

energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### *L. Technical Standards*

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### *M. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded 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 is categorically excluded, under section 2.B.2, Figure 2-1, paragraph 34(g), of the Instruction because it involves regulations establishing, disestablishing, or changing RNAs. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

#### **List of Subjects in 33 CFR Part 177**

Marine safety.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 177 as follows:

#### **Title 33—Navigation and Navigable Waters**

#### **PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS**

■ 1. The authority citation for part 177 continues to read as follows:

**Authority:** 46 U.S.C. 4302, 4311; Pub. L. 103-206, 107 Stat. 2439.

#### **§ 177.04 [Amended]**

■ 2. In § 177.04(a), remove the text “§ 177.07(g)” and add, in its place, the text “§ 177.07(f)”.

#### **§ 177.07 [Amended]**

■ 3. In § 177.07, remove paragraph (f) and redesignate paragraph (g) as new paragraph (f).

#### **§ 177.08 [Removed]**

■ 4. Remove § 177.08.

#### **§ 177.09 [Redesignated as § 177.08]**

■ 5. Redesignate § 177.09 as § 177.08.

Dated: June 28, 2013.

**Dana A. Goward,**

*Director, Marine Transportation Systems,  
U.S. Coast Guard.*

[FR Doc. 2013-16248 Filed 7-8-13; 8:45 am]

**BILLING CODE 9110-04-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

**[EPA-R06-OAR-2009-0710; FRL-9831-1]**

#### **Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Interstate Transport of Fine Particulate Matter**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a portion of a State Implementation Plan (SIP) submittal from the State of New Mexico to address Clean Air Act (CAA or Act) requirements that prohibit air emissions which will contribute significantly to nonattainment or interfere with maintenance in any other state for the 2006 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). EPA has determined that the existing SIP for New Mexico contains adequate provisions to prohibit air emissions from significantly contributing to nonattainment or interfering with maintenance of the 2006 24-hour PM<sub>2.5</sub> NAAQS (2006 PM<sub>2.5</sub> NAAQS) in any other state as required by the Act.

**DATES:** This final rule is effective on August 8, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2009-0710. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information

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 electronically through <http://www.regulations.gov> or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 Freedom of Information Act Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carl Young, Air Planning Section (6PD-L), U.S. EPA Region 6, 214-665-6645, [young.carl@epa.gov](mailto:young.carl@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us,” and “our” means EPA.

#### **Table of Contents**

- I. Background
- II. Final Action
- III. Statutory and Executive Order Reviews

#### **I. Background**

The background for today’s action is discussed in detail in our March 12, 2013 proposal (78 FR 15664). In that notice, we proposed to approve a portion of a SIP submittal dated June 12, 2009, from the State of New Mexico to address CAA section 110(a)(2)(D)(i)(I) requirements that prohibit air emissions which will contribute significantly to nonattainment or interfere with maintenance in any other state for the 2006 PM<sub>2.5</sub> NAAQS. Specifically, we proposed to determine that the existing SIP for New Mexico contains adequate provisions to prohibit air emissions from significantly contributing to nonattainment or interfering with maintenance of the 2006 PM<sub>2.5</sub> NAAQS. We received one comment from a citizen supporting our proposal. The comment letter is available for review in the docket for this rulemaking. We did not receive any adverse comments regarding our proposal.

## II. Final Action

We are approving a portion of a SIP submittal for the State of New Mexico submitted by the Governor on June 12, 2009, to address interstate transport for the 2006 PM<sub>2.5</sub> NAAQS. Based on EPA's evaluation of the State's technical analysis addressing the requirements of CAA section 110(a)(2)(D)(i) for the 2006 PM<sub>2.5</sub> NAAQS, with EPA's additional analysis and technical information, we approve the portion of the June 12, 2009 SIP submittal determining the existing SIP for New Mexico contains adequate provisions to prohibit air emissions from contributing significantly to nonattainment or interfering with maintenance of the 2006 PM<sub>2.5</sub> NAAQS in any other state as required by CAA section 110(a)(2)(D)(i)(I). This action is being taken under section 110 of the Act.

