

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### 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 rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined 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 rule involves a safety zone lasting no more than 36 days. It will prohibit entry within all navigable waters within a 2000-ft radius of an unexploded ordnance detonation zone identified by law enforcement vessels showing flashing blue lights in the vicinity of Passage Key Air-to-Ground Gunnery Range located in Manatee County, FL. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### 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 amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T07–0989 to read as follows:

#### § 165.T07–0989 Safety Zone; Unexploded Ordnance Detonation; Passage Key, FL.

(a) *Regulated areas.* The following regulated area is a safety zone; all waters within a 2000-ft radius of the unexploded ordnance detonation zone around the Passage Key Air-to-Ground Gunnery Range located in Manatee County, FL, identified by several law enforcement vessels showing flashing blue lights.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard boat coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officials designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Enforcement period.* This rule is effective without actual notice from November 17, 2015 through December 18, 2015. For purposes of enforcement, actual notice will be used from November 6, 2015 through November 17, 2015.

(d) *Regulations.* (1) All persons and vessels desiring to enter or remain within the regulated area may contact the Captain of the Port St. Petersburg by telephone at (727) 824–7524, or a designated representative via VHF radio on channel 16, to request authorization.

(2) If authorization to enter or remain within the regulated area is granted by

the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative. Recreational vessels authorized to enter the regulated area may be subject to boarding and inspection of the vessel and persons onboard.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, and/or on-scene designated representatives.

Dated: November 10, 2015.

#### G.D. Case,

*Captain, U.S. Coast Guard, Captain of the Port, St. Petersburg.*

[FR Doc. 2015–29347 Filed 11–16–15; 8:45 am]

BILLING CODE 9110–04–P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R10–OAR–2015–0600; FRL–9936–97–Region 10]

#### Approval and Promulgation of Implementation Plans; Washington: Additional Regulations for the Benton Clean Air Agency Jurisdiction

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the Washington State Implementation Plan (SIP) that were submitted by the Department of Ecology (Ecology) in coordination with Benton Clean Air Agency (BCAA) on August 25, 2015. In the fall of 2014 and spring of 2015, the EPA approved numerous revisions to Ecology’s general air quality regulations. However, our approval of the updated Ecology regulations applied only to geographic areas where Ecology, and not a local air authority, has jurisdiction, and statewide to source categories over which Ecology has sole jurisdiction. This final approval allows BCAA to rely primarily on Ecology’s general air quality regulations for sources within BCAA’s jurisdiction, including implementation of the minor new source review and nonattainment new source review permitting programs. This final action also approves of a small set of BCAA regulatory provisions that replace or supplement parts of Ecology’s general air quality regulations.

**DATES:** This final rule is effective December 17, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2015-0600. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR**

**FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information please contact Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or by using the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Background Information
- II. Final Action
- III. Incorporation by Reference
- IV. Statutory and Executive Orders Review

**I. Background Information**

On September 15, 2015, the EPA proposed to approve revisions to the general air quality regulations contained in the Washington SIP as they apply to BCAA's jurisdiction (80 FR 55280). An

explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on October 15, 2015. The EPA received no comments on the proposal.

**II. Final Action**

*A. Regulations Approved and Incorporated by Reference Into the SIP*

The EPA is approving and incorporating by reference into the Washington SIP at 40 CFR 52.2470(c)—Table 4, "Additional Regulations Approved for the Benton Clean Air Agency (BCAA) Jurisdiction" the BCAA and Ecology regulations listed in the tables below for sources within BCAA's jurisdiction.

