

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 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 safety 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, Revision No. 01.2.

■ 2. Add § 165.T01–0656 to read as follows:

§ 165.T01–0656 Safety zone; Block Island Sound, Block Island, RI.

(a) *Location.* The following area is a safety zone: All navigable waters in Rhode Island Sound within 500 yards of the swimmer crossing the recommended vessel route at approximately 41–17.5N, 71–32.0W, during his participation in the “Solo Swim” from Block Island, Rhode Island to East Matunuck, Rhode Island.

(b) *Enforcement period.* This section will be enforced from 6 a.m. through 2 p.m. on August 23, 2021, August 24, 2021, or August 25, 2021.

(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. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of U.S. Coast Guard Sector Southeastern New England.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the

COTP’s representative by telephone at 508–457–3211 or on VHF–FM channel 16.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notice to Mariners of any changes in the planned schedule.

Dated: August 18, 2021.

P.J. Mangini,

Commander, U.S. Coast Guard, Acting Captain of the Port Sector Southeastern New England.

[FR Doc. 2021–18095 Filed 8–23–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2021–0416; FRL–8695–02–R7]

Air Plan Approval; Missouri; Revision to Emission Data, Emission Fees and Process Information Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) and Operating Permits Program revision submitted by the State of Missouri on May 25, 2021. These revisions update the listed emission reporting years and update the emissions fee for permitted sources as set by Missouri Statute from \$48 per ton of air pollution emitted annually to \$53 in calendar year 2021 and \$55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021.

DATES: This final rule is effective on September 23, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2021–0416. 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:

Jason Heitman, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7664; email address: heitman.jason@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” refer to EPA. A technical support document (TSD) is included in the rulemaking docket for the proposed rule.

Table of Contents

- I. Background
- II. What is being addressed in this document?
- III. Have the requirements for approval of a SIP and part 70 revision been met?
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. Background

On June 30, 2021, the EPA proposed to approve Missouri’s submitted SIP and Operating Permits Program revision in the **Federal Register** (86 FR 34677). The EPA solicited comments on the proposed approval of the submission and received no comments.

II. What is being addressed in this document?

The EPA is approving revisions to the Missouri State Implementation Plan (SIP) and title V Operating Permits Program, 10–6.110 “Reporting Emission Data, Emission Fees, and Process Information,” submitted to the EPA on May 25, 2021. Revisions to the program include updating emission reporting years and increasing the annual emission fee. The annual emission fee will increase from \$48 per ton of air pollution emitted annually to \$53 in calendar year 2021 and increase again to \$55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021.

III. Have the requirements for approval of a SIP and part 70 revision been met?

The State 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 a public comment period for this Operating Permits Program and SIP revision from August 17, 2020, to October 1, 2020, and received one comment in support of the

revision. The revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations and is consistent with applicable EPA requirements in title V of the CAA and 40 CFR part 70. The public comment period on the EPA’s proposed rule opened June 30, 2021, the date of its publication in the **Federal Register**, and closed on July 30, 2021. During this period, the EPA received no comments.

IV. What action is the EPA taking?

The EPA is approving the State’s revision to 10 C.S.R. 10–6.110 “Reporting Emission Data, Emission Fees, and Process Information”, submitted by the State of Missouri on May 25, 2021. This revision updates the emissions fee for permitted sources in section (3)(A) and the emission reporting years in Table 4 of section (4)(B), as set by Missouri Statute. Specifically, section (3)(A) revises the emission fees section, which is approved under the Operating Permits Program only, and updates the emissions fee for permitted sources as set by Missouri Statute from \$48 per ton of air pollution emitted annually to \$53 in calendar year 2021 and \$55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021. Additional information on the EPA’s analysis can be found in the Technical Support Document (TSD) included in this docket.

V. Incorporation by Reference

The EPA is including regulatory text in this EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the Missouri Regulation described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, 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 CAA. 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);
- 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide the 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 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 (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. The 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 25, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 12, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 70 as set forth below:

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 AA—Missouri

- 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry “10–6.110” to read as follows:

§ 52.1320 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
10–6.110	Reporting Emission Data, Emission Fees, and Process Information.	3/30/2021	8/24/2021, [Insert Federal Register citation].	Section (3)(A), Emission Fees, has not been approved as part of the SIP.

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. In appendix A to part 70 the entry for “Missouri” is amended by adding paragraph (jj) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

Missouri

(jj) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.110, “Reporting Emission Data, Emission Fees, and Process Information” on May 25, 2021. The state effective date is March 30, 2021. This revision is effective September 23, 2021.

[FR Doc. 2021–17713 Filed 8–23–21; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2018–0044; FF09E21000 FXES11110900000 212]

RIN 1018–BD25

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Franklin’s Bumble Bee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are listing the Franklin’s bumble bee (*Bombus franklini*), an invertebrate species from Douglas, Jackson, and Josephine Counties in Oregon, and Siskiyou and Trinity Counties in California, as an endangered species under the Endangered Species Act of 1973, as amended (Act). This rule adds this species to the Federal List of Endangered and Threatened Wildlife and applies the protections of the Act to this species. We are not designating critical habitat for the Franklin’s bumble bee because we determined that such a designation would not be beneficial to the species.

DATES: This rule is effective September 23, 2021.

ADDRESSES: This final rule and supporting documents are available on the internet at <http://www.regulations.gov> in Docket No. FWS–R1–ES–2018–0044, or at <https://ecos.fws.gov>.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR 97266; telephone 503–231–6179. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if we determine that a species may be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1

year. To the maximum extent prudent and determinable, we must designate critical habitat for any species that we determine to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designation of critical habitat can only be completed by issuing a rule.

What this document does. This rule lists Franklin’s bumble bee (*Bombus franklini*) as an endangered species under the Act. We are not designating critical habitat because we determined that a designation is not prudent for this species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that Franklin’s bumble bee meets the definition of an endangered species and therefore warrants protection under the Act. The threats to the species of pathogens, pesticides, and small population size are ongoing and rangewide; they are likely to continue to act individually and in combination to decrease the viability of the Franklin’s bumble bee. The risk of extinction is high, the suspected threats to the species persist, and the number of remaining Franklin’s bumble bees is presumably very small, as the species has not been observed since 2006. Existing regulatory mechanisms or conservation measures in place do not appreciably reduce or ameliorate the existing threats to the