

environment. This rule involves establishing a temporary 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 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

■ 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.T11–621 to read as follows:

#### § 165.T11–621 Safety zone; Lucas Oil Drag Boats Racing Series; Lake Havasu City, AZ.

(a) *Location.* The safety zone includes the waters of Thompson Bay encompassed by drawing a line from point to point along the following coordinates:

##### Northern Zone line:

34°27'57.96" N, 114°20'48.49" W  
34°27'57.71" N, 114°20'49.75" W

##### North West Zone Line:

34°27'07.99" N, 114°21'09.93" W  
34°26'51.99" N, 114°21'03.83" W

##### South Zone Line:

34°27'07.99" N, 114°21'09.93" W  
34°26'51.99" N, 114°21'03.83" W

(b) *Enforcement Period.* This section is effective from 7 a.m. on May 2, 2014, until 7 p.m. on May 4, 2014. It will be enforced from 7 a.m. to 7 p.m. each day (May 2nd, May 3rd, and May 4th, 2014). Before the effective period, the Coast Guard will publish a Local Notice to Mariners (LNM). 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 land or 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) In accordance with general regulations in 33 CFR part 165, subpart C, 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) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Captain of the Port designated representative, who can be reached on VHF–FM Channel 16.

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

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

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

Dated: March 4, 2014.

**S.M. Mahoney,**

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

[FR Doc. 2014–08788 Filed 4–16–14; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R06–OAR–2009–0594; FRL–9909–56–Region 6]

#### Approval and Promulgation of Implementation Plans; States of Arkansas and Louisiana; Clean Air Interstate Rule State Implementation Plan Revisions

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking a direct final action to approve revisions submitted to the applicable State Implementation Plans (SIPs) addressing the requirements of EPA's Clean Air Interstate Rule (CAIR) for Arkansas and Louisiana. EPA is approving revisions to the CAIR NO<sub>x</sub> Ozone Season allocation methodology submitted by the State of Arkansas as revisions to the Arkansas SIP on September 16, 2009. EPA is also approving revisions to the CAIR NO<sub>x</sub> Annual and Ozone Season Abbreviated

SIP for the annual and ozone season NO<sub>x</sub> allocation methodologies and the CAIR SO<sub>2</sub> SIP submitted by the State of Louisiana as revisions to the Louisiana SIP on July 1, 2009. EPA has evaluated the CAIR SIP revisions for Arkansas and Louisiana and determined these revisions to be consistent with the requirements of CAIR and the Clean Air Act (Act or CAA). This action is being taken under section 110 of the Act.

**DATES:** This direct final rule is effective on June 16, 2014 without further notice, unless EPA receives relevant adverse comment by May 19, 2014. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R06–OAR–2009–0594, by one of the following methods:

(1) *www.regulations.gov:* Follow the on-line instructions.

(2) *Email:* Ms. Adina Wiley at [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

(3) *Mail or Delivery:* Ms. Adina Wiley, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

*Instructions:* Direct your comments to Docket ID No. EPA–R06–OAR–2009–0594. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through <http://www.regulations.gov> or email, if you believe that it is CBI or otherwise protected from disclosure. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. If EPA cannot read your comment due to technical difficulties and cannot contact you for

clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214-665-7253.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning today's direct final action, please contact Ms. Adina Wiley (6PD-R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD-R), Suite 1200, Dallas, Texas 75202-2733, telephone (214) 665-2115; email address [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

**Table of Contents**

- I. Regulatory History of CAIR
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**I. Regulatory History of CAIR**

EPA published CAIR on May 12, 2005 (70 FR 25162). In CAIR, EPA determined that 28 states and the District of Columbia contribute significantly to nonattainment and interfere with maintenance of the 1997 national ambient air quality standards (NAAQS) for fine particles (PM<sub>2.5</sub>) and/or the 1997 8-hour ozone NAAQS in downwind states in the eastern part of the country. As a result, EPA required those upwind states to revise their SIPs to include control measures that reduce emissions of sulfur dioxide (SO<sub>2</sub>), which is a precursor to PM<sub>2.5</sub> formation, and/or nitrogen oxides (NO<sub>x</sub>), which is a precursor to both ozone and PM<sub>2.5</sub>

formation. For jurisdictions that contribute significantly to downwind PM<sub>2.5</sub> nonattainment, CAIR sets annual state-wide emission reduction requirements (i.e., budgets) for SO<sub>2</sub> and NO<sub>x</sub>. Similarly, for jurisdictions that contribute significantly to 8-hour ozone nonattainment, CAIR sets state-wide emission budgets for NO<sub>x</sub> for the ozone season (May 1st to September 30th). Under CAIR, states may implement these reduction requirements by participating in the EPA-administered cap-and-trade programs or by adopting any other control measures.

