

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–1123 to read as follows:

§ 165.T01–1123 Safety Zone; Pleasure Beach Bridge, Bridgeport, CT.

(a) *Location.* The following area is a safety zone: All navigable waters of the entrance channel to Johnsons Creek in the vicinity of Pleasure Beach Bridge, Bridgeport, CT bound inside an area that starts at a point on land at position 41–10.2N, 073–10.7W and then east along the shoreline to a point on land at position 41–9.57N, 073–9.54W and then south across the channel to a point on land at position 41–9.52N, 073–9.58W and then west along the shoreline to a point on land at position 41–9.52N, 073–10.5W and then north across the channel back to the point of origin.

(b) *Enforcement period.* This rule will be enforced from 12:01 a.m. on January 1, 2016 to 12:01 a.m. on July 1, 2016.

(c) *Definitions.* The following definitions apply to this section: A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP, Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loud hailer. “Official patrol vessels” may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(d) *Regulations.* (1) The general regulations contained in § 165.23 apply.

(2) In accordance with the general regulations in § 165.23, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

(3) Operators of vessels desiring to enter or operate within the safety zone should contact the COTP Sector Long Island Sound at 203–468–4401 (Sector LIS command center) or the designated representative via VHF channel 16 to obtain permission to do so.

(4) Any vessel given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Sector Long Island Sound, or the designated on-scene representative.

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

Dated: December 30, 2015.

E.J. Cubanski, III,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

Editorial note: This document was received for publication by the Office of Federal Register on June 20, 2016.

[FR Doc. 2016–14908 Filed 6–22–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and 81

[EPA–R04–OAR–2016–0018; FRL–9948–02–Region 4]

Air Plan Approval and Air Quality Designation; TN; Redesignation of the Shelby County 2008 8-Hour Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On January 19, 2016, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), Air Pollution Control Division, submitted a request for the Environmental Protection Agency (EPA) to redesignate the portion of Tennessee that is within the Memphis, Tennessee–Mississippi–Arkansas (Memphis, TN–MS–AR) 2008 8-hour ozone nonattainment area (hereafter referred to as the “Memphis, TN–MS–AR Area” or “Area”) and a related State Implementation Plan (SIP) revision containing a maintenance plan and base year inventory for the Area. EPA is taking the following separate final actions related to the January 19, 2016, redesignation request and SIP revision: Approving the base year emissions inventory for the Area into the SIP; determining that the Memphis, TN–MS–AR Area is attaining the 2008 8-hour ozone National Ambient Air

Quality Standards (NAAQS); approving the State’s plan for maintaining attainment of the 2008 8-hour ozone NAAQS in the Area, including the motor vehicle emissions budgets (MVEBs) for nitrogen oxides (NO_x) and volatile organic compounds (VOCs) for the year 2027 for the Tennessee portion of the Area, into the SIP; and redesignating the Tennessee portion of the Area to attainment for the 2008 8-hour ozone NAAQS. Additionally, EPA finds the MVEBs for the Tennessee portion of the Area adequate for the purposes of transportation conformity. **DATES:** This rule will be effective July 25, 2016.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2016–0018. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information 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 Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jane Spann, Air Regulatory Management Section, Air Planning and Implementation Branch, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Spann can be reached by phone at (404) 562–9029 or via electronic mail at spann.jane@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 21, 2012, EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS that was promulgated on March 27, 2008. *See* 77 FR 30088. The Memphis, TN–MS–AR Area was designated nonattainment for the 2008

8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. *See* 77 FR 30088. The Memphis, TN-MS-AR Area consists of a portion of DeSoto County in Mississippi, all of Shelby County in Tennessee, and all of Crittenden County in Arkansas. At the time of designation, the Memphis, TN-MS-AR Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. In the final implementation rule for the 2008 8-hour ozone NAAQS (SIP Implementation Rule),¹ EPA established ozone nonattainment area attainment dates based on Table 1 of section 181(a) of the Clean Air Act (CAA or Act). This established an attainment date three years after the July 20, 2012, effective date for areas classified as marginal areas for the 2008 8-hour ozone nonattainment designations. Therefore, the Memphis, TN-MS-AR Area's attainment date is July 20, 2015.

Based on the 2008 8-hour ozone nonattainment designation for the Memphis, TN-MS-AR Area, Tennessee was required to develop a nonattainment SIP revision addressing certain Clean Air Act (CAA or Act) requirements. Specifically, pursuant to CAA section 182(a)(3)(B) and section 182(a)(1), the state was required to submit a SIP revision addressing emissions statements and base year emissions inventory requirements, respectively, for its portion of the Area. EPA approved the emissions statements requirements for the Tennessee portion of the Area into the SIP in a final action published on March 5, 2015. *See* 80 FR 11974.

