

## 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

## 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## 14. 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 (NEPA) (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 establishment of a safety zone. This rule 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 are 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.

### 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; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T11–612 to read as follows:

#### § 165.T11–612 Safety zone; Allied PRA—Solid Works; San Diego, CA.

(a) *Location.* The limits of the safety zone will include all the navigable waters within 600 feet of the nearest point of the fireworks barge in

approximate position 32°42.13'N, 117°10.01'W.

(b) *Enforcement Period.* This section will be enforced from 9 p.m. to 10 p.m. on January 28, 2014. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *designated representative* means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(3) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, a flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: December 9, 2013.

**J.A. Janszen,**

*Commander, U.S. Coast Guard, Acting, Captain of the Port San Diego.*

[FR Doc. 2013–30657 Filed 12–23–13; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2012–0988; FRL–9904–36–Region-5]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana; Indiana State Board Requirements

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to its authority under the Clean Air Act (CAA), EPA is taking final action to approve state implementation plan (SIP) submissions made by the Indiana Department of Environmental Management (IDEM) intended to meet the state board requirements under section 128 of the CAA. The proposed rule associated with this final action was published on August 19, 2013.

**DATES:** This final rule is effective on January 23, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2012–0988. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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](http://www.regulations.gov) or in hard copy at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Andy Chang at (312) 886–0258 before visiting the Region 5 office.

### FOR FURTHER INFORMATION CONTACT:

Andy Chang, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18)), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0258, [chang.andy@epa.gov](mailto:chang.andy@epa.gov).

### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for this action?
- II. What action is EPA taking?
- III. Statutory and Executive Order Reviews

### I. What is the background for this action?

Under section 128 of the CAA, each SIP must contain provisions that address two requirements: (i) That any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (ii) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. To comply with this statutory provision, Indiana submitted the following rules for incorporation into the SIP: IC 13–13–8–1, IC 13–13–8–2(a), IC 13–13–8–2(b), IC 13–13–8–3, IC 13–13–8–4, and IC 13–13–8–11. EPA’s August 19, 2013, proposed rulemaking

(see 78 FR 50360 at 50366) details how these rules satisfy the applicable requirements of section 128. EPA did not receive any comments regarding its proposal to approve Indiana's state board provisions.

## II. What action is EPA taking?

For the reasons discussed in our August 19, 2013, proposed rulemaking, EPA is taking final action to approve IDEM's submissions addressing the state board requirements under section 128 of the CAA. The specific rules that we are approving as satisfying these requirements are IC 13-13-8-1, IC 13-13-8-2(a), IC 13-13-8-2(b),<sup>1</sup> IC 13-13-8-3, IC 13-13-8-4, and IC 13-13-8-11. It should be noted that our August 19, 2013, rulemaking contained proposed actions for various additional IDEM submissions, including those addressing the CAA section 110(a)(1) and (2) "infrastructure" SIP requirements for the 2008 ozone and 2008 lead national ambient air quality standards, as well as the prevention of significant deterioration of air quality provisions. This final rulemaking, however, is limited only to the state board requirements under section 128 of the CAA.

## III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 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 Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions

<sup>1</sup> In EPA's August 19, 2013, proposed approval of Indiana's state board provisions, we incorrectly cited this rule as IC 13-18-8-2(b). We want to clarify that this final approval is consistent with Indiana's submission, specifically with respect to IC 13-13-8-2(b).

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 CAA; 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 24, 2014. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 6, 2013.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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.*

- 2. In § 52.770 the table in paragraph (c) is amended by adding a new heading entitled "State Statutes" and entry IC 13-13-8 at the end of the table to read as follows:

### § 52.770 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
<b>State Statutes</b>				
IC 13-13-8 .....	Environmental Rules Board.	1/1/2013	12/24/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	1, 2(a), 2(b), 3, 4, and 11 only.

\* \* \* \* \*  
 [FR Doc. 2013-30336 Filed 12-23-13; 8:45 am]  
 BILLING CODE 6560-50-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 225**

[FRA-2008-0136, Notice No. 6]

RIN 2130-ZA12

**Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/ Incidents for Calendar Year 2014**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rule increases the rail equipment accident/incident reporting threshold from \$9,900 to \$10,500 for certain railroad accidents/incidents involving property damage that occur during calendar year 2014. This action is needed to ensure that FRA's reporting requirements reflect cost increases that have occurred since the reporting threshold was last published in November of 2012.

**DATES:** This regulation is effective January 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Kebo Chen, Staff Director, U.S. Department of Transportation, Federal Railroad Administration, Office of Safety Analysis, RRS-22, Mail Stop 25, West Building 3rd Floor, Room W33-314, 1200 New Jersey Ave. SE., Washington, DC 20590 (telephone 202-493-6079); or Gahan Christenson, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, RCC-10, Mail Stop 10, West Building 3rd Floor, Room W31-204, 1200 New

Jersey Ave. SE., Washington, DC 20590 (telephone 202-493-1381).

**SUPPLEMENTARY INFORMATION:**

**Background**

A "rail equipment accident/incident" is a collision, derailment, fire, explosion, act of God, or other event involving the operation of railroad on-track equipment (standing or moving) that results in damages to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material, greater than the reporting threshold for the year in which the event occurs. 49 CFR 225.19(c). Each rail equipment accident/incident must be reported to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). 49 CFR 225.19(b), (c) and 225.21(a). Paragraphs (c) and (e) of 49 CFR 225.19 further provide that the dollar figure that constitutes the reporting threshold for rail equipment accidents/incidents will be adjusted, if necessary, every year in accordance with the procedures outlined in appendix B to part 225 (Appendix B) to reflect any cost increases or decreases.

Aside from periodically reviewing and adjusting the annual threshold in accordance with Appendix B, FRA has also periodically amended its method for calculating the threshold. In 49 U.S.C. 20901(b) Congress required that the threshold be based on publicly available information obtained from the Bureau of Labor Statistics (BLS), other objective government source, or be subject to notice and comment. In 1996 FRA adopted a new method for calculating the monetary reporting threshold for accidents/incidents. See 61 FR 60632 (Nov. 29, 1996). In 2005, FRA again amended its method for calculating the reporting threshold because the BLS ceased collecting and publishing the railroad wage data used

by FRA in the threshold calculation. Consequently, FRA had to substitute railroad employee wage data collected by the Surface Transportation Board for the BLS data that was no longer collected (70 FR 75414 (Dec. 20, 2005)).

In this rule, FRA is merely adjusting the reporting threshold based on the currently published formula in Appendix B. Following the adoption of this 2014 reporting threshold, FRA intends to evaluate and amend, as appropriate, its method for calculating the monetary threshold for accident/incident reporting and, as a result, the formula utilized to calculate the threshold may change. FRA intends to reexamine and amend its method for calculating its reporting threshold because, since 2006, new data sources and methodologies for calculating the threshold have become available and updating the formula to include these advances will ensure it appropriately reflects changes in costs, wages, and inflation.

**New Reporting Threshold**

Approximately one year has passed since the rail equipment accident/incident reporting threshold was revised. 77 FR 71354 (November 30, 2012). Consequently, FRA has recalculated the threshold, as required by 49 CFR 225.19(c), based on increased costs for labor and increased costs for equipment. FRA has determined that the current reporting threshold of \$9,900, which applies to rail equipment accidents/incidents that occur during calendar year 2013, should increase by \$600 to \$10,500 for equipment accidents/incidents occurring during calendar year 2014, effective January 1, 2014. The specific inputs to the equation set forth in Appendix B (*i.e.*,  $T_{new} = T_{prior} * [1 + 0.4(W_{new} - W_{prior})/W_{prior} + 0.6(E_{new} - E_{prior})/100]$ ) are:

Tprior	Wnew	Wprior	Enew	Eprior
\$9,900	\$26.93344	\$25.56943	197.23333	191.50000