**APPROVED BENTON CLEAN AIR AGENCY (BCAA) REGULATIONS**

State/local citation	Title/subject	State/local effective date	Explanation
Regulation 1			
1.01 .....	Name of Agency .....	12/11/14	
1.02 .....	Policy and Purpose .....	12/11/14	Replaces WAC 173-400-010.
1.03 .....	Applicability .....	12/11/14	Replaces WAC 173-400-020.
4.01(A) .....	Definitions—Fugitive Dust .....	12/11/14	Replaces WAC 173-400-030 (38).
4.01(B) .....	Definitions—Fugitive Emissions .....	12/11/14	Replaces WAC 173-400-030 (39).
4.02(B) .....	Particulate Matter Emissions—Fugitive Emissions .....	12/11/14	Replaces WAC 173-400-040(4).
4.02(C)(1) .....	Particulate Matter Emissions—Fugitive Dust .....	12/11/14	Replaces WAC 173-400-040(9)(a).
4.02(C)(3) .....	Particulate Matter Emissions—Fugitive Dust .....	12/11/14	Replaces WAC 173-400-040(9)(b).

**APPROVED WASHINGTON STATE DEPARTMENT OF ECOLOGY REGULATIONS**

State/local citation	Title/subject	State/local effective date	Explanation
Chapter 173-400 WAC, General Regulations for Air Pollution Sources			
173-400-030 ....	Definitions .....	12/29/12	Except: 173-400-030(38); 173-400-030(39); 173-400-030(91).
173-400-036 ....	Relocation of Portable Sources .....	12/29/12	
173-400-040 ....	General Standards for Maximum Emissions .....	4/1/11	Except: 173-400-040(2)(c); 173-400-040(2)(d); 173-400-040(3); 173-400-040(4); 173-400-040(5); 173-400-040(7), second paragraph; 173-400-040(9)(a); 173-400-040(9)(b).
173-400-050 ....	Emission Standards for Combustion and Incineration Units	12/29/12	Except: 173-400-050(2); 173-400-050(4); 173-400-050(5).
173-400-060 ....	Emission Standards for General Process Units .....	2/10/05	
173-400-070 ....	Emission Standards for Certain Source Categories .....	12/29/12	Except: 173-400-070(7); 173-400-070(8).
173-400-081 ....	Startup and Shutdown .....	4/1/11	
173-400-091 ....	Voluntary Limits on Emissions .....	4/1/11	
173-400-105 ....	Records, Monitoring and Reporting .....	12/29/12	
173-400-110 ....	New Source Review (NSR) for Sources and Portable Sources.	12/29/12	Except: 173-400-110(1)(c)(ii)(C); 173-400-110(1)(e); 173-400-110(2)(d); —The part of WAC 173-400-110(4)(b)(vi) that says, "not for use with materials containing toxic air pollutants, as listed in chapter 173-460 WAC,";

