(d) Engaging in dispute resolution services provided by OGIS. Mediation is a voluntary process. If OPIC agrees to participate in the mediation services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

(e) When appeal is required. Before seeking court review, a requestor generally must first submit a timely administrative appeal.


Nichole Skyoles, Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2016–30661 Filed 12–21–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Limited Federal Implementation Plan; Prevention of Significant Deterioration Requirements for Fine Particulate Matter (PM$_{2.5}$); California; North Coast Unified Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this rulemaking, the Environmental Protection Agency (EPA) is proposing a limited Federal Implementation Plan (FIP) under the Clean Air Act (CAA or Act) to apply to the North Coast Unified Air Quality Management District (North Coast Unified AQMD or District) in California. This limited FIP would implement provisions to regulate fine particulate matter (PM$_{2.5}$) under the CAA Prevention of Significant Deterioration (PSD) program within the District. The EPA previously issued two findings of failure to submit a State Implementation Plan (SIP) addressing these PSD requirements and also issued a partial disapproval action applicable to the North Coast Unified AQMD portion of the California SIP that triggered the duty under CAA section 110(c)(1) for the EPA to promulgate this limited FIP. If we finalize this action as proposed, the EPA will be the CAA PSD permitting authority for any new or modified major sources subject to PSD review for PM$_{2.5}$ or its precursors within the District.

DATES: Any comments must arrive by January 23, 2017. If a public hearing is held, the public comment period will automatically be extended and will close on February 13, 2017. Public Hearing: If any party contacts us in writing by December 29, 2016 to request that a public hearing be held, we will hold a public hearing on January 13, 2017 at 9:00 a.m. Please see the ADDRESSES and SUPPLEMENTARY INFORMATION sections of this notice for additional information on the public hearing and how to determine whether the comment period has been extended.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R09–OAR–2016–0727 at http://www.regulations.gov, or via email to r9airpermits@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the FOR FURTHER INFORMATION CONTACT section. If no requests for a public hearing are received by close of business on December 29, 2016, a hearing will not be held; please contact Ms. Nguyen or check the EPA’s Public Notice Web site at https://www.epa.gov/publicnotices to verify if the hearing will actually be held and whether the comment period will be automatically extended.

At the hearing, the hearing officer may limit oral testimony to 5 minutes per person. The hearing will be limited to the subject matter of this proposal, the scope of which is discussed below. The EPA will not respond to comments during the public hearing. When we publish our final action we will provide a written response to all written or oral comments received on the proposal. Any member of the public may provide written or oral comments pertaining to our proposal at the hearing. Note that any written comments and supporting information submitted during the comment period will be considered with the same weight as any oral comments presented at the public hearing. Interested parties may also submit written comments, as discussed elsewhere in this notice.

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III. Statutory and Executive Order Reviews

I. Background

In 2008, the EPA promulgated a rulemaking finalizing regulations to implement the New Source Review
program for PM\textsubscript{2.5} (PM\textsubscript{2.5} NSR Rule).\textsuperscript{3} The PM\textsubscript{2.5} NSR Rule required, among other things, that states develop SIPs addressing precursors of PM\textsubscript{2.5} emissions. In 2010, the EPA promulgated a rulemaking amending the PSD program regulations for PM\textsubscript{2.5} to add provisions governing the maximum allowable increases in ambient pollutant concentrations (increments), with which new major stationary sources and major modifications of PM\textsubscript{2.5} and PM\textsubscript{2.5} precursor emissions must demonstrate compliance as a condition of obtaining a PSD permit (PM\textsubscript{2.5} Increments Rule).\textsuperscript{2}

The PM\textsubscript{2.5} Increments Rule requires states to submit SIPs modifying their PSD permitting regulations to incorporate the PM\textsubscript{2.5} increment provisions. On January 15, 2013, the EPA issued a finding of failure to submit for the State of California in which it found that California had failed to make an infrastructure SIP submittal providing certain required basic program elements of CAA section 110(a)(2) necessary to implement the 2008 Ozone National Ambient Air Quality Standard (NAAQS).\textsuperscript{4} Relevant here, the EPA found that California had not submitted a SIP to address the PSD permitting requirements of CAA section 110(a)(2)(C), (D)(ii)(I), and (J) for areas including the North Coast Unified AQMD. That finding resulted in a deadline of February 14, 2015, for the EPA to promulgate a FIP pursuant to CAA section 110(c)(1) to address the outstanding SIP elements unless, prior to that time, the State submitted, and the EPA approved, a SIP that corrected the identified deficiencies.\textsuperscript{5}

