

*Consultation With Indian Tribes (Executive Order 13175 and Department Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

Representatives of the five Indian tribes affiliated with SLBE were consulted during the evaluation of the trail concept and route in the preparation of the GMP/EIS. Representatives of the nearest affiliated tribe, the Grand Traverse Band of Ottawa and Chippewa Indians, are members of the LSHR that proposed the trail and helped to prepare the EA.

*Paperwork Reduction Act (PRA)*

This rule does not contain information collection requirements, and a submission under the PRA is not required.

*National Environmental Policy Act (NEPA)*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because we reached a FONSI. The GMP/EIS, EA, FONSI, and related documents may be viewed on the Lakeshore's planning Web site <http://www.nps.gov/slbe/parkmgmt/planning.htm>.

*Effects on the Energy Supply (Executive Order 13211)*

This rule is not a significant energy action under the definition in Executive Order 13211. A statement of Energy Effects is not required.

**Drafting Information**

The primary authors of this regulation were Tom Ulrich, Deputy Superintendent, Sleeping Bear Dunes National Lakeshore, Michael Tiernan, Office of the Solicitor, U.S. Department of the Interior, Washington, DC, A.J. North, Jay P. Calhoun, and Rose Wilkinson, NPS Regulations and Special Park Uses, Washington, DC.

**List of Subjects in 36 CFR Part 7**

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service amends 36 CFR Part 7 as set forth below:

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

■ 1. The authority citation for part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under 36 U.S.C. 501–511, D.C. Code 10–137 (2001) and D.C. Code 50–2201 (2001).

■ 2. In § 7.80 add paragraph (c) to read as follows:

**§ 7.80 Sleeping Bear Dunes National Lakeshore.**

\* \* \* \* \*

(c) *Bicycling.* (1) The Sleeping Bear Heritage Trail, approximately 27 miles in length from the southern Leelanau County line at Manning Road to County Road 651 at Good Harbor Beach, is designated as a route for bicycle use.

(2) The Superintendent may open or close designated routes, or portions thereof, or impose conditions or restrictions for bicycle use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives. (i) The Superintendent will provide public notice of all such actions through one or more of the methods listed in § 1.7 of this chapter.

(ii) Violating a closure, condition, or restriction is prohibited.

Dated: February 11, 2013.

**Rachel Jacobson,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2013–04047 Filed 2–20–13; 8:45 am]

**BILLING CODE 4132–EJ–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[HI 126–NBK; FRL–9712–2]

**Approval and Promulgation of Implementation Plans; State of Hawaii; Update to Materials Incorporated by Reference**

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

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is updating the materials submitted by the State of Hawaii that

are incorporated by reference (IBR) into the Hawaii State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the State of Hawaii and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Regional Office.

**DATES:** *Effective Date:* This rule is effective on February 21, 2013.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901;

Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave. NW., Washington, DC 20460; and National Archives and Records Administration (NARA).

If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: 202–566–1742. For information on the availability of this material at NARA, call 202–741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Cynthia G. Allen, EPA Region IX, (415) 947–4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The SIP is a living document which the State revises as necessary to address its unique air pollution problems. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and “Identification of plan” format are discussed in further detail in the May 22, 1997 **Federal Register** document. On August 4, 2005 (70 FR 44852), as corrected on August 23, 2005 (70 FR 49377), EPA published a document in the **Federal Register** beginning the new IBR procedures for the State of Hawaii.

On April 23, 2012 (77 FR 24148) and April 27, 2012 (77 FR 25084) EPA published updates to the IBR material for the State of Hawaii.

## II. EPA Action

In this action, EPA is doing the following:

A. Announcing an update to the IBR material as of December 20, 2012; and

B. Revising the entries in paragraphs 52.620(b) and (c) to reflect this update.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect table entries.

## III. Statutory and Executive Order Reviews

### A. General Requirements

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 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 EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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.

### B. Submission to Congress and the Comptroller General

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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

### C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each

individual component of the Hawaii SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for the State of Hawaii.