APPROVED WASHINGTON STATE DEPARTMENT OF ECOLOGY REGULATIONS—Continued

State/local citation	Title/subject	State/local effective date	Explanation
			<ul style="list-style-type: none"> <li>—The part of 400–110(4)(e)(iii) that says, “where toxic air pollutants as defined in chapter 173–460 WAC are not emitted”;</li> <li>The part of 400–110(4)(e)(f)(i) that says, “that are not toxic air pollutants listed in chapter 173–460 WAC”;</li> <li>—The part of 400–110(4)(h)(xviii) that says, “, to the extent that toxic air pollutant gases as defined in chapter 173–460 WAC are not emitted”;</li> <li>—The part of 400–110(4)(h)(xxxiii) that says, “where no toxic air pollutants as listed under chapter 173–460 WAC are emitted”;</li> <li>—The part of 400–110(4)(h)(xxxiv) that says, “, or ≤1% (by weight) toxic air pollutants as listed in chapter 173–460 WAC”;</li> <li>The part of 400–110(4)(h)(xxxv) that says, “or ≤1% (by weight) toxic air pollutants”;</li> <li>—The part of 400–110(4)(h)(xxxvi) that says, “or ≤1% (by weight) toxic air pollutants as listed in chapter 173–460 WAC”;</li> <li>400–110(4)(h)(xl), second sentence;</li> <li>—The last row of the table in 173–400–110(5)(b) regarding exemption levels for Toxic Air Pollutants.</li> </ul>
173–400–111 ....	Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources.	12/29/12	<ul style="list-style-type: none"> <li>Except: 173–400–111(3)(h);</li> <li>—The part of 173–400–111(8)(a)(v) that says, “and 173–460–040,”; 173–400–111(9).</li> </ul>
173–400–112 ....	Requirements for New Sources in Nonattainment Areas—Review for Compliance with Regulations.	12/29/12	Except: 173–400–112(8).
173–400–113 ....	New Sources in Attainment or Unclassifiable Areas—Review for Compliance with Regulations.	12/29/12	Except: 173–400–113(3), second sentence.
173–400–117 ....	Special Protection Requirements for Federal Class I Areas	12/29/12	Except facilities subject to the applicability provisions of WAC 173–400–700.
173–400–118 ....	Designation of Class I, II, and III Areas .....	12/29/12	
173–400–131 ....	Issuance of Emission Reduction Credits .....	4/1/11	
173–400–136 ....	Use of Emission Reduction Credits (ERC) .....	12/29/12	
173–400–151 ....	Retrofit Requirements for Visibility Protection .....	2/10/05	
173–400–171 ....	Public Notice and Opportunity for Public Comment .....	12/29/12	<ul style="list-style-type: none"> <li>Except:</li> <li>—The part of 173–400–171(3)(b) that says, “or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173–460 WAC”;</li> <li>173–400–171(12).</li> </ul>
173–400–175 ....	Public Information .....	2/10/05	
173–400–200 ....	Creditable Stack Height & Dispersion Techniques .....	2/10/05	
173–400–560 ....	General Order of Approval .....	12/29/12	<ul style="list-style-type: none"> <li>Except:</li> <li>—The part of 173–400–560(1)(f) that says, “173–460 WAC”.</li> </ul>
173–400–800 ....	Major Stationary Source and Major Modification in a Non-attainment Area.	4/1/11	
173–400–810 ....	Major Stationary Source and Major Modification Definitions	12/29/12	
173–400–820 ....	Determining if a New Stationary Source or Modification to a Stationary Source is Subject to these Requirements.	12/29/12	
173–400–830 ....	Permitting Requirements .....	12/29/12	
173–400–840 ....	Emission Offset Requirements .....	12/29/12	
173–400–850 ....	Actual Emissions Plantwide Applicability Limitation (PAL) ..	12/29/12	
173–400–860 ....	Public Involvement Procedures .....	4/1/11	

*B. Regulations Approved But Not Incorporated by Reference*

In addition to the regulations approved and incorporated by reference above, the EPA reviews and approves

state and local clean air agency submissions to ensure they provide adequate enforcement authority and other general authority to implement and enforce the SIP. However,

regulations describing such agency enforcement and other general authority are generally not incorporated by reference so as to avoid potential conflict with the EPA’s independent

authorities. The EPA reviewed and is approving BCAA, Regulation 1, Article 2, *General Provisions*, as having adequate enforcement and other general authority for purposes of implementing and enforcing the SIP, but is not incorporating this section by reference into the SIP codified in 40 CFR 52.2470(c). Instead, the EPA is including sections 2.01, *Powers and Duties of the Benton Clean Air Agency (BCAA)*; 2.02, *Requirements for Board of Directors Members* (replaces WAC 173-400-220); 2.03, *Powers and Duties of the Board of Directors*; 2.04, *Powers and Duties of the Control Officer*; 2.05, *Severability*; and 2.06, *Confidentiality of Records and Information*, in 40 CFR 52.2470(e), *EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures*, as approved but not incorporated by reference regulatory provisions. Finally, for the reasons discussed above, the EPA is moving WAC 173-400-220, *Requirements for Board Members*; WAC 173-400-230, *Regulatory Actions*; WAC 173-400-240, *Criminal Penalties*; WAC 173-400-250, *Appeals*; and WAC 173-400-260, *Conflict of Interest*, currently incorporated by reference in 40 CFR 52.2470(c)—Table 4, to the list of provisions in 40 CFR 52.2470(e) that are approved but not incorporated by reference.