Additionally, on April 28, 2006, EPA published two additional CAIR-related final rules that added the states of Delaware and New Jersey to the list of states subject to CAIR for 1997 PM<sub>2.5</sub> and announced EPA's final decisions on reconsideration of five issues, without making any substantive changes to the CAIR requirements. On October 19, 2007, EPA amended CAIR to clarify the definition of "cogeneration unit" and, thus, the applicability of the CAIR trading program to cogeneration units.

EPA was sued by a number of parties on various aspects of CAIR, and on July 11, 2008, the D.C. Circuit Court found CAIR unlawful. *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008). The Court's original decision vacated CAIR. *Id.* at 929-30. However, the Court subsequently remanded CAIR to EPA without vacatur because it found that allowing CAIR to remain in effect until it is replaced would preserve the environmental values covered by CAIR. On August 8, 2011, EPA finalized its Cross State Air Pollution Rule (CSAPR) (Transport Rule) intended to replace the remanded CAIR. However, on August 21, 2012, the D.C. Circuit issued a decision vacating the Transport Rule. *EME Homer City Generation, L.P. v. EPA*, 696 F.3d 7 (D.C. Cir. 2012). The Court again ordered EPA to continue implementing CAIR in the interim pending promulgation of a replacement rule. Subsequently, the Supreme Court granted the United States' petition for certiorari and agreed to review the D.C. Circuit's decision in *EME Homer City*, and held oral arguments on December 10, 2013. A decision is currently pending. In the meantime, EPA intends to act in accordance with the D.C. Circuit's instruction in *EME Homer City* to continue implementing CAIR. CAIR requirements are in place, its regional control programs are operating while EPA develops replacement rules in response to the pertinent court decisions, and CAIR requirements remain in effect for Arkansas and Louisiana. The instant actions have no

impact on the legal status of CAIR or CSAPR.

**II. General Requirements of CAIR**

CAIR establishes State-wide emission budgets for SO<sub>2</sub> and NO<sub>x</sub> and is to be implemented in two phases. The first phase of NO<sub>x</sub> reductions started in 2009 and continues through 2014, while the first phase of SO<sub>2</sub> reductions started in 2010 and continues through 2014. The second phase of reductions for both NO<sub>x</sub> and SO<sub>2</sub> starts in 2015 and continues thereafter. CAIR requires States to implement the budgets by either: (1) requiring EGUs to participate in the EPA-administered cap-and-trade programs; or (2) adopting other control measures of the State's choosing and demonstrating that such control measures will result in compliance with the applicable State SO<sub>2</sub> and NO<sub>x</sub> budgets.

The May 12, 2005 and April 28, 2006, CAIR rules provide model rules that States must adopt (with certain limited changes, if desired) if they want to participate in the EPA-administered trading programs. With two exceptions, only States that choose to meet the requirements of CAIR through methods that exclusively regulate EGUs are allowed to participate in the EPA-administered trading programs. One exception is for States that adopt the opt-in provisions of the model rules to allow non-EGUs individually to opt into the EPA-administered trading programs. The other exception applies to States that choose to include all non-EGUs from their NO<sub>x</sub> SIP Call trading programs in their CAIR NO<sub>x</sub> ozone season trading programs.<sup>1</sup>

States have the flexibility to choose the type of control measures they use to meet the requirements of CAIR. EPA anticipated that most States would choose to meet the CAIR requirements by selecting an option that requires EGUs to participate in the EPA-administered CAIR cap-and-trade programs. For such States, EPA provides two approaches for submitting and obtaining approval for CAIR SIP revisions. States may submit full SIP revisions that adopt the model CAIR cap-and-trade rules. If approved, these SIP revisions fully replace the CAIR FIPs. Alternatively, States may submit abbreviated SIP revisions. These SIP revisions do not replace the CAIR FIPs; however, the CAIR FIPs provide that, when approved, the provisions in these abbreviated SIP revisions be used

<sup>1</sup> Arkansas and Louisiana did not adopt opt-in provisions in the original CAIR SIP submittals. Arkansas and Louisiana are not subject to the NO<sub>x</sub> SIP Call. Therefore, the Arkansas and Louisiana CAIR regulations only pertain to EGUs.

instead of or in conjunction with, as appropriate, the corresponding provisions of the CAIR FIPs (e.g., the NO<sub>x</sub> allowance allocation methodology).

