

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.ID, 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 a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that encompasses all navigable waters within 250 yards of a dredge, diving operations, pipeline removal operations and all associated equipment. It is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

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

■ 2. Add § 165.T05-1011, to read as follows:

#### **§ 165.T05-1011 Safety Zone, Delaware River; Pipeline Removal.**

(a) *Location.* The following areas are safety zones:

(1) Safety zone one includes all navigable waters within 250 yards of the dredge barge 549 and associated equipment operating in Mifflin Range and Anchorage 9 near the entrance to Mantua Creek, upriver of green buoy 63, on the Delaware River.

(2) Safety zone two includes all navigable waters within 250 yards of the dive barge 543 and associated equipment operating in Mifflin range and Anchorage 9 near the entrance to Mantua Creek, upriver of green buoy 63, on the Delaware River.

(b) *Definitions.* (1) Captain of the Port means the Commander Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) Designated representative means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist with the enforcement of safety zones described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165 subpart C apply to the safety zone created by this section.

(1) Entry into or transiting within either safety zone is prohibited unless vessels obtain permission from the Captain of the Port via VHF-FM channel 16, or make satisfactory passing arrangements via VHF-FM channels 13 or 65, with the towing vessel SHELBY per this section and the rules of the Road (33 CFR subchapter E). Vessels requesting to transit shall contact the towing vessel SHELBY on channel 13 or 65, at least 1 hour, as well as 30 minutes, prior to arrival.

(2) Vessels granted permission to enter and transit the safety zone must do so in accordance with any directions or orders of the Captain of the Port, his designated representative, or the towing vessel SHELBY. No person or vessel may enter or remain in a safety zone without permission from the Captain of the Port or the towing vessel SHELBY.

(3) At least one side of the main navigational channel will be kept clear for safe passage of vessels.

(4) This section applies to all vessels that intend to transit through the safety zone except vessels that are engaged in the following operations: Enforcement of laws; service of aids to navigation, and emergency response.

(d) *Enforcement periods.* This section will be enforced from November 6, 2017, through December, 4 2017.

Dated: November 1, 2017.

**Scott E. Anderson,**

*Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.*

[FR Doc. 2017-24068 Filed 11-3-17; 8:45 am]

**BILLING CODE 9110-04-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[EPA-R01-OAR-2017-0138; FRL-9970-41-Region 1]**

### **Air Plan Approval; New Hampshire; Rules for Open Burning and Incinerators; Withdrawal of Direct Final Rule**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the September 6, 2017 direct final rule approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. New Hampshire's SIP revision establishes emission standards and operating practices for incinerators and wood waste burners that are not regulated pursuant to federal incinerator standards. This action is being taken in accordance with the Clean Air Act.

**DATES:** The direct final rule was published on September 6, 2017 (82 FR 42037), and is withdrawn effective November 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Alison Simcox, Air Quality Planning Unit, U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05-2), Boston, MA 02109—3912, telephone (617) 918-1684, facsimile (617) 918-0684, email [simcox.alison@epa.gov](mailto:simcox.alison@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the direct final rule, EPA stated that if adverse comments were submitted by October 6, 2017, the rule would be withdrawn and not take effect. EPA received an adverse comment prior to the close of the comment period and, therefore, is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed rule also published on September 6, 2017 (82 FR 42054). EPA will not institute a second comment period on this action.

#### **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, Regional haze, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 24, 2017.

**Deborah A. Szaro,**

*Acting Regional Administrator, EPA New England.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendments to 40 CFR 52.1520 published in the **Federal Register** on September 6, 2017 (82 FR 42037), on page 42040 are withdrawn effective November 6, 2017.

[FR Doc. 2017–24113 Filed 11–3–17; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA–R03–OAR–2017–0484; FRL–9970–28–Region 3]

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Continuous Opacity Monitoring Requirements for Municipal Waste Combustors

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Maryland’s Clean Air Act (CAA) section 111(d)/129 State Plan for municipal waste combustors (MWCs). The revisions contain Maryland’s amendments to Regulations .07 and .08 under the Code of Maryland Regulations (COMAR) 26.11.08. These amendments update the MWC references to opacity compliance. The Maryland Department of the Environment (MDE)’s discontinued Technical Memorandum (TM 90–01) is no longer applicable and the regulations now refer to COMAR 26.11.31, which codifies quality assurance (QA) and quality control (QC) procedures for continuous opacity monitors (COMs). EPA is approving this revision to remove TM 90–01 from Maryland’s CAA section 111(d)/129 State Plan in accordance with the requirements of the CAA.

**DATES:** This rule is effective on January 5, 2018 without further notice, unless EPA receives adverse written comment by December 6, 2017. If EPA receives

such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0484 at <https://www.regulations.gov>, or via email to [aquino.marcos@epa.gov](mailto:aquino.marcos@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, 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. 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:** Emily Linn, (215) 814–5273, or by email at [linn.emily@epa.gov](mailto:linn.emily@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

On May 10, 2016, the State of Maryland submitted a formal revision (MD Submittal #16–05) to its CAA section 111(d)/129 State Plan for MWCs. The revisions contain Maryland’s amendments to COMAR 26.11.08.08, “Requirements for an Existing Large MWC with a Capacity Greater Than 250 Tons Per Day.” These amendments update the MWC references to opacity compliance previously made by MDE. MDE’s discontinued technical memorandum which previously addressed QA/QC procedures for COMs, TM 90–01, is no longer state effective and the Maryland regulations therefore now refer to COMAR 26.11.31, which codifies similar QA and QC procedures for COMs.<sup>1</sup> In a state rulemaking action,

<sup>1</sup> EPA previously approved Maryland’s State Plan for large MWCs on April 8, 2008 (*see* 73 FR 18970).

MDE also revised the title of COMAR 26.11.08.07, “Requirements for Municipal Waste Combustors with a Capacity of 35 tons or greater per day and less than or equal to 250 Tons Per Day,” to clarify that the state regulation applies to small MWCs. However, this clarification to the title of COMAR 26.11.08.07 is a minor administrative change and is not part of this action. The text of 26.11.08.07 remains unchanged, and thus the requirements for MWCs remain unchanged. EPA is approving this revision to remove TM 90–01 from Maryland’s 111(d)/129 State Plan for MWCs in accordance with the requirements of the CAA as the changes are administrative in nature.

#### II. Summary of CAA Section 111(d)/129 State Plan Revision and EPA Analysis

EPA has reviewed Maryland’s submittal to revise its CAA section 111(d)/129 State Plan for MWCs in the context of the requirements of 40 CFR part 60, subpart Eb. These amendments are largely administrative in nature. In this action, EPA is finalizing its determination that the submitted revision meets the above-cited requirements. EPA is revising 40 CFR part 62, subpart V (§ 62.5110 and § 61.5112) to reflect this approval.

#### III. Final Action

EPA is approving the May 10, 2016 Maryland CAA section 111(d)/129 State Plan revision submittal as a revision to Maryland’s CAA section 111(d)/129 State Plan for MWCs. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the “Proposed Rules” section of this **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the 111(d)/129 State Plan revision if adverse comments are filed. This rule will be effective on *January 5, 2018* without further notice unless EPA receives adverse comment by *December 6, 2017*. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

In addition, EPA previously approved, as a revision to the Maryland state implementation plan, the regulatory requirements for QA/QC controls for COMs in COMAR 26.11.31. 81 FR 78048 (November 7, 2016).