

Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01 and Environmental Planning COMDTINST 5090.1 (series),

which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (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 a safety zone that will prohibit entry within the COTP Maryland-National Capital Region Zone for six days, as described in 33 CFR 3.25-15, due to the expected impact of Hurricane Dorian. It is categorically excluded from further review under paragraph L60(c) in Table 3-1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### 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:** 46 U.S.C. 70034, 70051; 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.T05-0775 to read as follows:

#### § 165.T05-0775 Safety Zone for Hurricane DORIAN; Coast Guard Maryland-National Capital Region Captain of the Port Zone.

(a) *Location.* The following area is a safety zone: All navigable waters of the Coast Guard Captain of the Port Maryland-National Capital Region Zone, as described in 33 CFR 3.25-1.

(b) *Definitions.* As used in this section—

*Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized

by the Captain of the Port Maryland-National Capital Region (COTP) to assist in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. All vessels entering the safety zone may be boarded and examined by the Coast Guard under existing regulations, prior to entry, to ensure compliance with the general safety zone regulations.

(2) Except for vessels already at berth, mooring, or anchor, all vessels underway within this safety zone on September 6, 2019, are to depart the zone.

(3) To seek permission to enter, contact the COTP or the COTP's representative by telephone number 410-576-2693 or on Marine Band Radio VHF-FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(4) The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF-FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

Dated: September 5, 2019.

**Joseph B. Loring,**

*Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.*

[FR Doc. 2019-19647 Filed 9-10-19; 8:45 am]

**BILLING CODE 9110-04-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 51, 60, 61, and 63

[EPA-HQ-OAR-2008-0531; FRL-9999-52-OAR]

#### Stationary Source Audit Program; Notification of Availability and Request for Comments

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

**ACTION:** Notification of availability, request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notification that one of the two accredited providers

of audit samples for the stationary source audit program has ceased manufacturing samples. The general provisions require that the owner or operator of an affected facility required to conduct performance testing obtain audit samples if the audit samples are “commercially available” and have defined “commercially available” to mean that two or more independent accredited audit sample providers have blind audit samples available for purchase. Since there are no longer two providers, the requirement to obtain these audit samples is no longer in effect until such time as another independent accredited audit sample provider has audit samples available for purchase. The EPA is providing a 90-day comment period during which interested persons may provide comments on the suspension of the stationary source audit program and the effectiveness of the program prior to its suspension.

**DATES:** Comments must be received on or before December 10, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2008-0531, to the *Federal eRulemaking Portal*: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

For additional information about the EPA’s public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](https://www.regulations.gov) index. Although listed in the index, some information is not publicly available (*e.g.*, CBI 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](https://www.regulations.gov) or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ned Shappley, Air Quality Assessment Division, Environmental Protection Agency, Mail code: E143-02, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; telephone number: (919) 541-7903; email: [shappley.ned@epa.gov](mailto:shappley.ned@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On September 13, 2010 (75 FR 55636), EPA promulgated amendments to the General Provisions of parts 51, 60, 61, and 63 to allow accredited audit sample providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as was the practice prior to the promulgation date.

These amendments included minimum requirements for the audit samples, the accredited audit sample providers (AASP), and the audit sample provider accreditor (ASPA). The AASP are the companies that prepare and distribute the audit samples and the ASPA is a third-party organization that accredits and monitors the performance of the AASP. These organizations were required to work through a Voluntary Consensus Standard Body (VCSB)<sup>1</sup> using the consensus process to develop criteria documents that describe how they will function and meet the EPA regulatory criteria listed in this rule. The AASPs were required to be accredited by an ASPA according to a technical criteria document developed by a VCSB and these technical criteria document had to meet EPA regulations.