## List of Subjects in 40 CFR Part 52

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

Dated: July 19, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

**Editorial Note:** This document was received at the Office of the Federal Register on February 14, 2013.

Part 52, chapter I, title 40 of the Code of Federal Regulations are 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 M—Hawaii

■ 2. Section 52.620 is amended revising paragraphs (b) and (c) to read as follows:

#### § 52.620 Identification of plan.

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to May 1, 2012, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after May 1, 2012, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially

promulgated State rules/regulations which have been approved as part of the State implementation plan as of May 1, 2012.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office

at 75 Hawthorne Street, San Francisco, CA 94105; Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave. NW., Washington, DC; or the National

Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) EPA approved regulations.

EPA-APPROVED STATE OF HAWAII REGULATIONS

State citation	Title/subject	Effective date	EPA approval date	Explanation
<b>Department of Health, Public Health Regulations, Chapter 43, Air Pollution Control Regulations</b>				
Section 22 .....	Hearings and Appeals .....	12/26/1972	05/14/1973, 38 FR 12711 .....	See also 74 FR 11037 (March 16, 2009).
Section 23 .....	Application .....	03/28/1972	05/31/1972, 37 FR 10842 .....	See also 74 FR 11037 (March 16, 2009).
<b>Department of Health, Title 11, Chapter 60, Air Pollution Control Regulations</b>				
11-60-18 .....	Control of open burning .....	11/29/1982	08/18/1983, 48 FR 37403	
11-60-21 .....	Agricultural burning, "no burn" days.	11/29/1982	08/18/1983, 48 FR 37403	
11-60-23 .....	Agricultural burning, action on applications.	11/29/1982	08/18/1983, 48 FR 37403	
11-60-26 .....	Fugitive dust .....	11/29/1982	08/18/1983, 48 FR 37403	
11-60-27 .....	Incineration .....	11/29/1982	08/18/1983, 48 FR 37403	
11-60-28 .....	Bagasse-burning boilers .....	11/29/1982	08/18/1983, 48 FR 37403	
11-60-29 .....	Process industries .....	11/29/1982	08/18/1983, 48 FR 37403	
<b>Department of Health, Title 11, Chapter 60.1, Air Pollution Control, Hawaii Administrative Rules</b>				
11-60.1-1 .....	Definitions .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-1.
11-60.1-2 .....	Prohibition of air pollution .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-17.
11-60.1-3 .....	General conditions for considering applications.	.....	04/23/2012, 77 FR 24148 .....	Supersedes 11-60-04, 11-60-11, 11-60-13, 11-60-14.
11-60.1-4 .....	Certification .....	11/14/2003	4/27/2012, 77 FR 25084 .....	New regulation.
11-60.1-5 .....	Permit conditions .....	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-7 .....	Transfer of permit .....	.....	04/23/2012, 77 FR 24148 .....	Supersedes 11-60-09.
11-60.1-8 .....	Reporting discontinuance .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-10.
11-60.1-11 .....	Sampling, testing, and reporting methods.	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-15 and 11-60-6.
11-60.1-12 .....	Air quality models .....	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-14 .....	Public access to information ..	11/14/2003	4/27/2012, 77 FR 25084 .....	New regulation.
11-60.1-15 .....	Reporting of equipment shutdown.	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-16.
11-60.1-16 .....	Prompt reporting of deviations	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-16.
11-60.1-17 .....	Prevention of air pollution emergency episodes.	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-35.
11-60.1-19 .....	Penalties and remedies .....	.....	04/23/2012, 77 FR 24148 .....	Supersedes 11-60-37.
11-60.1-20 .....	Severability .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-38.
11-60.1-32 .....	Visible emissions .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-24.
11-60.1-34 .....	Motor vehicles .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-25.
11-60.1-40 .....	Volatile organic compound water separation.	11/14/2003	4/27/2012, 77 FR 25084 .....	New regulation.
11-60.1-41 .....	Pump and compressor requirements.	11/14/2003	4/27/2012, 77 FR 25084 .....	New regulation.
11-60.1-42 .....	Waste gas disposal .....	11/14/2003	4/27/2012, 77 FR 25084 .....	New regulation.
11-60.1-51 .....	Definitions .....	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-1.
11-60.1-53 .....	Agricultural burning: Permit requirement.	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-19.
11-60.1-54 .....	Agricultural burning: Applications.	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-20.
11-60.1-56 .....	Agricultural burning: Record-keeping and monitoring.	11/14/2003	4/27/2012, 77 FR 25084 .....	Supersedes 11-60-22.
11-60.1-81 .....	Definitions .....	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-82 .....	Applicability .....	.....	04/23/2012, 77 FR 24148 .....	Supersedes 11-60-02.
11-60.1-83 .....	Initial covered source permit application.	.....	04/23/2012, 77 FR 24148 .....	Supersedes 11-60-03, 11-60-05, 11-60-07, 11-60-08, 11-60-12.
11-60.1-84 .....	Duty to supplement or correct permit applications.	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-91 .....	Temporary covered source permits.	.....	04/23/2012, 77 FR 24148 .....	New regulation.

