

power and responsibilities among the various levels of government. We have analyzed this 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 rule does not have tribal implications under Executive Order 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 an 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 the establishment of a temporary safety zone. 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 will be 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 AREA**

■ 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, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0522 to read as follows:

#### **§ 165.T01–0522 Safety Zone; Raritan Bay, Perth Amboy, NJ.**

(a) *Regulated area.* The following area is a temporary safety zone: All navigable waters of Raritan Bay within a 300-yard radius of the fireworks barge located in approximate position 40°29'28" N, 074°15'45" W, in the vicinity of Perth Amboy, NJ, approximately 1,110 yards southeast of Ferry Point, Perth Amboy, NJ.

(b) *Effective and enforcement period.* This rule will be effective and enforced from 8:45 p.m. until 10:30 p.m. on July 1, 2016.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port New York (COTP), to act on his or her behalf. A designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) *Regulations.* (1) The general regulations contained in § 165.23, as well as the following regulations, apply.

(2) No vessels, except for fireworks barge and accompanying vessels, will be allowed to transit the safety zone without the permission of the COTP.

(3) All persons and vessels shall comply with the instructions of the COTP or a designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(4) Vessel operators desiring to enter or operate within the regulated area shall contact the COTP or a designated representative via VHF channel 16 or 718–354–4353 (Sector New York command center) to obtain permission to do so.

(5) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, unless authorized by COTP or a designated representative.

(6) The COTP or a designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

Dated: May 15, 2016.

**M.H. Day,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2016–13338 Filed 6–3–16; 8:45 am]

**BILLING CODE 9110–04–P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

**[EPA–R10–OAR–2013–0005; FRL–9947–23–Region 10]**

#### **Finding of Attainment and Approval of Attainment Plan for Klamath Falls, Oregon Fine Particulate Matter Nonattainment Area**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing the finding of attainment and approving the attainment plan submitted on December 12, 2012 by the Oregon Department of

Environmental Quality (ODEQ) for the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS) for the Klamath Falls, Oregon nonattainment area. Based upon 2012–2014 quality-assured, quality-controlled, and certified ambient air monitoring data available in the EPA's Air Quality System (AQS), the area has monitored attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS. The EPA determined that the attainment plan addressed the nonattainment planning requirements of the Clean Air Act (CAA) and provided for attainment of the PM<sub>2.5</sub> NAAQS. The attainment plan's strategy for controlling direct and precursor PM<sub>2.5</sub> emissions relied primarily on an episodic woodstove curtailment program and a program to change-out uncertified woodstoves.

**DATES:** This final rule is effective July 6, 2016.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2013–0005. 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 Planning Unit, Office of Air and Waste, 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 Justin Spenillo at (206) 553–6125, [spenillo.justin@epa.gov](mailto:spenillo.justin@epa.gov) or by using the 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 April 13, 2016, the EPA proposed to approve the attainment plan submitted by the ODEQ on December 12, 2012 and to make a finding of

attainment for the Klamath Falls PM<sub>2.5</sub> area (81 FR 21814). An explanation of the CAA attainment planning requirements, a detailed analysis of the ODEQ's attainment plan submittal, and the EPA's reasons for proposing 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 May 13, 2016. The EPA received no comments on the proposal.

**II. Final Action**

The EPA is finalizing the finding of attainment and approving the attainment plan submitted by the ODEQ on December 12, 2012 for the Klamath Falls PM<sub>2.5</sub> area as meeting the requirements of the CAA. The finding of attainment does not constitute a redesignation to attainment. Redesignations require states to meet a number of criteria including EPA approval of a state plan to maintain the air quality standard for 10 years after redesignation. Additionally, the EPA is approving and incorporating by reference updated versions of supporting regulations, specifically sections of Oregon Administrative Rules, Division 240 and Division 262 that provide for the contingency measures required under the CAA. The EPA is finalizing a Clean Data Determination (CDD) that suspends the requirements for the area to submit an attainment demonstration, associated Reasonably Available Control Measures, Reasonable Further Progress, contingency measures, and any other SIP planning requirements related to the attainment of the 2006 PM<sub>2.5</sub> NAAQS, so long as the area continues to meet the standard. Although a CDD suspends the requirement for submission of certain attainment planning elements, it does not relieve the EPA of its responsibility to take action on a state's SIP submission. The EPA is fully approving the Klamath Falls nonattainment plan as meeting the requirements of the CAA. The EPA is also approving Exceptional Events on September 25, 2009; August 25, 28, and 31, 2012; and July 30 and August 5, 2013 and removing them from the data set used for regulatory purposes.

**III. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the regulations described in the amendments to 40 CFR part 52 set forth below. 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 Act 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 application of those requirements would be inconsistent with the Clean Air Act; 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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 August 5, 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) of the CAA).

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

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 24, 2016.

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

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 MM—Oregon**

- 2. Section 52.1970:
  - a. In paragraph (c), Table 2—EPA Approved Oregon Administrative Rules (OAR) is amended by:
    - i. Adding a undesignated heading titled “Klamath Falls Nonattainment Area Contingency Measures” after the entry for “240–0560” and adding the entries “240–0570”, “240–0580”, “240–0610”, “240–0620”, and “240–0630”; and
    - ii. Adding an entry “262–1000” after the entry for “262–0900”; and
  - b. In paragraph (e), table titled “State of Oregon Air Quality Control Program” adding under “Section 4”, a new entry “4.62” after the entry “4.61”.

