

**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.T07–0686 to read as follows:

**§ 165.T07–0686 Safety Zone; San Juan Harbor, San Juan, PR.**

(a) *Location.* A moving safety zone is established in the following area:

(1) The waters around Liquefied Gas (LNG) carriers entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the San Juan Harbor #1 Sea Buoy, in approximate position 18–29.3 N, 66–07.6 W and continuing until the vessel is moored at the Puma Energy dock, Cataño Oil dock, or Wharf B in approximate position 18–25.8 N, 66–06.5 W. All coordinates are North American Datum 1983.

(2) The waters around Liquefied Gas carriers in a 50-yard radius around each vessel when moored at the Puma Energy dock, Cataño Oil dock, or Wharf B.

(3) The waters around Liquefied Gas carriers departing San Juan Harbor in an area one half mile around each vessel beginning at the Puma Energy Dock, Cataño Oil dock, or Wharf B in approximate position 18–25.8 N, 66–06.5 W when the vessel gets underway, and continuing until the stern passes the San Juan Harbor #1 Sea Buoy, in approximate position 18–28.3 N, 66–07.6 W. All coordinates referenced use datum: NAD 83.

(b) *Definition.* As used in this section, the term “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (COTP) San Juan in the enforcement of the safety zone.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the COTP San Juan, Puerto Rico, or a designated Coast Guard commissioned, warrant, or petty officer. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the designated Coast Guard commissioned, warrant, or petty officer.

(2) Persons desiring to transit the area of the safety zones may contact the COTP San Juan or his designated representative to seek permission to transit the area. If permission is granted,

all persons and vessels must comply with the instructions of the COTP or his designated representative.

(3) Vessels encountering emergencies, which require transit through the moving safety zone, should contact the Coast Guard patrol craft or Duty Officer on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(4) The COTP and the Duty Officer at Sector San Juan, Puerto Rico, can be contacted at telephone number 787–289–2041. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF–FM channels 16 and 22A.

(5) All persons and vessels must comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

(d) *Notification.* The zone described in paragraphs (a)(1) through (3) of this section will be activated upon entry of an LNG carrier into the navigable waters of the United States in the San Juan Captain of the Port Zone. An LNG carrier will be identifiable by the Bravo flag (red international signal flag under Pub. 102, International Code of Signals) flying from the outermost halyard (above the pilot house) where it can most easily be seen. In addition to visual identification of an LNG carrier, Coast Guard Sector San Juan will give notice through Mariners Broadcast Notice to Mariners for the purpose of enforcement of the temporary safety zone.

(e) *Enforcement period.* This section will be enforced from 12:01 a.m. on November 16, 2019 through 11:59 p.m. on February 28, 2020.

Dated: October 31, 2019.

**E.P. King,**

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

[FR Doc. 2019–24158 Filed 11–5–19; 8:45 am]

**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R01–OAR–2008–0108; FRL–10001–37–Region 1]

**Air Plan Approval; Massachusetts; Transport State Implementation Plans for the 1997 and 2008 Ozone Standards**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts that address the interstate transport of air pollution requirements of the Clean Air Act for the 1997 and 2008 ozone national ambient air quality standards (NAAQS) (*i.e.*, ozone transport SIPs). The intended effect of this action is to approve the two transport SIPs as revisions to the Massachusetts SIP. This action is being taken in accordance with the Clean Air Act.

**DATES:** This rule is effective on December 6, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2008–0108. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, 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 at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alison C. Simcox, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. (617) 918–1684, email [simcox.alison@epa.gov](mailto:simcox.alison@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever

“we,” “us,” or “our” is used, we mean EPA.

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### I. Background

On August 14, 2019 (84 FR 40344), EPA published a Notice of Proposed Rulemaking (NPRM) for the Commonwealth of Massachusetts.

The NPRM proposed approval of SIP revisions that address the interstate transport of air pollution requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act for the 1997, 2008, and 2015 ozone national ambient air quality standards (NAAQS) (*i.e.*, ozone transport SIPs). The formal SIP revisions were submitted by Massachusetts on January 31, 2008; February 9, 2018; and September 27, 2018. In today's action, we are approving the transport SIPs for the 1997 and 2008 ozone NAAQS. We will take final action on the transport SIP for the 2015 ozone NAAQS at a later date.

The rationale for EPA's proposed action is explained in the NPRM and will not be restated here. One public comment was received on the NPRM.

### II. Response to Comments

EPA received one comment during the comment period stating that EPA cannot “rely on a rule that a court has now vacated,” referring to the recent ruling by the United States Court of Appeals for the District of Columbia Circuit in *Wisconsin v. EPA*, No. 16–1406, 2019 WL 4383259 (D.C. Cir. Sept. 13, 2019), on EPA's Cross State Air Pollution Rule Update for the 2008 Ozone NAAQS (“CSAPR Update Rule”), 81 FR 74504 (October 26, 2016). As an initial matter, the commenter is incorrect; the court remanded the CSAPR Update Rule to EPA but did not vacate it. *Wisconsin*, 2019 WL 4383259, at \*26. In any event, our proposed approval of the Commonwealth's Transport SIP for the 1997 ozone NAAQS did not rely on the CSAPR Update Rule. Thus, the court's ruling in *Wisconsin* does not affect our approval of Massachusetts' Transport SIP for the 1997 ozone NAAQS.

With respect to the 2008 ozone NAAQS, our proposed approval relied in part on EPA's finding in the CSAPR Update Rule that emissions from Massachusetts do not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any downwind state, *see* 84 FR at 40346–47 (citing 81 FR at 74506).

However, no party challenged that aspect of the CSAPR Update in *Wisconsin* and nothing in the *Wisconsin* court's opinion overturned that finding or called it into doubt. Consequently, *Wisconsin v. EPA* likewise does not bar approval of the Commonwealth's Transport SIP for the 2008 ozone NAAQS.

