

Seasonal: Open to ORV use October 15 through April 14.	Bypass which extends due south from the opening at ramp 44, running continuously behind the dunes until the bypass connects with the beach. Interdunal route ("Inside Road") from intersection with Lighthouse Road (i.e. ramp 44) to ramp 49, with one spur route from the interdunal route to ramp 48. Just east of Ramp 48 to east Frisco boundary. A soundside ORV access route from Museum Drive to Pamlico Sound near Coast Guard Station Hatteras Inlet. Pole Road from Museum Drive to Spur Road to Pamlico Sound, with one spur route, commonly known as Cable Crossing, to Pamlico Sound and four spur routes to the ORV route below. Ramp 55 southwest along the ocean beach for 1.6 miles, ending at the intersection with the route commonly known as Bone Road. 0.1 mile south of Rodanthe Pier to 1.5 mile south of ramp 23. 1.0 mile north of ramp 34 to ramp 38 (Avon). East Frisco boundary to west Frisco boundary (Frisco village beach). East Hatteras boundary to ramp 55 (Hatteras village beach).
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**Ocracoke Island—Designated Routes**

Year Round .....  Seasonal: October 15 through April 14. Seasonal: September 15 through March 14.	Ramp 59 to just southwest of ramp 63. Routes from NC Highway 12 to Pamlico Sound located north of the Pony Pens, commonly known as Prong Road, Barrow Pit Road, and Scrag Cedar Road. 1.0 mile northeast of ramp 67 to 0.5 mile northeast of ramp 68. 0.4 miles northeast of ramp 70 to Ocracoke inlet. From ramp 72 to a pedestrian trail to Pamlico Sound, commonly known as Shirley's Lane. 0.5 mile northeast of ramp 68 to ramp 68 (Ocracoke Campground area).  A route 0.6 mile south of ramp 72 from the beach route to a pedestrian trail to Pamlico Sound. A route at the north end of South Point spit from the beach route to Pamlico Sound.
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(12) *Night-Driving Restrictions/Hours of ORV Operation.* (i) Hours of operation and night-driving restrictions are listed in the following table:

**Hours Of Operation/Night Driving Restrictions**

November 16–April 30 ..... May 1–September 14 .....  September 15–November 15 .....	All designated ORV routes are open 24 hours a day. Designated ORV routes in sea turtle nesting habitat (ocean intertidal zone, ocean backshore, dunes) are closed at 9 p.m. and open no earlier than 6:00 a.m. The Seashore will publish exact opening times on an annual basis.  Designated ORV routes in sea turtle nesting habitat (ocean intertidal zone, ocean backshore, dunes) are closed at 9 p.m. and open no earlier than 6:00 a.m., but the Superintendent may open designated ORV routes, or portions of the routes, 24 hours a day if no turtle nests remain. The Seashore will publish exact opening times on an annual basis.
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Dated: August 4, 2016.  
**Michael Bean,**  
*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*  
 [FR Doc. 2016–19844 Filed 8–19–16; 8:45 am]  
**BILLING CODE 4310–EJ–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R03–OAR–2015–0642; FRL–9950–90–Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; Virginia; Minor New Source Review Requirements**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve the state implementation plan (SIP) revision submitted by the Commonwealth of Virginia on July 15, 2013 pertaining to preconstruction permitting requirements under Virginia’s minor New Source Review (NSR) program. In the Rules and Regulations section of this **Federal Register**, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. Additionally, a more detailed description of the state submittal and EPA’s evaluation is included in a technical support document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document or is also available

electronically within the Docket for this rulemaking action at [www.regulations.gov](http://www.regulations.gov). If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by September 21, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2015–0642 at <http://www.regulations.gov>, or via email to [campbell.dave@epa.gov](mailto:campbell.dave@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from

*Regulations.gov*. For either manner of submission, 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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** David Talley, (215) 814-2117, or by email at [talley.david@epa.gov](mailto:talley.david@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the Rules and Regulations section of this **Federal Register** publication.

Dated: August 9, 2016.

**Shawn M. Garvin,**

*Regional Administrator, Region III.*

[FR Doc. 2016-19768 Filed 8-19-16; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R01-OAR-2016-0285; A-1-FRL-9951-07-Region 1]

### Air Plan Approval; New Hampshire; Rules for Reducing Particulate Emissions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of New Hampshire on March 31, 2011 and on July 23, 2013. These SIP revisions establish particulate matter (PM) and visible emissions (VE) standards for the following sources: foundries, smelters,

and investment casting operations; hot mix asphalt plants; and sand and gravel sources, non-metallic mineral processing plants, and cement and concrete sources. In addition, EPA is proposing to approve a part of a SIP revision submitted by New Hampshire on March 12, 2003 that establishes procedures for testing opacity of emissions (*i.e.*, VE). This action is being taken under the Clean Air Act.

**DATES:** Written comments must be received on or before September 21, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-OAR-2016-0285 at <http://www.regulations.gov>, or via email to [Arnold.Anne@epa.gov](mailto:Arnold.Anne@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Alison C. Simcox, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05-02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109-3912; (617) 918-1684; [simcox.alison@epa.gov](mailto:simcox.alison@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

*Organization of this document.* The following outline is provided to aid in locating information in this preamble.

- I. Background and Purpose
- II. EPA’s Evaluation of New Hampshire’s SIP Revisions

III. Proposed Action

IV. Incorporation by Reference

V. Statutory and Executive Order Reviews

### I. Background and Purpose

On March 31, 2011, New Hampshire Department of Environmental Services (NH DES) submitted a State Implementation Plan (SIP) revision, which included a regulation entitled “Sand and Gravel Sources; Non-Metallic Mineral Processing Plants; Cement and Concrete Sources” (New Hampshire Code of Administrative Rules Chapter (Env-A 2800)).

On July 23, 2013, NH DES submitted SIP revisions which included the following three regulations: “Particulate Matter and Visible Emissions Standards” (Env-A 2100); “Ferrous and Non-Ferrous Foundries, Smelters, and Investment Casting Operations” (Env-A 2400); and “Hot Mix Asphalt Plants” (Env-A 2700).

The four submitted regulations (Env-A 2100, 2400, 2700, and 2800) state that opacity shall be determined in accordance with test methods established in Env-A 807. On March 12, 2003, the NH DES submitted Env-A 800, “Testing and Monitoring Procedures,” which included Part Env-A 807. On November 5, 2012, EPA approved Env-A 800 as submitted in March 2003 and revised on July 9, 2007. Although the March 2003 submittal included Env-A 807, the July 2007 submittal did not. The November 2012 approval did not take action with regard to Env-A 807. See 77 FR 66388. Therefore, Env-A 807 submitted on March 12, 2003 is still pending before EPA.

Two of the submitted regulations (Env-A 2100 and 2400) included affirmative defense provisions for malfunction, which is defined as a sudden and unavoidable breakdown of process or control equipment. The New Hampshire regulations were submitted to EPA after EPA issued a start-up, shut-down, and malfunction (SSM) SIP Call proposal in February 2013 (78 FR 12460), which would have allowed narrowly drawn affirmative defense provisions in SIPs for malfunction. However, following issuance of our SIP Call proposal, a federal court ruled that the Clean Air Act precludes authority of the EPA to create affirmative defense provisions. EPA, therefore, believes that it cannot approve affirmative defense provisions in SIP submissions, even narrowly tailored ones for periods of malfunction (*See NRDC v EPA*, 749 F.3d 1055 (D.C. Circuit 2014)). As a result of the court decision, we issued a supplemental notice of proposed rulemaking (SNPR) on September 17, 2014 (79 FR 55920) that rescinded our