
G2E11	WTG	36°56'48.08467058" N	075°21'26.05643310" W
G2K07	WTG	36°52'09.71790326" N	075°24'34.47596683" W
G2F03	WTG	36°55'50.97245702" N	075°28'47.17314135" W
G2K08	WTG	36°52'09.90715725" N	075°23'38.49496439" W
G2F04	WTG	36°55'51.19508514" N	075°27'51.14774524" W

Name	Facility type	Latitude	Longitude
G2K09	WTG	36°52'10.08908391" N	075°22'42.51381954" W
G2F05	WTG	36°55'51.41036987" N	075°26'55.12218502" W
G3F14	WTG	36°55'53.01763543" N	075°18'30.88550656" W
G3B12	WTG	36°59'34.82834796" N	075°20'51.35563765" W
G3F15	WTG	36°55'53.15951871" N	075°17'34.85857490" W
G3B13	WTG	36°59'34.98885750" N	075°19'55.28375508" W
G3F16	WTG	36°55'53.29406124" N	075°16'38.83153710" W
G3B14	WTG	36°59'35.14201327" N	075°18'59.21175196" W
G3F19	WTG	36°55'53.65364064" N	075°13'50.74984322" W
G3B15	WTG	36°59'35.28781198" N	075°18'03.13963394" W
G3G11	WTG	36°54'57.04351716" N	075°21'11.83746691" W
G3B16	WTG	36°59'35.42625034" N	075°17'07.06740666" W
G3G12	WTG	36°54'57.20643128" N	075°20'15.82215551" W
G3B17	WTG	36°59'35.55733479" N	075°16'10.99507580" W
G3G13	WTG	36°54'57.36200563" N	075°19'19.80672183" W
G3B18	WTG	36°59'35.68106205" N	075°15'14.92264701" W
G3G14	WTG	36°54'57.51024665" N	075°18'23.79117153" W
G3C12	WTG	36°58'39.32403511" N	075°20'44.22693929" W
G3G16	WTG	36°54'57.78471551" N	075°16'31.75974356" W
G3C13	WTG	36°58'39.48355669" N	075°19'48.16635951" W
G3G17	WTG	36°54'57.91094652" N	075°15'35.74387716" W
G3C14	WTG	36°58'39.63572535" N	075°18'52.10565996" W
G3G18	WTG	36°54'58.02984078" N	075°14'39.72791666" W
G3C16	WTG	36°58'39.91800046" N	075°16'59.98392414" W
G3G19	WTG	36°54'58.14139499" N	075°13'43.71186768" W
G3C17	WTG	36°58'40.04811007" N	075°16'03.92289920" W
G3H12	WTG	36°54'01.66816614" N	075°20'08.74849831" W
G3C18	WTG	36°58'40.17086334" N	075°15'07.86177303" W
G3H13	WTG	36°54'01.82276296" N	075°19'12.74433164" W
G3C19	WTG	36°58'40.28626670" N	075°14'11.80055940" W
G3H14	WTG	36°54'01.97002729" N	075°18'16.74004507" W
G3C20	WTG	36°58'40.39431689" N	075°13'15.73925991" W
G3H16	WTG	36°54'02.24255501" N	075°16'24.73115496" W
G3D12	WTG	36°57'43.78687899" N	075°20'37.14149923" W
G3H17	WTG	36°54'02.36782157" N	075°15'28.72655864" W
G3D13	WTG	36°57'43.94541242" N	075°19'41.09222040" W
G3H19	WTG	36°54'02.59635341" N	075°13'36.71709160" W
G3D14	WTG	36°57'44.09660027" N	075°18'45.04281857" W
G3J12	WTG	36°53'06.12974216" N	075°20'01.63737188" W
G3D16	WTG	36°57'44.37692600" N	075°16'52.94368860" W
G3J13	WTG	36°53'06.28335394" N	075°19'05.64446363" W
G3D17	WTG	36°57'44.50606705" N	075°15'56.89396774" W
G3J15	WTG	36°53'06.56858897" N	075°17'13.65830753" W
G3D18	WTG	36°57'44.62785910" N	075°15'00.84415047" W
G3J16	WTG	36°53'06.70021537" N	075°16'17.66507094" W
G3D19	WTG	36°57'44.74230209" N	075°14'04.79424245" W
G3J17	WTG	36°53'06.82450998" N	075°15'21.67173614" W
G3D20	WTG	36°57'44.84939275" N	075°13'08.74424932" W
G3J18	WTG	36°53'06.94147924" N	075°14'25.67830877" W
G3E13	WTG	36°56'48.40710702" N	075°19'33.98058407" W
G3J19	WTG	36°53'07.05111989" N	075°13'29.68479445" W
G3E14	WTG	36°56'48.55730976" N	075°18'37.94247944" W
T1L11	OSS	36°51'14.92543064" N	075°20'43.43478996" W
G3E15	WTG	36°56'48.70016447" N	075°17'41.90426225" W
T2G07	OSS	36°54'56.31849964" N	075°24'55.89737723" W
G3E16	WTG	36°56'48.83567758" N	075°16'45.86593816" W
T3G15	OSS	36°54'57.65115104" N	075°17'27.77551023" W
G3E17	WTG	36°56'48.96384581" N	075°15'49.82751279" W
G3E18	WTG	36°56'49.08466587" N	075°14'53.78899178" W
G3F12	WTG	36°55'52.71185004" N	075°20'22.93902891" W
G3F13	WTG	36°55'52.86841469" N	075°19'26.91232645" 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 Fifth

Coast Guard District Commander in the enforcement of the safety zones.