On April 1, 2016, the EPA published a final rule partially approving and partially disapproving several CAA infrastructure SIP revisions submitted by the State of California related to the implementation, maintenance and enforcement of the NAAQS for ozone, PM\textsubscript{2.5}, lead, nitrogen dioxide (NO\textsubscript{2}), and sulfur dioxide (SO\textsubscript{2}).\textsuperscript{6} We partially disapproved a portion of these infrastructure SIP submittals as they pertained to the North Coast Unified AQMD with respect to the PSD-related requirements of CAA sections 110(a)(2)(C), (D)(ii)(II), and (J) for all of these NAAQS, in part because we found that the District’s SIP-approved PSD program did not include requirements for the regulation of PM\textsubscript{2.5} and PM\textsubscript{2.5} precursors, condensable PM\textsubscript{2.5}, or PSD increments for PM\textsubscript{2.5}.\textsuperscript{7} This infrastructure SIP partial disapproval action also triggered a duty for the EPA to promulgate a FIP pursuant to CAA section 110(c)(1) to address the identified deficiencies related to the District’s PSD program for PM\textsubscript{2.5}, unless, prior to that time, the State submitted, and the EPA approved, a SIP that corrected the identified deficiencies.\textsuperscript{8}

The EPA has not approved a SIP revision for California to date that would address the North Coast Unified AQMD’s SIP deficiencies relating to the PSD program for PM\textsubscript{2.5}. Thus, for these PM\textsubscript{2.5} PSD requirements, the EPA remains subject to the duty to promulgate a FIP for the District that was triggered by our January 15, 2013 finding of failure to submit and our April 1, 2016 partial disapproval action for the infrastructure SIP requirements for the NAAQS discussed above.

On September 2, 2014 the EPA published a final rule finding that the North Coast Unified AQMD had failed to make a complete submittal to address new requirements for PM\textsubscript{2.5} increments in its PSD program as required by implementing regulations that the EPA promulgated on October 20, 2010.\textsuperscript{9} That finding resulted in a duty and a deadline of October 2, 2016, for the EPA to promulgate a FIP pursuant to CAA section 110(c)(1) to address these outstanding SIP elements unless, prior to that time, the State submitted, and the EPA approved, a SIP that corrected the identified deficiencies. As noted above, the EPA has not approved a SIP revision for California that would address the requirements for PM\textsubscript{2.5} increments in the PSD program for the North Coast Unified AQMD, thus the EPA remains subject to the requirement that it promulgate a FIP to do so.

II. Proposed Action

In this rulemaking, the EPA is promulgating a limited FIP to apply the EPA’s PSD regulatory program under 40 CFR 52.21 to sources subject to PSD review for emissions of PM\textsubscript{2.5} or PM\textsubscript{2.5} precursors in the North Coast Unified AQMD. CAA section 110(c)(1) requires the Administrator to promulgate a FIP at any time within two years after the Administrator either finds that a state has failed to make a required submission or disapproves a state’s SIP in whole or in part, unless the state submits and the EPA approves a SIP that corrects the deficiency before the Administrator promulgates a FIP. As indicated earlier in this notice, the EPA has not approved a PSD SIP revision for California to regulate PM\textsubscript{2.5} and PM\textsubscript{2.5} precursors in the North Coast Unified AQMD that would address the District’s PM\textsubscript{2.5} PSD program deficiencies identified in the January 15, 2013, September 2, 2014, and April 1, 2016 EPA actions discussed above. Accordingly, as authorized by CAA section 110(c)(1), the EPA is proposing to promulgate a limited FIP for the North Coast Unified AQMD in order to address the identified deficiencies in the State’s PSD program with respect to the regulation of major stationary sources and major modifications of sources subject to PSD review for emissions of PM\textsubscript{2.5} or PM\textsubscript{2.5} precursors.