The additions read as follows:

**§ 52.1970 Identification of plan.**

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

TABLE 2—EPA-APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State citation	Title/subject	State effective date	EPA approval date	Explanations
* * *	* * *	* * *	* * *	* * *
<b>Klamath Falls Nonattainment Area Contingency Measures</b>				
240–0570	Applicability	12/11/2012	6/6/2016	[Insert <b>Federal Register</b> citation].
240–0580	Existing Industrial Sources Control Efficiency	12/11/2012	6/6/2016	[Insert <b>Federal Register</b> citation].
240–0610	Continuous Monitoring for Industrial Sources	12/11/2012	6/6/2016	[Insert <b>Federal Register</b> citation].
240–0620	Contingency Measures: New Industrial Sources.	12/11/2012	6/6/2016	[Insert <b>Federal Register</b> citation].
240–0630	Contingency Enhanced Curtailment of Use of Solid Fuel Burning Devices and Fireplaces.	12/11/2012	6/6/2016	[Insert <b>Federal Register</b> citation].
* * *	* * *	* * *	* * *	* * *
262–1000	Wood Burning Contingency Measures for PM <sub>2.5</sub> Nonattainment Areas.	12/11/2012	6/6/2016	[Insert <b>Federal Register</b> citation].
* * *	* * *	* * *	* * *	* * *

\* \* \* \* \*

(e) \* \* \*

STATE OF OREGON AIR QUALITY CONTROL PROGRAM

SIP citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	4.62, 12/12/2012	4.62, 6/6/2016 [Insert <b>Federal Register</b> citation].	4.62, Klamath Falls PM <sub>2.5</sub> Attainment Plan
*	*	*	*	*

[FR Doc. 2016-13031 Filed 6-3-16; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2015-0793; FRL-9947-27-Region 9]

**Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Arizona; Infrastructure Requirements To Address Interstate Transport for the 2008 Ozone NAAQS; Correction**

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects an omission in the final rule document published on May 19, 2016, announcing the Environmental Protection Agency’s (EPA’s) approval in part and disapproval in part of State Implementation Plan (SIP) revisions submitted by the Arizona Department of Environmental Quality to address the interstate transport requirements of Clean Air Act section 110(a)(2)(D)(i) with respect to the 2008 ozone national ambient air quality standard. The correction of this omission does not change the EPA’s final action to approve in part and disapprove in part these SIP revisions.

**DATES:** This correcting amendment is effective on June 20, 2016.

**FOR FURTHER INFORMATION CONTACT:** Tom Kelly, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, (415) 972-3856, [kelly.thomas@epa.gov](mailto:kelly.thomas@epa.gov).

**SUPPLEMENTARY INFORMATION:** On March 22, 2016 (81 FR 15200), the EPA proposed to approve in part and to disapprove in part SIP revisions submitted by the Arizona Department of

Environmental Quality (ADEQ) on December 27, 2012, and supplemented on December 3, 2015, to address the interstate transport requirements of Clean Air Act (CAA or Act) section 110(a)(2)(D)(i) with respect to the 2008 ozone National Ambient Air Quality Standard (NAAQS). More specifically, in the March 22, 2016 proposed rule, the EPA proposed to approve Arizona’s SIP as meeting the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) prongs 1 and 2 and to disapprove Arizona’s SIP with respect to the interstate transport requirements of CAA section 110(a)(2)(D)(i)(II) prong 4. *Id.*, at 15204. No comments were submitted on the EPA’s March 22, 2016 proposed action. On May 19, 2016 (81 FR 31513), the EPA published a final rulemaking action announcing its approval in part and disapproval in part of the relevant SIP revisions as proposed on March 22, 2016. However, in its May 19, 2016 final rule, the EPA inadvertently omitted the regulatory text that codifies the final action taken therein. This document corrects that oversight.

The EPA has determined that this action falls under the “good cause” exemption in section 553(b)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary or contrary to the public interest. Public notice and comment for this action are unnecessary because the action codified herein was already subject to a 30-day comment period beginning with publication of the related proposed rule on March 22, 2016, and as noted above, no comments were submitted. Thus, no purpose would be served by additional public notice and comment.

The EPA also finds that there is good cause under APA section 553(d)(3) for the regulatory text added herein to become effective on the same date as the

final rulemaking for which the regulatory text was inadvertently omitted. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.” 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, this rule merely adds regulatory text codifying the partial approval and partial disapproval action that the EPA published on May 19, 2016, which is 30 days from the date on which this rule will become effective. The May 19, 2016 final rule thus provided sufficient notice and time for affected parties to take appropriate action to the extent any action is necessary to comply with the rule. For these reasons, the EPA finds good cause under APA section 553(d)(3) for the regulatory text codified herein and associated with the May 19, 2016 final rule to become effective on same date as the May 19, 2016 final rule becomes effective (*i.e.*, June 20, 2016).

**Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely adds regulatory text inadvertently omitted from a previous final rule and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies