category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph 34(g), of the Instruction. This rule involves establishing a temporary safety zone that will be enforced for a total of 45 hours. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES.

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

§ 165.1312 will be enforced from: (1) 7 a.m. until 11:30 a.m., 12:30 p.m. until 4:30 p.m. on March 19 and 20, 2012; (2) 7 a.m. until 11:30 a.m., 12:30 p.m. until 4:30 p.m., and 8 p.m. until 10 p.m. on March 21 and 22, 2012; and (3) 7 a.m. until 11:30 a.m. and 12:30 p.m. until 3 p.m. on March 23, 2012.

M.F. White,
Captain, U.S. Coast Guard, Captain of the Port Charleston.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the security zone for the Portland Rose Festival detailed in 33 CFR 165.1312 for all vessels operating in the Columbia River Captain of the Port Zone from 11 a.m. on June 6, 2012 until 11 a.m. on June 11, 2012.

Under the provisions of 33 CFR 165.1312 and 33 CFR part 165, subpart D, no person or vessel may enter or remain in the security zone without permission of the Captain of the Port, Columbia River. Persons or vessels wishing to enter the security zone may request permission to do so from the on scene Captain of the Port representative via VHF Channel 16 or 13. The Coast Guard may be assisted by other Federal, State, or local enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.1312 and 5 U.S.C. 552(a). In addition to this notice in the Federal Register, the Coast Guard will provide the maritime community with notification of this enforcement period via the Local Notice to Mariners.

B.C. Jones,
Captain, U.S. Coast Guard, Captain of the Port, Columbia River.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR Doc. 2012–00129 Filed 2–10–12; 8:45 am]
BILLING CODE 6560–50–P

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email ENS Ian McPhillips, Waterways Management Division, MSU Portland, Oregon, Coast Guard; telephone 503–240–9319, email Ian.P.McPhillips@uscg.mil.

The Environmental Protection Agency (EPA) is approving a proposed revision to the State Implementation Plan (SIP) submitted by the New Jersey Department of Environmental Protection for New Jersey’s enhanced inspection and maintenance (I/M) program. New Jersey has made several amendments to its I/M program to improve performance of the program and has requested that the SIP be revised to include these
changes. Chief among the amendments
EPA is approving is New Jersey’s amendment to its I/M program
to establish a new exhaust emission test for gasoline fueled vehicles and the
extension of the new vehicle inspection exemption from 4 years to 5 years. EPA
is approving this SIP revision because it meets all applicable requirements of the
Clean Air Act and EPA’s regulations and because the revision will not interfere
with attainment or maintenance of the national ambient air quality standards
in the affected area. The intended effect of this action is to maintain consistency
between the State-adopted rules and the federally approved SIP.

DATES: Effective Date: This rule will be
effective April 16, 2012.

ADDRESSES: EPA has established a
docket for this action under Docket ID
No. EPA–R02–OAR–2011–0086. All
documents in the docket are listed on the
Although listed in the index, some
information is not publicly available,
e.g., CBI or other information whose
disclosure 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
www.regulations.gov or in hard copy at the
Environmental Protection Agency, Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
The Docket Facility is open from 8:30 a.m. to
4:30 p.m., Monday through Friday, excluding legal holidays. The Docket
telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT:
Jenna Salomone, Air Programs Branch,
Environmental Protection Agency, 290
Broadway, 25th Floor, New York,
New York 10007–1866, (212) 637–3741,
salomone.jenna@epa.gov.

SUPPLEMENTARY INFORMATION:
Table of Contents
I. What action is EPA taking?
II. What was included in New Jersey’s
proposed SIP submittal?
III. What comments did EPA receive in
response to its proposed?
IV. What are EPA’s conclusions?
V. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is approving a revision,
submitted by New Jersey on December
15, 2009, and a supplemental revision,
submitted by New Jersey on October 12,
2010, to the New Jersey State
Implementation Plan (SIP) pertaining to
New Jersey’s motor vehicle enhanced
inspection and maintenance (I/M)
program. New Jersey provided EPA with
documentation on the emission impacts
that will result from proposed changes
to New Jersey’s enhanced I/M program
including a comparison to the EPA I/M
performance standard. The revisions
submitted by New Jersey include a new
exhaust emission test for gasoline fueled
vehicles; the extension of the new
vehicle inspection exemption from
4 years to 5 years; the elimination of
repair cost waivers; the increase in the
inspection frequency (to annual) for
certain classes of commercial vehicles
such as limousines, taxis and jitneys;
and the subjecting of light duty diesel
vehicles to emissions testing.

II. What was included in New Jersey’s
proposed SIP submittal?

On December 15, 2009, New Jersey
submitted a revision to the State of New
Jersey’s I/M program SIP. The submittal
consists of new rules and rule
amendments to the New Jersey Department
of Environmental Protection’s rules at New
Jersey Administrative Code (N.J.A.C.) 7:27–15,
7:27B–5 and the Motor Vehicle
Commission Rules at N.J.A.C. 13:20–7,
13:20–45, and N.J.A.C. 13:21–15.8 and

The proposed changes to New Jersey’s
I/M program include the establishment of
a new exhaust emission test for
gasoline fueled vehicles. The Two
Speed Idle (TSI) test will replace both
the Acceleration Simulation Mode
(ASM5015) and 2500 Revolutions per
Minute (RPM) tests. The TSI test is a
tailpipe test which checks the vehicle’s
hydrocarbons, carbon monoxide, oxygen
and carbon dioxide (HC, CO, O2 and
CO2, respectively) exhaust emissions
concentration levels at two different
engine speeds, the regular idle and a fast
idle around 2500 RPM. The ASM5015
test measures the concentrations of HC,
CO and oxides of nitrogen (NOx), in a
vehicle’s tailpipe emissions when a
vehicle is running under marginal load
and at a steady rate or RPM. The 2500
RPM test is a tailpipe test that checks the
car’s emission levels at 2500 RPM.

The proposed changes to New Jersey’s
I/M program also include: the
elimination of repair cost waivers, the
increase in the inspection frequency
to annual) for certain classes of
commercial vehicles such as
limousines, taxis and jitneys, and the
subjecting of light duty diesel vehicles
to emissions testing. New Jersey
provided documentation on the
emission impacts that will result from
proposed changes to New Jersey’s I/M
program including a comparison to the
EPA I/M performance standard.

On October 12, 2010, New Jersey
submitted a supplemental I/M program
SIP revision which consisted of
amendments to chapter 8 of Title 39 of
the Revised Statutes of the state of New
Jersey at R.S. 39:8–1, 39:8–2, and 39:8–3.

The submittal includes an extension of
the new vehicle inspection
exemption from 4 years to 5 years and
an acknowledgement with supporting
justification that New Jersey’s
decentralized I/M network (the private
inspection facilities, or PIFs) is
currently 96 percent as effective as
New Jersey’s centralized I/M network (the
centralized inspection facilities, or
CIFs). PIFs were previously assumed to
be 80 percent as effective as CIFs, which
New Jersey considered to likely be very
conservative in light of the program and
technology changes that were
implemented in the years following the
80 percent effectiveness assumption. In
May 2010, New Jersey authorized
MACTEC Engineering and Consulting,
Inc. to assess improvements in
effectiveness of the decentralized
program and to determine a reasonable
effectiveness fraction that may be
supported by data and technical
reasoning. MACTEC analyzed the
effectiveness of the decentralized PIF
network relative to the CIF (centralized)
network. The relative effectiveness of
PIFs was based on data collected from
PIFs and CIFs in 2009. As a result of the
analysis, MACTEC determined that New
Jersey should increase the effectiveness
factor for PIFs and provided the
following justifications:

• Fail rates for OBD inspections in
PIFs were found to be nearly identical
to those in CIFs;

• An analysis of triggers for OBD tests
performed in 2009 showed that over
90% of inspections in PIFs have no
indications of fraud;

• New Jersey has implemented
several additional OBD triggers in the
new program, which will further reduce
the incidence of fraud.

On July 8, 2010, New Jersey submitted
to EPA the final report prepared by
MACTEC, dated June 23, 2010 entitled
“New Jersey Motor Vehicle Inspection
Program PIF Effectiveness Study.”

On September 16, 2011 (76 FR 57691),
EPA proposed to approve New Jersey’s
revised I/M program. For a detailed
discussion on the content and
requirements of the revisions to New
Jersey’s regulations, the reader is
referred to EPA’s proposed rulemaking
action.
III. What comments did EPA receive in response to its proposal?

In response to EPA’s September 16, 2011 proposed rulemaking action, EPA received no comments.

IV. What are EPA’s conclusions?


V. Statutory and Executive Order Reviews

Under the Clean Air Act, 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, EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 Order 12866 (58 FR 51735, October 4, 1993);
• 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 19805, 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 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 the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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. 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 14, 2012. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 1, 2012.

Judith A. Enck,
Regional Administrator, Region 2.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(92) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(92) Revisions to the New Jersey State Implementation Plan (SIP) submitted by the New Jersey Department of Environmental Protection for New Jersey’s enhanced inspection and maintenance (I/M) program, dated December 15, 2009.

(i) Incorporation by reference:

(B) Amendments to Chapter 20, Title 13 of the New Jersey Administrative Code, Subchapter 7, “Vehicle Inspection” (Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6); Subchapter 24, “Motorcycles” (Section: 24.20); Subchapter 26, “Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles” (Sections: 26.2 and 26.16); Subchapter 28, “Inspection of New Motor Vehicles”
(Sections 28.3, 28.4 and 28.6);
Subchapter 29, “Mobile Inspection Unit” (Sections: 29.1, 29.2, 29.3);
Subchapter 32, “Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities”;

(C) Amendments to Chapter 21, Title 13 of the New Jersey Administrative Code, Subchapter 15, “New Jersey Licensed Motor Vehicle Dealers” (Sections: 15.8 and 15.12), effective October 19, 2009.

(D) Amendments to Chapter 8, Title 39 of the Revised Statutes of the State of New Jersey, at R.S. 39:8–1, 39:8–2, and 39:8–3, effective July 1, 2010.

(ii) Additional material:
(A) December 15, 2009, letter from Mark N. Mauriello, Acting Commissioner, NJDEP, to Judith A. Enck, Regional Administrator, EPA, requesting EPA approval of a revision to the State of New Jersey’s I/M program SIP.
(B) October 12, 2010, letter from Bob Martin, Commissioner, NJDEP, to Judith A. Enck, Regional Administrator, EPA, requesting EPA approval of the supplemental revision to the State of New Jersey’s I/M program SIP.
(C) July 8, 2010, letter from Bob Martin, Commissioner, NJDEP, to Judith A. Enck, Regional Administrator, EPA, requesting EPA approval of the supplemental revision to the State of New Jersey’s I/M program SIP.

§ 52.1605 EPA-approved New Jersey regulations.

<table>
<thead>
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<th>State regulation</th>
<th>State effective date</th>
<th>EPA approved date</th>
<th>Comments</th>
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<td>Title 7, Chapter 27:</td>
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<td>Subchapter 33, “Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities.”</td>
<td>November 19, 2009</td>
<td>March 15, 2012 [insert FR page citation].</td>
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

Clean Air Act Full Approval of Title V Operating Permits Program; Southern Ute Indian Tribe

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is promulgating full approval of the Title V Operating Permits Program submitted by the Southern Ute Indian Tribe (Tribe). The Tribe’s Title V Operating Permit Program (Title V Program) was submitted for the purpose of administering a tribal program for issuing operating permits to all major stationary sources, and certain other sources on the Southern Ute Indian Reservation (Reservation).

DATES: This final rule is effective March 15, 2012, and is applicable beginning March 2, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2011–0015.

All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80222–1129. 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 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alexis North, Air Program, Mailcode 8ENF–AT, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80222–1129, (303) 312–7005, or north.alexis@epa.gov.

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:
(i) The word Act or initials CAA mean or refer to the Clean Air Act, unless the context indicates otherwise.
(ii) The word Commission means the joint Southern Ute Indian Tribe/State of Colorado Environmental Commission.
(iii) The words EPA, we, us or our mean refer to the United States Environmental Protection Agency.
(iv) The word Title V Program means the Tribe’s Application for Approval of the Southern Ute Indian Tribe’s 40 CFR Part 70 Operating Permit Program dated January 14, 2009, the subsequent Supplement to Application for Approval of the Southern Ute Indian Tribe’s 40 CFR Part 70 Operating Permit Program dated September 28, 2010 and the Application for Full Approval of the Southern Ute Indian Tribe’s 40 CFR Part 70 Operating Permits Program dated January 30, 2012.
(v) The word Tribe means the Southern Ute Indian Tribe, unless the context indicates otherwise.

Table of Contents

I. Background
II. Response to Comments
III. Evaluation of the Tribe’s Authorities
   A. Current Tribal Authority
   B. Reasonably Severable Title V Program Elements
   C. Criminal Enforcement Memorandum of Understanding
   IV. Evaluation of the Tribe’s Title V Program Elements

A. Summary of EPA’s March 9, 2011 Proposed Interim Approval
B. Analysis of the Tribe’s Title V Program Submission Pursuant to 40 CFR 70.4(b)
   1. Complete Interim Approval
   2. Regulations Compromising the Title V Program
   3. Legal Opinion
   4. Relevant Title V Program Documentation
   5. Compliance Tracking
   6. Application Completeness Determination
   7. Fee Demonstration
   8. Statement of Adequate Personnel
   9. Submission Commitment
   10. Failure To Issue Permit in a Timely Manner
   11. Transition Plan
   12. Off Permit Changes
   13. Expedient Permit Revisions and/or Modifications Review
   14. Tribe Only Revisions
   15. Permit Changes Subject to Title I and IV of the Act
   16. Permit Content and Permit Issuance, Renewal, Re-Openings and Revisions

V. What action is EPA taking today?

VI. Statutory and Executive Order Reviews

A. Executive Orders 12866: Regulatory Planning and Review, and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act (PRA)
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 12098: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act (CRA)

I. Background

Under Title V of the Clean Air Act (the Act or CAA) as amended (1990), EPA has promulgated rules that define the minimum elements of a full