

e. *Congressional Review Act.* The Congressional Review Act, 5 U.S.C. 801 *et seq.*, 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. The Corps will submit a report containing the final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

**PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

■ 1. The authority citation for part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.1415 to read as follows:

**§ 334.1415 Pacific Ocean, adjacent to the Finegayan Small Arms Range at Naval Base Guam Telecommunication Site, on the northwestern coast of Guam; danger zone.**

(a) *The area.* Coordinates are bounded by the following four points: Point A (13°34'57" N; 144°49'53" E) following the high tide line to Point B (13°35'49" N; 144°47'59" E), Point C (13°34'57" N; 144°47'45" E), and Point D (13°34'48" N; 144°49'50" E). The datum for these coordinates is NAD-83.

(b) *The regulation.* (1) Vessels or persons shall expeditiously transit through the danger zone when the small arms range is in use. Vessels shall not be permitted to anchor or loiter within the danger zone while the range is in use. Range activities shall be halted until all vessels are cleared from the danger zone. When the range is not in use, the danger zone shall be open to

normal maritime traffic and all activities to include anchoring and loitering.

(2) When the range is in use, the person(s) or officer(s) in charge shall display a red flag from a conspicuous and easily-seen location along the nearby shore to signify that the range is in use and will post lookouts to ensure the safety of all vessels transiting through the area. If the range is in use at night, a strobe light shall be displayed from the same conspicuous and easily-seen location in lieu of flags. The range shall not be used when visibility is equal to or less than the maximum range of the weapons being used at the facility.

(c) *Enforcement.* The restrictions on public access in this section shall be enforced by the Commander, Joint Region Marianas, and such agencies as the Commander may designate in writing.

Approved:  
**Thomas P. Smith,**  
*Chief, Operations and Regulatory Division*  
*Directorate of Civil Works.*

[FR Doc. 2020-14131 Filed 7-17-20; 8:45 am]

BILLING CODE 3720-58-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2019-0321; FRL-10009-81-Region 9]

**Air Plan Conditional Approval and Disapproval; Arizona; Maricopa County; Power Plants, Fuel Burning Equipment, and Internal Combustion Engines**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing conditional approvals for two revisions to the Maricopa County portion of the Arizona State Implementation Plan (SIP) concerning fuel burning equipment and internal combustion engines. The EPA is also finalizing a disapproval for one revision to the Maricopa County portion of the Arizona SIP concerning power

plants. This action was proposed in the **Federal Register** on December 30, 2019, and concerns emissions of oxides of nitrogen (NO<sub>x</sub>) from combustion sources.

**DATES:** This rule is effective on August 19, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2019-0321. 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, e.g., Confidential Business Information (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 <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kevin Gong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3073 or by email at [gong.kevin@epa.gov](mailto:gong.kevin@epa.gov).

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

**Table of Contents**

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Proposed Action**

On December 30, 2019 (84 FR 71862), the EPA proposed action on the following rules that were submitted for incorporation into the Arizona SIP. Table 1 lists the rules on which the EPA is finalizing action, with the dates they were revised by the Maricopa County Air Quality Department (MCAQD), the dates they were submitted by the Arizona Department of Environmental Quality (ADEQ), and the type of action that the EPA is finalizing for each rule.

TABLE 1—SUBMITTED RULES

Rule No.	Rule title	Revised	Submitted	Action
322 .....	Power Plant Operations .....	November 2, 2016 .....	June 22, 2017 .....	Disapproval.
323 .....	Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources.	November 2, 2016 .....	June 22, 2017 .....	Conditional Approval.
324 .....	Stationary Reciprocating Internal Combustion Engines (RICE).	November 2, 2016 .....	June 22, 2017 .....	Conditional Approval.

### 1. Rule 322

We proposed to disapprove Rule 322 because the rule does not satisfy the requirements of section 110 and part D of the Clean Air Act (CAA or Act). The deficient provisions include the following:

a. Air Pollution Control Officer discretion to approve alternative control strategies as reasonably available control technology (RACT) without further approval from the EPA.

b. NO<sub>x</sub> emission limits for steam generating units used for electricity generation that were less stringent than RACT.

c. Overly broad exemptions from certain requirements during emergency fuel use operations.

d. Air Pollution Control Officer discretion to extend compliance deadlines for applicable units.

e. Absence of a compliance determination requirement, such as a regular stack testing requirement.