On January 19, 2016, TDEC requested that EPA redesignate Tennessee's portion of the Memphis, TN-MS-AR Area to attainment for the 2008 8-hour ozone NAAQS, and submitted a SIP revision containing a section 182(a)(1) base year emissions inventory and the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the MVEBs for NO_x and VOC for the year 2027 for the Tennessee

¹ This rule, entitled Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements and published at 80 FR 12264 (March 6, 2015), addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology (RACT), reasonably available control measures (RACTM), major new source review (NSR), emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. This rule also addresses the revocation of the 1997 ozone NAAQS and the anti-backsliding requirements that apply when the 1997 ozone NAAQS are revoked.

portion of the Area.² In a notice of proposed rulemaking (NPRM) published on April 19, 2016, EPA proposed to: (1) Approve and incorporate the base year emissions inventory into the SIP as meeting the requirements of section 182(a)(1); (2) determine that the Memphis, TN-MS-AR Area is attaining the 2008 8-hour ozone NAAQS; (3) approve and incorporate into the Tennessee SIP the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2027 MVEBs for NO_x and VOC for Tennessee's portion of Memphis, TN-MS-AR Area; and (4) redesignate the Tennessee portion of the Area to attainment for the 2008 8-hour ozone NAAQS. *See* 81 FR 22948. In that notice, EPA also notified the public of the status of the Agency's adequacy determination for the NO_x and VOC MVEBs for Tennessee's portion of Memphis, TN-MS-AR Area. No comments were received on the April 19, 2016, proposed rulemaking. The details of Tennessee's submittal and the rationale for EPA's actions are further explained in the NPRM. *See* 81 FR 22948 (April 19, 2016).

II. What are the effects of these actions?

Approval of Tennessee's redesignation request changes the legal designation of Shelby County in the Memphis, TN-MS-AR Area, found at 40 CFR 81.325, from nonattainment to attainment for the 2008 8-hour ozone NAAQS. Approval of Tennessee's associated SIP revision also incorporates a section 182(a)(1) base year emissions inventory and a plan into the SIP for maintaining the 2008 8-hour ozone NAAQS in the Tennessee portion of the Area through 2027. The maintenance plan establishes NO_x and VOC MVEBs for 2027 for the Shelby County, Tennessee and includes contingency measures to remedy any future violations of the 2008 8-hour ozone NAAQS and procedures for evaluating potential violations. The MVEBs for the Tennessee portion of the Memphis, TN-MS-AR Area, along with the allocations from the safety margin, are provided in the table below.³

² The Tennessee Department of Environment and Conservation Air Pollution Control Board adopted the SIP revision containing the maintenance plan on January 13, 2016.

³ As discussed in the NPRM, the safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. Tennessee chose to allocate a portion of the available safety margin to the NO_x and VOC MVEBs for 2027. TDEC has allocated 49.04 tpd of the NO_x safety margin to the 2027 NO_x MVEB and 13.19 tpd of the VOC safety margin to the 2027 VOC MVEB.

MVEBs FOR THE TENNESSEE PORTION OF THE MEMPHIS, TN-MS-AR AREA [tpd]

	2027	
	NO _x	VOC
On-Road Emissions	12.51	5.81
Safety Margin Allocated to MVEBs	49.04	13.19
Conformity MVEBs	61.56	19.01

III. Final Action

EPA is taking a number of final actions regarding Tennessee's January 19, 2016, request to redesignate the Tennessee portion of the Memphis, TN-MS-AR Area to attainment and associated SIP revision. First, EPA is approving and incorporating Tennessee's section 182(a)(1) base year emissions inventory for the Tennessee portion of the Area into the SIP.

Second, EPA is determining that the Memphis, TN-MS-AR Area is attaining the 2008 8-hour ozone NAAQS.

Third, EPA is approving and incorporating the maintenance plan for the Tennessee portion of the Memphis, TN-MS-AR Area, including the NO_x and VOC MVEBs for 2027, into the Tennessee SIP. The maintenance plan demonstrates that the Area will continue to maintain the 2008 8-hour ozone NAAQS through 2027.

Fourth, EPA is determining that Tennessee has met the criteria under CAA section 107(d)(3)(E) for redesignation of the State's portion of the Memphis, TN-MS-AR Area from nonattainment to attainment for the 2008 8-hour ozone NAAQS. On this basis, EPA is approving Tennessee's redesignation request. As mentioned above, approval of the redesignation request changes the official designation of Shelby County, Tennessee for the 2008 8-hour ozone NAAQS from nonattainment to attainment, as found at 40 CFR part 81.

EPA is also notifying the public that EPA finds the newly-established NO_x and VOC MVEBs for the Tennessee portion of the Memphis, TN-MS-AR Area adequate for the purpose of transportation conformity. Within 24 months from this final rule, the transportation partners will need to demonstrate conformity to the new NO_x and VOC MVEBs pursuant to 40 CFR 93.104(e)(3).