### III. Analysis of the Arkansas September 16, 2009, CAIR SIP Revision

EPA approved the Arkansas CAIR NO<sub>x</sub> Ozone Season SIP on September 26, 2007, as fully implementing the requirements of the CAIR NO<sub>x</sub> Ozone Season Program by requiring certain EGUs to participate in the EPA-administered CAIR cap-and-trade program for NO<sub>x</sub> ozone season emissions. See 72 FR 54556. Subsequent to our full approval of the Arkansas CAIR NO<sub>x</sub> ozone season SIP and the withdrawal of the CAIR NO<sub>x</sub> ozone season FIP for Arkansas, the Arkansas Department of Environmental Quality (ADEQ) submitted on September 16, 2009, one revision to the Arkansas SIP for the CAIR NO<sub>x</sub> Ozone Season program. The September 16, 2009, SIP submittal includes revisions to the CAIR NO<sub>x</sub> Ozone Season incorporation by reference dates at Regulation 19.1401 and the allocation methodology at Regulation 19.1404 adopted by the Arkansas Pollution Control and Ecology Commission on December 5, 2008 and June 26, 2009. Because we have already approved the underlying Arkansas CAIR NO<sub>x</sub> ozone season program as satisfying the minimum requirements of CAIR, EPA will only evaluate the revisions submitted to the Arkansas CAIR NO<sub>x</sub> ozone season SIP.

#### A. Revisions to Regulation 19.1401

The ADEQ submitted a revision to the incorporation by reference date of the CAIR NO<sub>x</sub> Ozone Season program at Regulation 19.1401—Adoption of Regulations. In this section, the ADEQ incorporates the requirements of 40 CFR Part 96, Subparts AAAA—HHHH for the CAIR NO<sub>x</sub> Ozone Season Trading Program, as finalized by the EPA on May 12, 2005, and further revised on April 28, 2006, December 13, 2006 and October 19, 2007. EPA finds that the ADEQ correctly updated the CAIR applicability to address the revisions made to the definition of cogeneration units on October 19, 2007. EPA is approving this revision to the incorporation by reference date as consistent with the requirements of CAIR.

#### B. Revisions to Regulation 19.1404

The ADEQ submitted revisions to the Arkansas CAIR NO<sub>x</sub> Ozone Season allocation methodology at Regulation 19.1404—CAIR NO<sub>x</sub> Ozone Season Allowance Allocations. EPA has

previously SIP-approved Regulation 19.1404 as replacing the federal allocation methodology at 40 CFR Part 96, Subpart EEEE. The underlying allocation methodology remains unchanged, but the ADEQ has adopted and submitted non-substantive revisions to update cross-references and abbreviations. EPA is approving these non-substantive revisions as necessary to improve clarity and functionality of the rule.

### IV. Analysis of the Louisiana July 1, 2009, CAIR SIP Revision

#### A. Revisions to the Louisiana CAIR NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Abbreviated SIP

EPA approved the Louisiana CAIR NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Abbreviated SIP revision on September 28, 2007. See 72 FR 55064. In that action, we evaluated the NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season allocation methodologies, found them to be consistent with the requirements of the CAIR NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season programs, and determined that the Louisiana allocation methodology was sufficient to replace the CAIR NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season FIP allocation methodologies.

Since our September 28, 2007 approval of the Louisiana abbreviated CAIR NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season SIP revision, the LDEQ adopted and submitted on July 1, 2009, one revision to the Louisiana SIP to revise the NO<sub>x</sub> annual and NO<sub>x</sub> ozone season allocation methodologies at LAC 33:III.506.A and 506.B. Generally, the July 1, 2009, submittal updates the citations to address the October 19, 2007 revisions to CAIR for cogenerators; revises and adds definitions to the CAIR NO<sub>x</sub> annual and NO<sub>x</sub> ozone season allocation methodologies; and revises the allocation methodology provisions as a result of comments and experience to promote more equitable distribution of allowances specific to the Louisiana regulated EGUs.

#### 1. Revisions to LAC 33:III.506.A—CAIR NO<sub>x</sub> Annual Program

The LDEQ submitted revisions to the CAIR NO<sub>x</sub> Annual Abbreviated SIP at LAC 33:III.506(A) Clean Air Interstate Rule Requirements—Nitrogen Oxide Annual Program. The LDEQ has revised the introductory paragraph to state that the requirements of 40 CFR Part 97, Subparts AA—HH for the CAIR NO<sub>x</sub> Annual Trading Program, as revised on October 19, 2007, continue to apply, except as modified by the Louisiana CAIR NO<sub>x</sub> Annual abbreviated SIP. The abbreviated SIP revision for NO<sub>x</sub>

Annual Allocation methodology at LAC 33:III.506(A) will continue to replace the requirements at 40 CFR 97.141 and 97.142 regarding Timing Requirements for CAIR NO<sub>x</sub> Allowance Allocations and CAIR NO<sub>x</sub> Allowance Allocations. EPA finds that the LDEQ correctly updated the CAIR applicability to address the revisions made to the definition of cogeneration units on October 19, 2007. EPA is approving this revision to LAC 33:III.506(A) as consistent with the requirements of CAIR.

The LDEQ also submitted revisions to the Louisiana CAIR NO<sub>x</sub> Annual Allocation Methodology. These revisions are implemented through new and amended definitions applicable to the Louisiana CAIR NO<sub>x</sub> Annual program at LAC 33:III.506(A)(1) and the provisions establishing the allocation calculations at LAC 33:III.506(A)(2). Combined, these revisions modify the Louisiana CAIR NO<sub>x</sub> annual allocation methodology to distribute allowances to certified and utility units in a manner found to be more equitable by the state and add provisions to address allocations to repowered units. The submitted revisions did not revise any of the SIP-approved requirements for submittal of the allocations to EPA or revise the NO<sub>x</sub> Annual budget for Louisiana. EPA is approving these revisions because we find that the LDEQ has tailored the CAIR NO<sub>x</sub> Annual allocation methodology to be reflective of Louisiana-specific circumstances, as is the state's prerogative under the CAIR SIP provisions at 40 CFR 51.123(p)(1).

#### 2. Revisions to LAC 33:III.506.B—CAIR NO<sub>x</sub> Ozone Season Program

The LDEQ submitted revisions to the incorporation by reference date of the CAIR NO<sub>x</sub> Ozone Season Abbreviated SIP at LAC 33:III.506(B) Clean Air Interstate Rule Requirements—Nitrogen Oxide Ozone Season Program. The LDEQ has revised the introductory paragraph to state that the requirements of 40 CFR Part 97, Subparts AAAA—HHHH for the CAIR NO<sub>x</sub> Ozone Season Trading Program, as revised on October 19, 2007, continue to apply, except as modified by the Louisiana CAIR NO<sub>x</sub> Ozone Season abbreviated SIP. The abbreviated SIP revision for NO<sub>x</sub> Ozone Season Allocation methodology at LAC 33:III.506(B) will continue to replace the requirements at 40 CFR 97.341 and 97.342 regarding Timing Requirements for CAIR NO<sub>x</sub> Ozone Season Allowance Allocations and CAIR NO<sub>x</sub> Ozone Season Allowance Allocations. EPA finds that the LDEQ correctly updated the CAIR applicability to address the revisions made to the definition of

cogeneration units on October 19, 2007. EPA is approving this revision to LAC 33:III.506(B) as consistent with the requirements of CAIR.

The LDEQ also submitted revisions to the Louisiana CAIR NO<sub>x</sub> Ozone Season Allocation Methodology. These revisions are implemented through new and amended definitions applicable to the Louisiana CAIR NO<sub>x</sub> Ozone Season program at LAC 33:III.506(B)(1) and the provisions establishing the allocation calculations at LAC 33:III.506(B)(2). Combined, these revisions modify the Louisiana CAIR NO<sub>x</sub> ozone season allocation methodology to distribute allowances to certified and utility units in a manner found to be more equitable by the state and add provisions to address allocations to repowered units. The submitted revisions did not revise any of the SIP-approved requirements for submittal of the allocations to EPA or revise the NO<sub>x</sub> Ozone Season budget for Louisiana. EPA is approving these revisions because we find that the LDEQ has tailored the CAIR NO<sub>x</sub> Ozone Season allocation methodology to be reflective of Louisiana-specific circumstances, as is the state's prerogative under the CAIR SIP provisions at 40 CFR 51.123(ee)(2).

#### *B. Revisions to the Louisiana CAIR SO<sub>2</sub> Program*

On July 20, 2007, EPA approved the Louisiana CAIR SO<sub>2</sub> SIP as fully implementing the annual SO<sub>2</sub> requirements of CAIR by requiring certain EGUs to participate in the EPA-administered CAIR cap-and-trade program for SO<sub>2</sub> emissions. See 72 FR 39741.

#### 1. Revisions to LAC 33:III.506.C—CAIR Annual SO<sub>2</sub> Program

Subsequent to our full approval of the Louisiana CAIR SO<sub>2</sub> SIP and the withdrawal of the CAIR SO<sub>2</sub> FIP for Louisiana, the LDEQ submitted on July 1, 2009, a revision to the Louisiana SIP for the CAIR SO<sub>2</sub> program. The July 1, 2009, SIP submittal updates the CAIR SO<sub>2</sub> program incorporation by reference dates at LAC 33:III.506.C. In this section, the LDEQ incorporates by reference the CAIR SO<sub>2</sub> program as published at 40 CFR Part 96 on July 1, 2007 and revised on October 19, 2007 at 72 FR 59190–59207. EPA finds that the LDEQ correctly updated the CAIR SO<sub>2</sub> incorporation by reference dates to include the revisions made to the definition of cogeneration units on October 19, 2007. EPA is approving this revision to the incorporation by reference date as consistent with the requirements of CAIR.

#### **V. Final Action**

Under section 110 of the Act, and for the reasons stated above, EPA is taking direct final action to approve revisions to the Arkansas and Louisiana SIPs pertaining to CAIR. Specifically, EPA is approving revisions to the Arkansas CAIR NO<sub>x</sub> Ozone Season Program at Regulation 19.1401 and 19.1404 as adopted on December 5, 2008, and submitted as revisions to the Arkansas SIP on September 16, 2009. EPA is also approving revisions to the Louisiana CAIR NO<sub>x</sub> Annual and Ozone Season Program for the annual and ozone season NO<sub>x</sub> allocation methodologies at LAC 33:III.506 (A) and (B) and the Louisiana CAIR SO<sub>2</sub> Program at LAC 33:III.506(C) adopted on June 20, 2008, by the State of Louisiana and submitted as revisions to the Louisiana SIP on July 1, 2009.

We are approving the revisions to the Arkansas and Louisiana SIPs under section 110 of the Act. We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on *June 16, 2014* without further notice unless we receive relevant adverse comment by *May 19, 2014*. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

#### **VI. 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 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, 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 June 16, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 2, 2014.  
**Samuel Coleman,**  
*Acting Regional Administrator, Region 6.*

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.*

**Subpart E—Arkansas**

- 2. In § 52.170(c), the table titled “EPA-Approved Regulations in the Arkansas SIP” is amended by revising the entries for Reg. 19.1401 and Reg 19.1404.

**§ 52.170 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

**EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP**

State citation	Title/Subject	State submittal/ effective date	EPA approval date	Explanation
* * * * *				
Reg. 19.1401 .....	Adoption of Regulations .....	9/16/2009	4/17/2014 [Insert FR page number where document begins]..	
* * * * *				
Reg. 19.1404 .....	CAIR NO <sub>x</sub> Ozone Season Allowance Allocations.	9/16/2009	4/17/2014 [Insert FR page number where document begins]..	
* * * * *				

\* \* \* \* \*  
**Subpart T—Louisiana**

- 3. In § 52.970(c), the table titled “EPA Approved Louisiana Regulations in the

Louisiana SIP” is amended by revising the entries for Sections 506(A), 506(B), and 506(C).

**§ 52.970 Identification of plan.**  
 \* \* \* \* \*  
 (c) \* \* \*

**EPA-APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP**

State citation	Title/Subject	State approval date	EPA approval date	Explanation
* * * * *				
Section 506(A) .....	Clean Air Interstate Rule Requirements—Nitrogen Oxide Annual Program.	6/20/2008	4/17/2014 [Insert FR page number where document begins].	
Section 506(B) .....	Clean Air Interstate Rule Requirements—Nitrogen Oxide Ozone Season Program.	6/20/2008	4/17/2014 [Insert FR page number where document begins].	
Section 506(C) .....	Clean Air Interstate Rule Requirements—Annual Sulfur Dioxide.	6/20/2008	4/17/2014 [Insert FR page number where document begins].	
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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 229****Locomotive Safety Standards***CFR Correction*

In Title 49 of the Code of Federal Regulations, Parts 200 to 299, revised as of October 1, 2013, on page 501, § 229.17 is reinstated to read as follows:

**§ 229.17 Accident reports.**

(a) In the case of an accident due to a failure from any cause of a locomotive or any part or appurtenance of a locomotive, or a person coming in contact with an electrically energized part or appurtenance, that results in serious injury or death of one or more persons, the carrier operating the locomotive shall immediately report the accident by toll free telephone, Area Code 800-424-0201. The report shall state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred, the location at which the locomotive or the affected parts may be inspected by the FRA, and the name, title and phone number of the person making the call. The locomotive or the part or parts affected by the accident shall be preserved intact by the carrier until after the FRA inspection.

(b) Written confirmation of the oral report required by paragraph (a) of this section shall be immediately mailed to the Federal Railroad Administration, RRS-25, Washington, D.C. 20590, and contain a detailed description of the accident, including to the extent known, the causes and the number of persons killed and injured. The written report required by this paragraph is in addition to the reporting requirements of 49 CFR Part 225.

[FR Doc. 2014-08931 Filed 4-16-14; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 131231999-4319-01]

RIN 0648-BD87

**Temporary Rule To Establish Separate Annual Catch Limits and Accountability Measures for Blueline Tilefish in the South Atlantic Region**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; emergency action.

**SUMMARY:** NMFS issues this temporary rule to reduce the amount of blueline tilefish that may be harvested in the exclusive economic zone (EEZ) of the South Atlantic by removing the blueline tilefish portion from the deep-water complex annual catch limit (ACL) and establishing separate commercial and recreational ACLs and accountability measures (AMs) for blueline tilefish. At its December 2013 meeting, the South Atlantic Fishery Management Council (Council) requested emergency action regarding blueline tilefish given new stock assessment results that indicate the blueline tilefish stock is overfished and undergoing overfishing in the South Atlantic. This temporary rule is based upon the best scientific information available, and will be effective for 180 days, unless superseded by subsequent rulemaking. NMFS may extend the rule's effectiveness for an additional 186 days pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The intent of this rulemaking is to reduce overfishing of blueline tilefish in the South Atlantic.

**DATES:** This temporary rule is effective April 17, 2014, through October 14, 2014. Comments may be submitted through May 19, 2014.

**ADDRESSES:** You may submit comments on the temporary rule, identified by "NOAA-NMFS-2014-0027", by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2014-0027](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2014-0027), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Rick DeVactor, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will

accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the documents in support of this temporary rule may be obtained from the Southeast Regional Office Web site at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/s\\_atl/sg/2014/acl\\_er/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2014/acl_er/index.html).

**FOR FURTHER INFORMATION CONTACT:** Rick DeVactor, Southeast Regional Office, NMFS, telephone: 727-824-5305, email: [Rick.DeVictor@noaa.gov](mailto:Rick.DeVictor@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS and the Council manage South Atlantic snapper-grouper species, including blueline tilefish, under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act. The Magnuson-Stevens Act provides the legal authority for the promulgation of emergency regulations under section 305(c) (16 U.S.C. 1855(c)).

**Background**

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to end overfishing of stocks and to minimize bycatch and bycatch mortality to the extent practicable.

On March 16, 2012, NMFS published a final rule for the Comprehensive ACL Amendment (77 FR 15916) which established a deep-water complex ACL for yellowedge grouper, blueline tilefish, silk snapper, misty grouper, sand tilefish, queen snapper, black snapper, and blackfin snapper. The commercial ACL for the deep-water complex is 376,469 lb (170,763 kg), round weight, and the recreational ACL for the deep-water complex is 334,556 lb (151,752 kg), round weight, for a total