### 2. Rules 323 and 324

We proposed to conditionally approve these rules pursuant to CAA section 110(k)(4) because, although rule deficiencies preclude full SIP approval pursuant to section 110(k)(3), the rules largely comply with the relevant CAA requirements, and the MCAQD and the ADEQ have committed to provide the EPA with a SIP submission within one year of this final action that will include specific rule revisions that would adequately address the deficiencies.

Our proposed action contains more information on the rules, their deficiencies, the MCAQD and ADEQ commitments, and our evaluation.

## II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received a request to clarify certain aspects of the proposed rulemaking from the MCAQD including the scope of the rulemaking, the context of our stringency analysis for NO<sub>x</sub> emission limits, and the necessary testing requirements. The MCAQD's questions on our proposed rulemaking and our clarifications are included in a memorandum to the rulemaking docket. These comments did not change our assessment of the rules. No adverse comments were received, and no comments were submitted through [www.regulations.gov](http://www.regulations.gov).

## III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. As authorized in section 110(k)(3) and

301(a) of the Act, the EPA disapproves Rule 322 for inclusion into the Arizona SIP. As a result, offset sanctions will be imposed unless the EPA approves a subsequent SIP revision that corrects the rule deficiencies within 18 months of the effective date of this action. Highway sanctions will be imposed unless the EPA approves a subsequent SIP revision that corrects the rule deficiencies within 24 months of the effective date of this action. These sanctions will be imposed under section 179 of the CAA and 40 CFR 52.31. Additionally, section 110(c) requires the EPA to promulgate a federal implementation plan (FIP) within 24 months unless we approve subsequent SIP revisions that correct the rule deficiencies.

Secondly, as authorized in sections 110(k)(4) and 301(a) of the CAA, the EPA conditionally approves Rules 323 and 324 into the Arizona SIP. If the MCAQD and the ADEQ submit the necessary rule revisions by the specified deadline, and the EPA approves the submission, then the identified deficiencies will be cured. However, if the MCAQD, through the ADEQ, fails to submit these revisions within the required timeframe, the conditional approval will be treated as a disapproval for those rules for which the revisions are not submitted. This action incorporates the conditionally approved submitted rules into the Arizona SIP, including those provisions identified as deficient.

## IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the MCAQD rules described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of this final rulemaking, and will be incorporated by reference in the next update to the SIP compilation. The EPA has made, and will continue to make, these documents available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www.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 was therefore not submitted to the Office of Management and Budget (OMB) for review.

### B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

### C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA, because this SIP disapproval and conditional approval does not in-and-of itself create any new information collection burdens, but simply disapproves and conditionally approves certain State requirements for inclusion in the SIP.

### D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This SIP disapproval and conditional approval does not in-and-of itself create any new requirements but simply disapproves and conditionally approves certain pre-existing State requirements for inclusion in the SIP.

### E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action disapproves and conditionally approves pre-existing requirements under State or local law and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

### F. 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.

*G. Executive Order 13175: Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP revision that the EPA is disapproving would not 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, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

*H. 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 this SIP disapproval and conditional approval does not in-and-of itself create any new regulations, but simply disapproves and conditionally approves certain pre-existing State requirements for inclusion in the SIP.

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

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

*J. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise

impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

*L. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

*M. Petitions for Judicial Review*

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 September 18, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 24, 2020.

**John Busterud,**

*Regional Administrator, Region IX.*

For the reasons stated in the preamble, EPA is amending Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 D—Arizona**

■ 2. Amend § 52.119 by adding paragraph (c)(2) to read as follows:

**§ 52.119 Identification of plan—conditional approvals.**

\* \* \* \* \*

(c) \* \* \*

(2) The EPA is conditionally approving portions of the Arizona SIP revisions submitted on June 22, 2017. The conditional approval is based upon the February 25, 2019 commitment from the State to submit a SIP revision consisting of rule revisions that will cure the identified deficiencies within twelve (12) months after the EPA’s conditional approval. If the State fails to meet its commitment, the conditional approval will be treated as a disapproval with respect to the rules for which the corrections are not made. The following MCAQD rules are conditionally approved:

(i) Rule 323, *Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources* and;

(ii) Rule 324, *Stationary Reciprocating Internal Combustion Engines (RICE)*;

■ 3. In § 52.120 amend Table 4 in paragraph (c) by revising the entries for “Rule 323” and “Rule 324” to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

TABLE 4—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
<b>Regulation III—Control of Air Contaminants</b>				

TABLE 4—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS—Continued

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
Rule 323 .....	Fuel Burning Equipment from Industrial/Commercial/Institutional (ICI) Sources.	11/02/2016	7/20/2020, [INSERT <b>Federal Register</b> CITATION].	Submitted on June 22, 2017.
Rule 324 .....	Stationary Reciprocating Internal Combustion Engines (RICE).	11/02/2016	7/20/2020, [INSERT <b>Federal Register</b> CITATION].	Submitted on June 22, 2017.

■ 4. Amend § 52.133 by adding paragraph (h) to read as follows:

**§ 52.133 Rules and regulations.**

(h) Maricopa County Air Quality Department Rule 322 “Power Plant Operations”, submitted on June 22, 2017, contains: An option for the Air Pollution Control Officer to apply alternative emission limits to applicable equipment, and alternative compliance deadlines, without Agency approval of those limits and deadlines into the Arizona State Implementation Plan; limits that have not been demonstrated to meet RACT; overly broad exemptions from certain requirements during emergency fuel use operations; and a lack of sufficient compliance determination requirements. Therefore, this rule is disapproved.

[FR Doc. 2020–14095 Filed 7–17–20; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R07–OAR–2019–0400; FRL–10011–87–Region 7]

**Air Plan Approval; Missouri; Removal of Control of Emissions From Bakery Ovens**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) revision submitted by the State of Missouri on December 3, 2018 and supplemented by letter on May 22, 2019. Missouri requests that the EPA remove a rule related to control of emissions from bakery ovens in the Kansas City, Missouri area from its SIP. This removal does not have an adverse effect on air

quality. The EPA’s approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on August 19, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2019–0400. 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 through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

**FOR FURTHER INFORMATION CONTACT:** William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7714; email address [stone.william@epa.gov](mailto:stone.william@epa.gov).

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

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- II. Have the requirements for approval of a SIP revision been met?
- III. The EPA’s Response to Comments
- IV. What action is the EPA taking?
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- VI. Statutory and Executive Order Reviews

**I. What is being addressed in this document?**

The EPA is approving the removal of 10 Code of State Regulation (CSR) 10–2.360, *Control of Emissions from Bakery Ovens*, from the Missouri SIP.

As explained in detail in the EPA’s proposed rule, Missouri has demonstrated that removal of 10 CSR

10–2.360 will not interfere with attainment of the NAAQS, reasonable further progress<sup>1</sup> or any other applicable requirement of the CAA because the single source subject to the rule has permanently ceased operations and removal of the rule will not cause VOC emissions to increase. 85 FR 22378, April 22, 2020. Therefore, the EPA is finalizing its proposal to remove 10 CSR 10–2.360 from the SIP.

**II. Have the requirements for approval of a SIP revision been met?**

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from February 28, 2018, to April 5, 2018 and received five comments from the EPA that related to Missouri’s lack of an adequate demonstration that the rule could be removed from the SIP in accordance with section 110(l) of the CAA. Missouri’s May 22, 2019 letter addressed the EPA’s comments. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

**III. The EPA’s Response to Comments**

The public comment period on the EPA’s proposed rule opened April 22, 2020, the date of its publication in the **Federal Register** and closed on May 22, 2020. During this period, the EPA received four comments. Three of the comments were not adverse and do not require a response from the EPA. The remaining comment is addressed in this document.

*Comment:* The commenter stated that they did not support this action because industrial cooking produces significant amounts of black carbon or soot and indoor air pollution, referring to cooking

<sup>1</sup> Reasonable further progress is not applicable to the Kansas City Area because the area is in attainment of all applicable ozone standards.