

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 establishing a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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.T09–0394 to read as follows:

##### § 165.T09–0394 Safety Zone; Erie Yacht Club 125th Anniversary Summer Event; Presque Isle Bay, Erie, PA.

(a) *Location.* The safety zone will encompass a 420-foot radius of position 42°07'60" N 80°08'00" W of Presque Isle Bay, Erie, PA.

(b) *Enforcement period.* This rule is enforced from 8 p.m. until 10:45 p.m. on August 1, 2020.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or her designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port

Buffalo or her designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or her on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or her on-scene representative.

Dated: July 10, 2020.

**L.M. Littlejohn,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2020–15741 Filed 7–23–20; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2020–0446]

RIN 1625–AA00

#### Safety Zone; Northern Atlantic Ocean, Nahant, MA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 100-yard radius of the DREDGE 200 salvage vessels and machinery located in the Northern Atlantic Ocean approximately 2 miles southeast of Nahant, Massachusetts. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by salvage operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Boston (COTP) or a designated representative.

**DATES:** This rule is effective without actual notice from July 24, 2020 through August 12, 2020. For the purposes of enforcement, actual notice will be used from July 22, 2020 through July 24, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being

available in the docket, go to <https://www.regulations.gov>, type USCG–2020–0446 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MSTC Ramirez, Waterways Management, U.S. Coast Guard; telephone 617–447–1620, email [Jae.L.Ramirez@uscg.mil](mailto:Jae.L.Ramirez@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the DREDGE 200 sank in close proximity to the North Channel outside of the Boston Harbor and immediate action is needed to respond to the potential safety hazards associated with salvage operations. It is impracticable to publish an NPRM because we must establish this safety zone by July 22, 2020.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the DREDGE 200 salvage operations.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with salvage operations starting July 22, 2020, will be a safety concern for anyone within a 100-yard radius of salvage vessels and machinery. This rule is needed to protect personnel,

vessels, and the marine environment in the navigable waters within the safety zone while the DREDGE 200 is salvaged.

#### IV. Discussion of the Rule

This rule establishes a safety zone from July 22, 2020 through August 12, 2020. The safety zone will cover all navigable waters within 100 yards of vessels and machinery being used by personnel to salvage the DREDGE 200 located in the Northern Atlantic Ocean, latitude 42°23.937' N, longitude 070°52.525' W, approximately 2 miles southeast of Nahant, Massachusetts. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the DREDGE 200 is salvaged. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

#### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protesters.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The 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.

##### 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, Rev. 1, associated implementing instructions, 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 lasting 12 days that will prohibit entry within 100 yards of vessels and machinery being used by personnel to salvage the DREDGE 200. It is categorically excluded from further review under paragraph L(60a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

##### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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**

Marine safety, Navigation (water), Reporting and record keeping requirements, 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.T01–0446 to read as follows:

**§ 165.T01–0446 Safety Zone; Northern Atlantic Ocean, Nahant, MA.**

(a) *Location.* The following area is a safety zone: all navigable waters of the Northern Atlantic Ocean, within 100 yards of latitude 42°23.937' N, longitude 070°52.525' W, approximately 2 miles southeast of Nahant, Massachusetts.

(b) *Definitions.* As used in this section, *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 COTP Boston in the enforcement of the safety zone.

(c) *Regulations.* When this safety zone is enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(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.

(2) To seek permission to enter, contact the COTP or the COTP's representative via Channel 16 (VHF–FM) or 617–223–5757 (Sector Boston Command Center). 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.

(d) *Enforcement period.* This section will be enforced from 12:01 a.m. on July 21, 2020, to 11:59 p.m. on August 12, 2020.

(e) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232.

Dated: July 21, 2020.

**Eric J. Doucette,**

*Captain, U.S. Coast Guard, Captain of the Port Boston.*

[FR Doc. 2020–16212 Filed 7–23–20; 8:45 am]

**BILLING CODE 9110–04–P**

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

**[EPA–R05–OAR–2018–0634; FRL–10012–07–Region 5]**

**Air Plan Approval; Indiana; Revisions to NO<sub>x</sub> SIP Call and CAIR Rules**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving under the Clean Air Act (CAA) a request from the Indiana Department of Environmental Management (IDEM) to revise the Indiana State Implementation Plan (SIP) to incorporate the following: A new rule concerning nitrogen oxide (NO<sub>x</sub>) emissions for the ozone season from Electric Generating Units (EGUs) and large non-EGUs; revisions concerning NO<sub>x</sub> emission rate limits for specific source categories; the repeal of the NO<sub>x</sub> Budget Trading Program; and the repeal of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> ozone season trading program. This SIP revision will ensure continued compliance by EGUs and large non-EGUs with the requirements of the NO<sub>x</sub> SIP Call.

**DATES:** This final rule is effective on August 24, 2020.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0634. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, 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 either through [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We

recommend that you telephone Eric Svingen, Environmental Engineer, at (312) 353–4489 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18)), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, [svingen.eric@epa.gov](mailto:svingen.eric@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

**I. What is the background for this final rule?**

Under the “good neighbor provision” of CAA section 110(a)(2)(D)(i)(I), states are required to eliminate their significant contributions to air quality problems in downwind states. To address the good neighbor provision for progressively more protective National Ambient Air Quality Standards (NAAQS) for ozone and fine particulate matter (PM<sub>2.5</sub>), EPA published a series of regulations requiring eastern states, including Indiana, to comply with statewide budgets limiting ozone season emissions of NO<sub>x</sub>, a precursor to ozone, as well as annual emissions of NO<sub>x</sub> and sulfur dioxide (SO<sub>2</sub>), precursors to PM<sub>2.5</sub>.

On October 27, 1998, EPA published the NO<sub>x</sub> SIP Call, which addressed the good neighbor provision for the 1979 ozone NAAQS by requiring eastern states to submit SIPs complying with statewide budgets for ozone season NO<sub>x</sub> emissions (63 FR 57356). The NO<sub>x</sub> SIP Call also established the NO<sub>x</sub> Budget Trading Program, an allowance trading program that states could adopt to meet most of their obligations under the NO<sub>x</sub> SIP Call. On May 12, 2005, EPA published CAIR, which addressed the good neighbor provision for the 1997 ozone NAAQS and 1997 PM<sub>2.5</sub> NAAQS by requiring eastern states to submit SIPs complying with statewide budgets for ozone season NO<sub>x</sub> emissions and annual NO<sub>x</sub> and SO<sub>2</sub> emissions (70 FR 25152). CAIR also established allowance trading programs that states could adopt to meet their obligations. Upon implementation of the CAIR trading program for ozone season NO<sub>x</sub> in 2009, EPA discontinued administration of the NO<sub>x</sub> Budget Trading Program. Both the NO<sub>x</sub> SIP Call and CAIR allowed certain sources to participate in the trading programs: EGUs with capacity greater than 25 megawatts; and large non-EGUs, such as boilers and combustion turbines, with a rated heat input greater