### C. Regulations Removed From the SIP

The regulations contained in Washington's SIP at 40 CFR 52.2470(c)—Table 4 were last approved by the EPA on June 2, 1995 (60 FR 28726). The EPA is removing from this table WAC 173-400-010 and 173-400-020 because these provisions are replaced by the BCAA corollaries 1.02, *Policy and Purpose* and 1.03, *Applicability*, as shown in *Attachment 2* of the SIP revision. We are also removing WAC 173-400-100, because this outdated provision is no longer part of the EPA-approved SIP for Ecology's direct jurisdiction under CFR 52.2470(c)—Table 2 and BCAA has requested that it be removed from the BCAA's jurisdiction under CFR 52.2470(c)—Table 4. For more information please see the EPA's proposed (79 FR 39351, July 10, 2014) and final (79 FR 59653, October 3, 2014) actions on the general provisions of Chapter 173-400 WAC.

### D. Scope of Proposed Action

This revision to the SIP applies specifically to the BCAA jurisdiction incorporated into the SIP at 40 CFR 52.2470(c)—Table 4. As discussed in the EPA's October 3, 2014 action on the general provisions of Chapter 173-400

WAC, jurisdiction is generally defined on a geographic basis (Benton County); however there are exceptions (79 FR 59653 at page 59654). By statute, BCAA does not have authority for sources under the jurisdiction of the Energy Facilities Site Evaluation Council (EFSEC). See Revised Code of Washington Chapter 80.50. Under the applicability provisions of WAC 173-405-012, WAC 173-410-012, and WAC 173-415-012, BCAA also does not have jurisdiction for kraft pulp mills, sulfate pulping mills, and primary aluminum plants. For these sources, Ecology retains statewide, direct jurisdiction. Ecology also retains statewide, direct jurisdiction for the Prevention of Significant Deterioration (PSD) permitting program. Therefore, the EPA is not approving into 40 CFR 52.2470(c)—Table 4 those provisions of Chapter 173-400 WAC related to the PSD program. Specifically, these provisions are WAC 173-400-116 and WAC 173-400-700 through 750.

As described in the EPA's April 29, 2015 action, jurisdiction to implement the visibility permitting program contained in WAC 173-400-117 varies depending on the situation. Ecology retains authority to implement WAC 173-400-117 as it relates to PSD permits (80 FR 23721 at page 23726). However for facilities subject to nonattainment new source review (NNSR) under the applicability provisions of WAC 173-400-800, we are approving BCAA to implement those parts of WAC 173-400-117 as they relate to NNSR permits. See 80 FR 23726.

Lastly, the SIP is not approved to apply in Indian reservations in the State, except for non-trust land within the exterior boundaries of the Puyallup Indian Reservation (also known as the 1873 Survey Area), or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

### III. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, the EPA is revising our incorporation by reference of 40 CFR 52.2470(c)—Table 4 "Additional Regulations Approved for the Benton Clean Air Agency (BCAA) Jurisdiction" to reflect the regulations shown in the tables in section III.A. *Regulations to Approve and Incorporate by Reference into the SIP* and the rules removed from the SIP in section III.C. *Regulations to Remove from the SIP*. The EPA has made, and will continue to make, these documents generally available electronically through <http://www.regulations.gov> and/or in hard

copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

### IV. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
  - does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
  - does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
  - does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal

governments or preempt tribal law. This SIP revision is not approved to apply in Indian reservations in the State or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a

“major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 19, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 3, 2015.