These amendments also included language that outlined the

<sup>1</sup> The Federal Office of Management and Budget Circular A-119 defines a VCSB as one having the following attributes: (i) Openness; (ii) balance of interest; (iii) due process; (iv) an appeals process; and (v) consensus, which is general agreement, but not necessarily unanimity, and includes a process for attempting to resolve objections by interested parties.

responsibilities of the regulated source owner or operator to acquire and use an audit sample for all testing conducted to determine compliance with an air emission limit under the subject parts and specified that the requirement applies only if there are commercially available audit samples for the test method used during the compliance testing. By clarifying the audit sample requirement and expanding audit sample availability through multiple providers, EPA believed that more audits would be conducted for compliance tests and the overall quality of the data used for determining compliance would improve.

##### **II. Public Comment on the Suspension of the SSAP Program**

The EPA suspended the SSAP program effective May 28, 2019, when we were notified by one of the two AASP that they would no longer be supplying audit samples. Since we require that audit samples are “commercially available” and have defined “commercially available” to mean that two or more independent AASP have blind audit samples available for purchase, EPA was obligated to suspend the program and provide notification on our website (<https://www.epa.gov/emc>). The EPA is seeking comment on whether we should continue the SSAP as currently defined in the General Provisions to 40 CFR parts 51, 60, 61, and 63. EPA is also seeking comment regarding if we should redefine “commercially available” as it applies to the number of AASPs which have audit samples available for purchase. The comment period for this action is 90 days from September 11, 2019.

##### **III. Public Comment on the Effectiveness of the SSAP Program**

Since the privatization of the EPA SSAP, approximately 20,000 audit samples have been ordered and analyzed with an effective passing rate of 97 percent for all methods in which audit samples are available. EPA is requesting comment on effectiveness of the SSAP and whether it has improved the quality of data produced by performance testing. In addition, EPA is seeking comment on whether EPA should consider revisions to the SSAP program to make it a more effective tool for evaluating quality of a performance test. As indicated previously, the comment period for this action is 90 days from September 11, 2019.

Dated: August 20, 2019.

**Richard A. Wayland,**  
Director, Air Quality Assessment Division.  
[FR Doc. 2019-19573 Filed 9-10-19; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2019-0177; FRL-9999-34-Region 8]

#### Approval and Promulgation of Implementation Plans; Colorado; Regional Haze 5-Year Progress Report State Implementation Plan

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision submitted by the State of Colorado through the Colorado Department of Public Health and Environment (CDPHE) on May 2, 2016. Colorado's May 2, 2016 SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and the EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). The EPA is finalizing approval of Colorado's determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period through 2018 and requires no substantive revision at this time.

**DATES:** This rule is effective on October 11, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2019-0177. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kate Gregory, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, (303) 312-6175, [gregory.kate@epa.gov](mailto:gregory.kate@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” and “our” means the EPA.

#### I. Background

States are required to submit a progress report in the form of a SIP revision for the first implementation period that evaluates progress towards the RPGs for each mandatory Class I Federal area<sup>1</sup> (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state (40 CFR 51.308(g)). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The first progress report is due 5 years after submittal of the initial regional haze plan. Colorado submitted the initial regional haze SIP on May 25, 2011 and EPA approved the SIP on December 31, 2012.<sup>2</sup>

On May 2, 2016, Colorado submitted its Progress Report which, among other things, detailed the progress made in the first period toward implementation of the long-term strategy outlined in the State's regional haze plan; the visibility improvement measured at the twelve Class I areas within Colorado and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on July 17, 2019 (84 FR 34083), the EPA proposed to approve Colorado's Progress Report. The details of Colorado's submission and the rationale for the EPA's actions are explained in the NPRM. The EPA did not receive any public comments on the NPRM.

#### II. Final Action

EPA is finalizing without revisions its proposed approval of Colorado's May 2, 2016 Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and (h).

<sup>1</sup> Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

<sup>2</sup> 77 FR 76871 (December 31, 2012), codified at 40 CFR 52.320(c)(108)(i)(C) and (c)(124).

#### III. 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, the 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
  - Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
  - 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, 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an