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section

107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. See 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, these actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are 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.*);
- do 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);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are 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
- will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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**. These actions are 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 these actions must be filed in the United States Court of Appeals for the appropriate circuit by August 22, 2016. Filing a petition for reconsideration by the Administrator of this final rule does

not affect the finality of these actions 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. These actions may not be challenged later in proceedings to enforce their requirements. See section 307(b)(2).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: June 10, 2016.

Heather McTeer Toney,
Regional Administrator, Region 4.

40 CFR parts 52 and 81 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 RR—Tennessee

- 2. Section 52.2220(e) is amended by adding entries for "2008 8-hour Ozone Maintenance Plan for the Memphis TN-MS-AR Area" and "2008 8-hour Ozone Emissions Inventory for the Memphis TN-MS-AR Area" at the end of the table to read as follows:

§ 52.2220 Identification of plan.

* * * * *
(e) * * *

EPA APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
2008 8-hour Ozone Maintenance Plan for the Memphis TN-MS-AR Area.	Shelby County	01/13/2016	6/23/2016 [Insert citation of publication].	
2008 8-hour Ozone Emissions Inventory for the Memphis TN-MS-AR Area.	Shelby County	01/13/2016	6/23/2016 [Insert citation of publication].	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.343, the table entitled “Tennessee—2008 8-Hour Ozone NAAQS (Primary and secondary)” is amended under “Memphis, TN-MS-

AR:” by revising the entry for “Shelby County” to read as follows:

§ 81.343 Tennessee.

* * * * *

TENNESSEE—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * *				
Memphis, TN-MS-AR: ² Shelby County	6/23/2016	Attainment.		
* * * * *				

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

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[FR Doc. 2016-14807 Filed 6-22-16; 8:45 am]

BILLING CODE 6560-50-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 1230 and 2554

RIN 3045-AA65

Civil Monetary Penalties Inflation Adjustment

AGENCY: Corporation for National and Community Service.

ACTION: Interim final rule.

SUMMARY: The Corporation for National and Community Service (CNCS) is updating its regulations to reflect required inflation-related increases to the civil monetary penalties in its regulations, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: *Effective date:* This rule is effective August 1, 2016.

Comment due date: Technical comments may be submitted until July 25, 2016.

ADDRESSES: You may send your comments electronically through the Federal government’s one-stop rulemaking Web site at www.regulations.gov. Also, you may mail or deliver your comments to Phyllis Green, Executive Assistant, Office of General Counsel, at the Corporation for National and Community Service, 250 E Street SW., Washington, DC 20525. Due to continued delays in CNCS’s receipt of mail, we strongly encourage comments to be submitted online electronically. The TDD/TTY number is 800-833-

3722. You may request this notice in an alternative format for the visually impaired.

FOR FURTHER INFORMATION CONTACT:

Phyllis Green, Executive Assistant, Office of General Counsel, at 202-606-6709 or email to pgreen@cns.gov.

Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

I. Background

The Corporation for National and Community Service (CNCS) is a federal agency that engages more than five million Americans in service through its AmeriCorps, Senior Corps, Social Innovation Fund, and Volunteer Generation Fund programs, and leads the President’s national call to service initiative, United We Serve. For more information, visit NationalService.gov.

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) (the “Act”) to improve the effectiveness of civil monetary penalties and to maintain the deterrent effect of such penalties. The Act requires agencies to make a “catch-up” adjustment to the level of civil monetary penalties through an interim final rulemaking and to adjust the civil monetary penalties for inflation annually.

II. Method of Calculation

CNCS identified two civil monetary penalties in its regulations and calculated the catch-up adjustments as specified in the February 24, 2016, OMB

Memorandum of the Heads of Executive Departments and Agencies, M-16-06, *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*. A civil monetary penalty under the act is a penalty, fine, or other sanction that is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by federal law and is assessed or enforced by an agency pursuant to Federal law and is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. (See 28 U.S.C. 2461 note).

The inflation adjustment for each applicable civil monetary penalty is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October of the year in which the amount of each civil money penalty was most recently established or modified.

CNCS identified two civil penalties in its regulations: (1) The penalty associated with Restrictions on Lobbying (45 CFR 1230.400) and (2) the penalty associated with the Program Fraud Civil Remedies Act (45 CFR 2554.1).

In 1989, Congress established civil monetary penalties related to Restrictions on Lobbying (Section 319, Pub. L. 101-121; 31 U.S.C. 1352) ranging from \$10,000 to \$100,000. The multiplier for 1989 is 1.89361. Thus, the new range of possible civil monetary penalties is from \$18,936 to \$189,361.

The Program Fraud Civil Remedies Act of 1986 (Pub. L. 99-509) established a civil monetary penalty with an upper limit of \$5,000. The multiplier for 1986 is 2.15628. Thus, the new upper limit of the civil monetary penalty is \$10,781.