**Dennis J. McLerran**,  
*Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for Part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

**Subpart WW—Washington**

■ 2. In § 52.2470, revise Table 4 in paragraph (c) and Table 1 in paragraph (e) to read as follows:

**§ 52.2470 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**TABLE 4—ADDITIONAL REGULATIONS APPROVED FOR THE BENTON CLEAN AIR AGENCY (BCAA) JURISDICTION**

[Applicable in Benton County, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173–400–700, 173–405–012, 173–410–012, and 173–415–012]

State citation	Title/subject	State effective date	EPA approval date	Explanations
<b>Benton Clean Air Agency (BCAA) Regulations</b>				
Regulation 1				
1.01 .....	Name of Agency .....	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	
1.02 .....	Policy and Purpose .....	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–010.
1.03 .....	Applicability .....	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–020.
4.01(A) .....	Definitions—Fugitive Dust .....	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–030 (38).
4.01(B) .....	Definitions—Fugitive Emissions ....	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–030 (39).
4.02(B) .....	Particulate Matter Emissions—Fugitive Emissions.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–040(4).
4.02(C)(1) .....	Particulate Matter Emissions—Fugitive Dust.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–040(9)(a).
4.02(C)(3) .....	Particulate Matter Emissions—Fugitive Dust.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–040(9)(b).
<b>Washington Department of Ecology Regulations</b>				
Washington Administrative Code, Chapter 173–400—General Regulations for Air Pollution Sources				
173–400–030 ....	Definitions .....	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173–400–030(38); 173–400–030(39); 173–400–030(91).
173–400–036 ....	Relocation of Portable Sources ....	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	
173–400–040 ....	General Standards for Maximum Emissions.	4/1/11	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173–400–040(2)(c); 173–400–040(2)(d); 173–400–040(3); 173–400–040(4); 173–400–040(5); 173–400–040(7), second paragraph; 173–400–040(9)(a); 173–400–040(9)(b).
173–400–050 ....	Emission Standards for Combustion and Incineration Units.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173–400–050(2); 173–400–050(4); 173–400–050(5).

TABLE 4—ADDITIONAL REGULATIONS APPROVED FOR THE BENTON CLEAN AIR AGENCY (BCAA) JURISDICTION—  
Continued

[Applicable in Benton County, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173-400-700, 173-405-012, 173-410-012, and 173-415-012]

State citation	Title/subject	State effective date	EPA approval date	Explanations
173-400-060 ....	Emission Standards for General Process Units.	2/10/05	11/17/15 [Insert <b>Federal Register</b> citation].	
173-400-070 ....	Emission Standards for Certain Source Categories.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173-400-070(7); 173-400-070(8).
173-400-081 ....	Startup and Shutdown .....	4/1/11	11/17/15 [Insert <b>Federal Register</b> citation].	
173-400-091 ....	Voluntary Limits on Emissions .....	4/1/11	11/17/15 [Insert <b>Federal Register</b> citation].	
173-400-105 ....	Records, Monitoring and Reporting.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	
173-400-107 ....	Excess Emissions .....	9/20/93	6/2/95, 60 FR 28726.	
173-400-110 ....	New Source Review (NSR) for Sources and Portable Sources.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173-400-110(1)(c)(ii)(C); 173-400-110(1)(e); 173-400-110(2)(d); —The part of WAC 173-400-110(4)(b)(vi) that says, “not for use with materials containing toxic air pollutants, as listed in chapter 173-460 WAC,”; —The part of 400-110(4)(e)(iii) that says, “where toxic air pollutants as defined in chapter 173-460 WAC are not emitted”; The part of 400-110(4)(e)(f)(i) that says, “that are not toxic air pollutants listed in chapter 173-460 WAC”; —The part of 400-110(4)(h)(xviii) that says, “, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted”; —The part of 400-110(4)(h)(xxiii) that says, “where no toxic air pollutants as listed under chapter 173-460 WAC are emitted”; —The part of 400-110(4)(h)(xxiv) that says, “, or ≤1% (by weight) toxic air pollutants as listed in chapter 173-460 WAC”; —The part of 400-110(4)(h)(xxv) that says, “or ≤1% (by weight) toxic air pollutants”; —The part of 400-110(4)(h)(xxvi) that says, “or ≤ 1% (by weight) toxic air pollutants as listed in chapter 173-460 WAC”; 400-110(4)(h)(xl), second sentence; —The last row of the table in 173-400-110(5)(b) regarding exemption levels for Toxic Air Pollutants.
173-400-111 ....	Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173-400-111(3)(h); —The part of 173-400-111(8)(a)(v) that says, “and 173-460-040,”; 173-400-111(9).
173-400-112 ....	Requirements for New Sources in Nonattainment Areas—Review for Compliance with Regulations.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173-400-112(8).
173-400-113 ....	New Sources in Attainment or Unclassifiable Areas—Review for Compliance with Regulations.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: 173-400-113(3), second sentence.
173-400-117 ....	Special Protection Requirements for Federal Class I Areas.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except facilities subject to the applicability provisions of WAC 173-400-700.

TABLE 4—ADDITIONAL REGULATIONS APPROVED FOR THE BENTON CLEAN AIR AGENCY (BCAA) JURISDICTION—  
Continued

[Applicable in Benton County, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173-400-700, 173-405-012, 173-410-012, and 173-415-012]

State citation	Title/subject	State effective date	EPA approval date	Explanations	
173-400-118 ....	Designation of Class I, II, and III Areas.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].	Except: —The part of 173-400-171(3)(b) that says, “or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC”; 173-400-171(12).	
173-400-131 ....	Issuance of Emission Reduction Credits.	4/1/11	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-136 ....	Use of Emission Reduction Credits (ERC).	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-151 ....	Retrofit Requirements for Visibility Protection.	2/10/05	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-161 ....	Compliance Schedules .....	3/22/91	6/2/95, 60 FR 28726.		
173-400-171 ....	Public Notice and Opportunity for Public Comment.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-175 ....	Public Information .....	2/10/05	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-190 ....	Requirements for Nonattainment Areas.	3/22/91	6/2/95, 60 FR 28726.		
173-400-200 ....	Creditable Stack Height & Dispersion Techniques.	2/10/05	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-205 ....	Adjustment for Atmospheric Conditions.	3/22/91	6/2/95, 60 FR 28726.		
173-400-210 ....	Emission Requirements of Prior Jurisdictions.	3/22/91	6/2/95, 60 FR 28726.		
173-400-560 ....	General Order of Approval .....	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		Except: —The part of 173-400-560(1)(f) that says, “173-460 WAC”.
173-400-800 ....	Major Stationary Source and Major Modification in a Non-attainment Area.	4/1/11	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-810 ....	Major Stationary Source and Major Modification Definitions.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-820 ....	Determining if a New Stationary Source or Modification to a Stationary Source is Subject to these Requirements.	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-830 ....	Permitting Requirements .....	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-840 ....	Emission Offset Requirements ....	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-850 ....	Actual Emissions Plantwide Applicability Limitation (PAL).	12/29/12	11/17/15 [Insert <b>Federal Register</b> citation].		
173-400-860 ....	Public Involvement Procedures ....	4/1/11	11/17/15 [Insert <b>Federal Register</b> citation].		

\* \* \* \* \* (e) \* \* \*

TABLE 1—APPROVED BUT NOT INCORPORATED BY REFERENCE STATUTES AND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
<b>Washington Department of Ecology Regulations</b>				
173-433-200 ....	Regulatory Actions and Penalties	10/18/90	1/15/93, 58 FR 4578.	
173-400-220 ....	Requirements for Board Members	3/22/91	6/2/95, 60 FR 28726.	
173-400-230 ....	Regulatory Actions .....	3/20/93	6/2/95, 60 FR 28726.	
173-400-240 ....	Criminal Penalties .....	3/22/91	6/2/95, 60 FR 28726.	
173-400-250 ....	Appeals .....	9/20/93	6/2/95, 60 FR 28726.	