(c) *Regulations.* No vessel may enter or remain in this safety zone except for the following:

(1) An attending vessel, as defined in 33 CFR 147.20;

(2) A vessel authorized by the Fifth Coast Guard District Commander or a designated representative.

(d) *Request for Permission.* Persons or vessels seeking to enter the safety zone must request authorization from the Fifth Coast Guard District Commander or a designated representative. If permission is granted, all persons and

vessels must comply with lawful instructions of the Fifth Coast Guard District Commander or designated representative via VHF-FM channel 16 or by phone at 757-398-6391 (Fifth Coast Guard District Command Center).

(e) *Effective and enforcement periods.* This section will be in effect from May 1, 2024, through 11:59 p.m. on May 1, 2027. Individual safety zones designated in the table in subparagraph (a) will only be subject to enforcement, however, during active construction or other circumstances which may create a hazard to navigation as determined by the Fifth Coast Guard District Commander. The Fifth Coast Guard District Commander will provide notification of the exact dates and times each safety zone is subject to enforcement in advance of each enforcement period for each of the locations listed above, in paragraph (a) of this section. Notifications will be made to the local maritime community through the Local Notice to Mariners and the Coast Guard will issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM) as soon as practicable in response to an emergency. If the entire project is completed before May 1, 2027, enforcement of the safety zones will be suspended, and notice given via Local Notice to Mariners. The Fifth Coast Guard District Local Notice to Mariners can be found at: <https://www.navcen.uscg.gov>.

Dated: January 22, 2024.

S.N. Gilreath,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2024-01546 Filed 1-25-24; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-R06-OAR-2023-0536; FRL-11640-01-R6]

Clean Air Act Reclassification of the San Antonio, Dallas-Fort Worth, and Houston-Galveston Brazoria Ozone Nonattainment Areas; TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to grant a request from the Governor of Texas to reclassify the San Antonio, Dallas-Fort Worth (DFW), and Houston-Galveston Brazoria (HGB) ozone

nonattainment areas from Moderate to Serious for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA is also herein outlining its interpretation that following reclassification, a state is no longer required to submit SIP revisions addressing the following requirements related to the prior reclassification level for an ozone nonattainment area: a demonstration of attainment by the prior attainment date; a Reasonably Available Control Measures (RACM) analysis tied to the prior attainment date; and contingency measures specifically related to the area's failure to attain by the prior attainment date. The EPA is also proposing deadlines for the Texas Commission on Environmental Quality (TCEQ or State) to submit revisions to the State Implementation Plan (SIP) addressing the Serious area requirements and for the first transportation control demonstrations for these areas. The EPA is also proposing deadlines for implementation of new Reasonably Available Control Technology (RACT) rules and for any new or revised Enhanced vehicle Inspection and Maintenance (I/M) programs.

DATES: Written comments should be received on or before February 26, 2024.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2023-0536, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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, please contact Ms. Carrie Paige, 214-665-6521, paige.carrie@epa.gov. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

Docket: The index to the docket for this action is available electronically at

www.regulations.gov. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Paige, EPA Region 6 Office, Infrastructure and Ozone Section, 214-665-6521, paige.carrie@epa.gov. The EPA encourages the public to submit comments via <https://www.regulations.gov>.

Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we” or “our” is used, we mean the EPA.

I. EPA's Proposed Action

The EPA is proposing to grant a request submitted by Texas Governor Greg Abbott to reclassify the San Antonio, DFW, and HGB ozone nonattainment areas from Moderate to Serious for the 2015 ozone NAAQS. The EPA is also herein outlining its interpretation that following reclassification, a state is no longer required to submit SIP revisions addressing the following requirements related to the prior reclassification level for an ozone nonattainment area: (1) a demonstration of attainment by the prior attainment date, (2) a RACM analysis tied to the prior attainment date, and (3) contingency measures specifically related to the area's failure to attain by the prior attainment date. Accordingly, if EPA were to finalize its reclassification of the San Antonio, DFW, and HGB areas to Serious for the 2015 ozone NAAQS, Texas would no longer be required to submit these three identified SIP elements as they relate to the Moderate classification level, and EPA's October 18, 2023, Finding of Failure to Submit¹ would be mooted as to these specific SIP elements.

The EPA is also proposing a deadline for the TCEQ to submit revisions to the SIP addressing the Serious area requirements for these areas; specifically, the EPA is proposing and taking comment on a range of deadlines, from 12 to 18 months from the effective date of the EPA's final rule reclassifying the San Antonio, DFW, and HGB areas as Serious, for the TCEQ to submit the revised SIPs addressing the Serious area requirements for these nonattainment areas. The EPA is also proposing a deadline for implementation of new RACT rules as expeditiously as practicable but no later than January 1,

¹ 88 FR 71757, (October 18, 2023). Henceforth referred to as the “October 2023 findings.”