EPA-APPROVED STATE OF HAWAII REGULATIONS—Continued

State citation	Title/subject	Effective date	EPA approval date	Explanation
11-60.1-92 .....	Covered source general permits.	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-93 .....	Federally-enforceable permit terms and conditions.	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-99 .....	Public participation .....	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-103 .....	Applications for minor modifications.	.....	04/23/2012, 77 FR 24148 .....	New regulation.
11-60.1-104 .....	Applications for significant modifications.	.....	04/23/2012, 77 FR 24148 .....	New regulation.

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[FR Doc. 2013-03842 Filed 2-20-13; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MB Docket No. 02-223, DA 02-2231]

**Radio Broadcasting Services; Avalon, California**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of rules published in the **Federal Register** on November 20, 2002. The final rules modified the TV Table of Allotments.

**DATES:** The amendment to 47 CFR 73.622(b) published in the **Federal Register** at 67 FR 70018, November 20, 2002, is effective February 21, 2013.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact John Norton, 202 418-2120, Media Bureau, Policy Division.

**SUPPLEMENTARY INFORMATION:** The Commission published a Report and Order, MB Docket No. 02-223, released September 17, 2002 at 67 FR 70018, November 20, 2002. The final rule amended § 73.622(b), Table of Allotments, under California by adding Avalon, DTV channel 47c. The document stated the amendment will become effective 60 days after the concurrence of the Mexican government is obtained. The Mexican clearance was granted on June 7, 2004.

Federal Communications Commission.

**Michelle Carey,**  
*Deputy Chief, Media Bureau.*

[FR Doc. 2013-03930 Filed 2-20-13; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 73 and 76**

[MM Docket No. 98-204; FCC 04-103]

**Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of rules published in the **Federal Register** on June 23, 2004. The final rules revised broadcast and multichannel video programming distributor (MVPD) equal employment opportunity (EEO) requirements.

**DATES:** The amendments to 47 CFR 73.3612 and 76.1802, published in the **Federal Register** at 69 FR 34950, June 23, 2004, are effective February 21, 2013.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Lewis Pulley, 202-418-1450, Media Bureau, Policy Division.

**SUPPLEMENTARY INFORMATION:** In a Third Report and Order in MM Docket No. 98-204; FCC 04-103, published in the **Federal Register**, 69 FR 34950, June 23, 2004, the Commission adopted rules which contained information collection requirements subject to the Paperwork Reduction Act. The document stated that the rule changes requiring OMB approval would become effective after OMB approval and announcement in the **Federal Register**.

On July 22, 2004, the Office of Management and Budget (OMB) approved the information collection requirements contained in 47 CFR Sections 73.3612 and 76.1802. The information collections are assigned to OMB Control No. 3060-0390 and 3060-0095, respectively.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 2013-03939 Filed 2-20-13; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 76**

[MM Docket Nos. 92-266 and 93-215, FCC 94-286]

**Cable Television Act of 1992**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of rules published in the **Federal Register** on December 6, 1994. The final rules revised to provide cable operators with additional incentives to expand their facilities and services in a way that both ensures that cable rates are reasonable and expands the opportunities for cable programmers to reach viewers.

**DATES:** The amendments to 47 CFR 76.922(e)(1) and (2) published in the **Federal Register** at 59 FR 62614, December 6, 1994, are effective February 21, 2013.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact John Norton, 202-418-2120, Media Bureau, Policy Division.

**SUPPLEMENTARY INFORMATION:** In a Sixth Order on Reconsideration and Fifth Report and Order in MM Docket Nos. 92-266 and 93-215; FCC 94-286, published in the **Federal Register**, 59 FR 62614, December 6, 1994, the Commission adopted rules which contained information collection requirements subject to the Paperwork Reduction Act. The document stated that the rule changes requiring OMB approval would become effective after OMB approval and announcement in the **Federal Register**. On February 21,