TABLE 1—APPROVED BUT NOT INCORPORATED BY REFERENCE STATUTES AND REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
173–400–260 ....	Conflict of Interest .....	3/22/91	6/2/95, 60 FR 28726.	
<b>Olympic Region Clean Air Agency Regulations</b>				
8.1.6 .....	Penalties .....	5/22/10	10/3/13, 78 FR 61188.	
<b>Spokane Regional Clean Air Agency Regulations</b>				
8.11 .....	Regulatory Actions and Penalties	09/02/14	09/28/15, 80 FR 58217.	
<b>Benton Clean Air Agency Regulations</b>				
2.01 .....	Powers and Duties of the Benton Clean Air Agency (BCAA).	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	Replaces WAC 173–400–220.
2.02 .....	Requirements for Board of Directors Members.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	
2.03 .....	Powers and Duties of the Board of Directors.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	
2.04 .....	Powers and Duties of the Control Officer.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	
2.05 .....	Severability .....	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	
2.06 .....	Confidentiality of Records and Information.	12/11/14	11/17/15 [Insert <b>Federal Register</b> citation].	

\* \* \* \* \*  
 [FR Doc. 2015–29180 Filed 11–16–15; 8:45 am]  
**BILLING CODE 6560–50–P**

**FEDERAL COMMUNICATIONS COMMISSION**  
**47 CFR Parts 2, 15, 74, 87, and 90**  
**[GN Docket Nos. 14–166 and 12–268; FCC 15–100]**

**Promoting Spectrum Access for Wireless Microphone Operations**

**AGENCY:** Federal Communications Commission.  
**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission takes several steps to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and live sports events. They enhance event productions in a variety of settings—including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. In particular, the Commission provides additional opportunities for wireless microphone operations in the TV bands following the upcoming incentive auction, and provides new opportunities for wireless microphone

operations to access spectrum in other frequency bands where they can share use of the bands without harming existing users.

**DATES:** Effective December 17, 2015, except for the amendments to §§ 15.37(k) and 74.851(l), which contain new or modified information collection requirements that require approval by the OMB under the *Paperwork Reduction Act* (PRA). The Commission will publish a document in the **Federal Register** announcing the effective date of the amendments when OMB approves. The incorporation by reference listed in the rule is approved by the Director of the Federal Register as of December 17, 2015.

**FOR FURTHER INFORMATION CONTACT:** Paul Murray, Office of Engineering and Technology, (202) 418–0688, email: [Paul.Murray@fcc.gov](mailto:Paul.Murray@fcc.gov), TTY (202) 418–2989.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s *Report and Order* (R&O), FCC 15–100, adopted August 5, 2015, and released August 11, 2015. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov). People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the

Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

**Summary of Report and Order**

1. The repurposing of broadcast television band spectrum for wireless services set forth in the *Incentive Auction R&O*, 79 FR 48441, August 15, 2014, will significantly alter the regulatory environment in which wireless microphones operate. Currently, wireless microphone users rely heavily on access to unused channels in the television bands. Following the incentive auction, with the repacking of the television band and the repurposing of current television spectrum for wireless services, there will be fewer frequencies in the UHF band available for use for wireless microphone operations. The Commission took several steps in the *Incentive Auction R&O* to accommodate wireless microphone operations—including providing more opportunities to access spectrum on the channels that will remain allocated for television post-auction and making the 600 MHz Band guard bands available for wireless microphone operations—while also recognizing that the reduction of total available UHF band spectrum will require many wireless microphone users to make adjustments over the next few years regarding the spectrum that they access and the equipment they use. To facilitate wireless microphone users’ ability to make these adjustments, the Commission provided that users could