The limited FIP proposed in this action consists of the EPA regulations found in 40 CFR 52.21, including the PSD applicability provisions, with a limitation to assure that, strictly for purposes of this rulemaking, the FIP applies only to the regulation of PM\textsubscript{2.5} and PM\textsubscript{2.5} precursors. Accordingly, for the purposes of ensuring compliance with the PSD permitting requirements with respect to PM\textsubscript{2.5} and PM\textsubscript{2.5} precursors for sources within the North Coast Unified AQMD, the EPA would serve as the PSD permitting authority.

We note that the EPA has previously promulgated limited CAA PSD FIPs for the North Coast Unified AQMD to implement the federal PSD permitting program under 40 CFR 52.21 for certain other sources and pollutants, including the PSD program as it regulates NO\textsubscript{2} as an ozone precursor, as discussed above; these limited FIPs remain in effect. See 40 CFR 52.270(b)(2). The EPA and the District have entered into partial delegation agreements pursuant to 40 CFR 52.21(u), dated January 8, 1993 and
October 6, 2015, whereby the EPA has delegated authority to the District to conduct PSD review for certain sources subject to these limited PSD FIPs. For all other major emitting facilities and pollutants not covered by the limited PSD FIPs applicable to the District as specified in 40 CFR 52.270(b)(2), the North Coast Unified AQMD will continue to serve as the PSD permitting authority under its SIP-approved PSD program.

This proposed FIP is narrow in scope, in that it will only address the PM$_{2.5}$ PSD deficiencies for the District that were identified in our 2016 infrastructure SIP partial disapproval action. We note that such deficiencies include the deficiencies for PSD requirements for PM$_{2.5}$ increments that were also the focus of the EPA’s September 2, 2014 finding of failure to submit action.

If finalized, today’s proposed limited FIP action would satisfy the remaining FIP requirements for the North Coast Unified AQMD that were triggered by our January 15, 2013 finding of failure to submit relating to ozone infrastructure SIP requirements; our September 2, 2014 finding of failure to submit related to the District’s PSD requirements for PM$_{2.5}$ increments; and our April 1, 2016 partial disapproval action for the infrastructure SIP requirements for the NAAQS for ozone, PM$_{2.5}$, lead, NO$_{2}$, and SO$_{2}$. The proposed FIP will be codified in 40 CFR 52.270(b)(2)(iv).

If finalized, this limited FIP will remain in place until California submits a SIP revision addressing the identified deficiencies relating to the District’s PSD program for PM$_{2.5}$ and we approve that SIP revision. The EPA is soliciting public comments on this proposal and will accept comments until the date noted in the “DATE” section above.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at http://www2.epa.gov/laws-regulations/laws-and-executive-orders.

A. Executive Order 12866: Regulatory Planning, and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and therefore was not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The OMB has previously approved the information collection requirements contained in the existing regulations for PSD (e.g., 40 CFR 52.21) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2060–0003. The OMB control numbers for the EPA’s regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities. Although this rule could lead to federal permitting requirements for a handful of sources in the North Coast Unified AQMD, the EPA believes that in such an event, there will not be a significant economic impact on the potentially affected sources and that any such impacts would not affect a substantial number of sources, regardless of size.

In this action, the EPA is proposing a narrow FIP that would apply federal PSD requirements for certain new or modified major stationary sources with emissions of PM$_{2.5}$ or its precursors within the North Coast Unified AQMD. General PSD requirements for major permitting facilities with emissions of other regulated NSR pollutants already apply within the District, thus the incremental impact associated with application of the specific requirements of the PSD regulations for certain sources emitting PM$_{2.5}$ or its precursors is expected to be relatively minor. In addition, there are few major emitting facilities currently located in the District that would be subject to the requirements of the FIP. The EPA is not aware of any specific new sources that would be subject to regulation under our proposed narrow FIP in the future. For these reasons, the EPA anticipates that any additional burden imposed as a result of this proposed FIP would be minimal and would affect few, if any, sources. Accordingly, the EPA does not believe that such a FIP would have a significant economic impact on sources in the District, regardless of size.

D. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination and Consultation With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. The FIP is not proposed to apply on any Indian reservation land or in any other area where the 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may
disproportionately affect children, per
the definition of “covered regulatory
action” in section 2–202 of the
Executive Order. This action is not
subject to Executive Order 13045
because, as a limited FIP establishing
PSD regulatory requirements for the
PM$_2.5$ NAAQS for certain sources
located in the North Coast Unified
AQMD, it implements a previously
promulgated federal standard.

H. Executive Order 13211: Actions That
Significantly Affect Energy Supply,
Distribution, or Use

This rule is not subject to Executive
Order 13211, because it is not a
significant regulatory action under
Executive Order 12866.

I. National Technology Transfer and
Advancement Act

This rulemaking does not involve
technical standards.

J. Executive Order 12898: Federal
Actions To Address Environmental
Justice in Minority Populations and
Low-Income Populations

The EPA believes that this action does
not have disproportionately high and
adverse human health or environmental
effects on minority populations, low-
income populations and/or indigenous
peoples, as specified in Executive Order
12898 (59 FR 7629, February 16, 1994).
This action does not affect the level of
protection provided to human health or
the environment. With this action, the
EPA is only proposing to implement the
PSD permitting requirements mandated
by the CAA in order to ensure
compliance with the PM$_2.5$ NAAQS and
PM$_2.5$ increments, which were promulgated in separate, prior
rulemakings.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental
protection, Incorporation by Reference,
Intergovernmental relations, Lead,
Nitrogen oxides, Ozone, Particulate
matter, Reporting and recordkeeping
requirements, Sulfur dioxide.

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

Dated: December 14, 2016.

Deborah Jordan,
Acting Regional Administrator, Region IX.

For the reasons set forth in the
preamble, the EPA proposes to amend
40 CFR part 52 as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Amend §52.270 by adding
paragraph (b)(2)(v) to read as follows:

§52.270 Significant deterioration of air
quality.

* * * * *

(b) * * *

(2) * * *

(v) Those projects that are major
stationary sources or major
modifications for emissions of PM$_2.5$ or
its precursors under §52.21, and those
projects that are major stationary
sources under §52.21 with the potential
to emit PM$_2.5$ or its precursors at a rate
that would meet or exceed the rates
specified at §52.21(b)(23)(i).

* * * * *

[FR Doc. 2016–30768 Filed 12–21–16; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations
System

48 CFR Parts 212, 213, 219, 237, and
252

[Docket DARS–2016–0034]

RIN 0750–AJ06

Defense Federal Acquisition
Regulation Supplement: Competition for
Religious-Related Services
Contracts (DFARS Case 2016–D015)

AGENCY: Defense Acquisition
Regulations System, Department of
Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend
the Defense Federal Acquisition
Regulation Supplement (DFARS) to
implement a section of the National
Defense Authorization Act that provides
the competition requirements for
religious-related services contracts on a
U.S. military installation. Religious-
related services typically performed on
U.S. military installations range from
choir and pastoral services, to
counseling of service members and their
families to help them deal with the
unique pressures and stresses associated
with military service. The latter
includes, but is not limited to, suicide
prevention; coping with post-traumatic
stress, depression, and sexual assault;
providing marriage and family
counseling; and providing religious
and moral guidance. The Senate Committee
Report 114–49 associated with the
NDAA for FY 2016 made the following
statement regarding the
recommendation for a provision to
ensure non-profit organizations can
compete on contracts for such religious-
related services:

“It has come to the committee’s attention
that the Department of Defense has at times
restricted competition for religious services
contracts on U.S. military installations to
for-profit firms. These firms believe certain
non-profit entities such as religious
organizations can provide valuable
competition and are well-qualified to
participate in this particular category of
services and should not be precluded from
competing for these types of contracts.”

II. Discussion and Analysis

The following changes to the DFARS
are proposed to implement section 898

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to revise the DFARS
to implement section 898 of the
National Defense Authorization Act
(NDAA) for Fiscal Year (FY) 2016 (Pub.
L. 114–92). Section 898 requires that
DoD not preclude a nonprofit
organization from competing for a
contract for religious-related services on
a U.S. military installation. Religious-
related services typically performed on
U.S. military installations range from
choir and pastoral services, to
counseling of service members and their
families to help them deal with the
unique pressures and stresses associated
with military service. The latter
includes, but is not limited to, suicide
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