### III. Final Action

EPA is approving transport SIPs that were submitted to address interstate transport requirements for CAA section 110(a)(2)(D)(i)(I) for the 1997 and 2008 ozone NAAQS as a revision to the Massachusetts SIP.

### IV. 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant 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, 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, 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: October 22, 2019.

**Dennis Deziel,**

*Regional Administrator, EPA Region 1.*

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

**Authority:** 42 U.S.C. 7401 *et seq.*  
 ■ 2. Section 52.1120 is amended in the table in paragraph (e) by adding entries for “Interstate transport requirements of

CAA for 1997 Ozone NAAQS,” and “Interstate transport requirements of CAA for 2008 Ozone NAAQS” at the end of the table to read as follows;

**§ 52.1120 Identification of plan**  
 \* \* \* \* \*  
 (e) \* \* \*

**MASSACHUSETTS NON REGULATORY**

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/effective date	EPA approved date <sup>3</sup>	Explanations
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Interstate transport requirements of CAA for 1997 Ozone NAAQS.	Statewide .....	January 31, 2008 ..	November 6, 2019 [Insert <b>Federal Register</b> citation].	Approved with respect to requirements for CAA section 110(a)(2)(D)(i)(I).
Interstate transport requirements of CAA for 2008 Ozone NAAQS.	Statewide .....	February 9, 2018 ..	November 6, 2019 [Insert <b>Federal Register</b> citation].	Approved with respect to requirements for CAA section 110(a)(2)(D)(i)(I).

[FR Doc. 2019-23593 Filed 11-5-19; 8:45 am]  
**BILLING CODE 6560-50-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Part 3000**

[18X.LLWO310000.L13100000.PP0000]

RIN 1004-AE70

**Minerals Management: Adjustment of Cost Recovery Fees**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule updates the fees set forth in the Bureau of Land Management (BLM) mineral resources regulations for the processing of certain minerals program-related actions. It also adjusts certain filing fees for minerals-related documents. These updated fees include those for actions such as lease renewals and mineral patent adjudications.

**DATES:** This final rule is effective November 6, 2019.

**ADDRESSES:** You may send inquiries or suggestions to Director (630), Bureau of Land Management, 2134LM, 1849 C Street NW, Washington, DC 20240; Attention: RIN 1004-AE70.

**FOR FURTHER INFORMATION CONTACT:** Lorenzo Trimble, Acting Chief, Division of Fluid Minerals, 202-912-7342, [ltrimble@blm.gov](mailto:ltrimble@blm.gov); Alfred Elser, Acting Chief, Division of Solid Minerals, 202-912-7114, [aelser@blm.gov](mailto:aelser@blm.gov); or Chandra Little, Regulatory Affairs, 202-912-7403, [cclittle@blm.gov](mailto:cclittle@blm.gov). Persons who use a telecommunications device for the

deaf (TDD) may leave a message for these individuals with the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The BLM has specific authority to charge fees for processing applications and other documents relating to public lands under section 304 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1734. In 2005, the BLM published a final cost recovery rule (70 FR 58854) that established new fees or revised fees and service charges for processing documents related to its minerals programs (“2005 Cost Recovery Rule”). In addition, the 2005 Cost Recovery Rule also established the method the BLM would use to adjust those fees and service charges on an annual basis.

At 43 CFR 3000.12(a), the regulations provide that the BLM will annually adjust fees established in subchapter C (43 CFR parts 3000-3900) according to changes in the Implicit Price Deflator for Gross Domestic Product (IPD-GDP), which is published quarterly by the U.S. Department of Commerce. See also 43 CFR 3000.10. This final rule updates those fees and service charges consistent with that direction. The fee adjustments in this rule are based on the mathematical formula set forth in the 2005 Cost Recovery Rule. The public had an opportunity to comment on that adjustment procedure as part of the 2005 rulemaking. Accordingly, the Department of the Interior for good cause finds under 5 U.S.C. 553(b)(B) and (d)(3) that notice and public comment procedures are unnecessary and that the fee adjustments in this rule may be

effective less than 30 days after publication. See 43 CFR 3000.10(c).

**II. Discussion of Final Rule**

As set forth in the 2005 Cost Recovery Rule, the fee updates are based on the change in the IPD-GDP. The BLM’s minerals program publishes the updated cost recovery fees, which become effective on October 1, the start of the fiscal year (FY).

This rule updates the cost recovery fees established by the cost recovery fee rule published on September 28, 2018 (83 FR 48957), effective October 1, 2018. This rule updates the cost recovery fees used in Fiscal Year 2019 for Fiscal Year 2020. The update adjusts the 2019 fees based on the change in the IPD-GDP from the 4th Quarter of 2017 to the 4th Quarter of 2018.

Under this rule, 24 fees will remain the same and 24 fees will increase. Of the 24 fees that are being increased by this rule, 13 will increase by \$5 each, seven will increase by \$10 each, two will increase by \$15 each, and two will increase by more than \$15. The largest increase, \$75, will be applied to the fee for adjudicating a mineral patent application containing more than 10 claims, which will increase from \$3,215 to \$3,290. The fee for adjudicating a patent application containing 10 or fewer claims will increase by \$40, from \$1,605 to \$1,645. It is important to note that the “real” values of the fees are not actually increasing, since real values account for the effect of inflation. In real terms, the values of the fees are simply being adjusted to account for the changes in the prices of goods and services produced in the United States.

The calculations that resulted in the new fees are included in the table below:

<sup>3</sup> To determine the EPA effective date for a specific provision listed in this table, consult the

**Federal Register** document cited in this column for the particular provision.