## 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, 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 Order 12866 (58 FR 51735, October 4, 1993);
- 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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).

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 9, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed 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, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 25, 2013.

**Samuel Coleman,**

*Acting Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

### PART 52—[AMENDED]

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

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

### Subpart GG—New Mexico

- 2. The second table in § 52.1620(e) entitled "EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP" is amended by revising the entry for "Infrastructure for 2006 PM<sub>2.5</sub> and Interstate Transport regarding noninterference with other states' programs for PSD for the 2006 PM<sub>2.5</sub> NAAQS" to read as follows:

#### § 52.1620 Identification of plan

\* \* \* \* \*

(e) \* \* \*

## EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* Infrastructure for 2006 PM <sub>2.5</sub> NAAQS.	* Statewide, except for Bernalillo County and Indian country.	* 6/12/2009	* 7/9/2013 [Insert FR page number where document begins].	* 1/22/2013, (78 FR 4337): Approval for 110(a)(2)(A), (B), (C), (D)(i)(II) (PSD portion), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 7/9/2013, ([Insert FR page number where document begins]): Approval for 110(a)(2)(D)(i)(I).
*	*	*	*	*

[FR Doc. 2013-16345 Filed 7-8-13; 8:45 am]

BILLING CODE 6560-50-P

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

[EPA-R09-OAR-2013-0190; FRL-9830-8]

**Notice of Extension of Deadline to Commence Construction Under Clean Air Act Prevention of Significant Deterioration Permit Issued to Avenal Power Center, LLC****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that the U.S. Environmental Protection Agency ("EPA") has extended the Prevention of Significant Deterioration ("PSD") permit deadline for commencing construction for a final Clean Air Act PSD permit that authorizes Avenal Power Center, LLC ("APC") to construct the Avenal Energy Project ("AEP"). The AEP is to be located in Kings County, California.

**DATES:** EPA's PSD permit for the AEP became effective on August 18, 2011, and included a deadline for commencing construction of February 18, 2013. Prior to February 18, 2013, APC requested an 18-month extension of the deadline for commencing construction under the PSD permit for the AEP. EPA has granted such an extension until August 18, 2014. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this extension decision may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit by September 9, 2013.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2013-0190 for this action. Generally, documents in the

docket for this action are available electronically at <http://www.regulations.gov> and in hard copy at the following address: U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. See **SUPPLEMENTARY INFORMATION** for more information about how to make an appointment to view these hard copy documents during normal business hours at EPA Region IX's office.

**FOR FURTHER INFORMATION CONTACT:**

Shirley Rivera, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105, 415-972-3966, [rivera.shirley@epa.gov](mailto:rivera.shirley@epa.gov).

**SUPPLEMENTARY INFORMATION:** The AEP, proposed by APC, is a new 600-megawatt natural gas-fired combined-cycle power plant that will be located in Kings County, California. The PSD permit decision issued by EPA for the AEP became effective on August 18, 2011 as published in the **Federal Register** on September 9, 2011 (76 FR 55799). In November 2011, the United States Court of Appeals for the Ninth Circuit received petitions for review of EPA's PSD permit decision for the AEP; this Court of Appeals proceeding is pending. In letters dated December 19, 2012 and February 15, 2013, APC requested that EPA provide an 18-month extension of the deadline for commencing construction in the PSD permit for the AEP. Pursuant to 40 CFR Part 52.21(r), in a response to APC dated June 26, 2013, EPA Region 9 determined that a satisfactory showing justifying the extension had been made, and EPA extended the deadline for commencing construction in the PSD permit for AEP for 18 months, so that the PSD permit will become invalid if construction of the AEP is not commenced by August 18, 2014.

The docket for this action includes, among other documents, EPA's analysis supporting this action. In addition to the

electronic docket for this action, hard copy versions of the docket materials are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105. To arrange for viewing of these documents at EPA Region IX's office, call Shirley Rivera at (415) 972-3966. Due to building security procedures, visitors should call at least 48 hours in advance to arrange a visit.

Dated: June 26, 2013.

**Deborah Jordan,***Director, Air Division, Region IX.*

[FR Doc. 2013-16334 Filed 7-8-13; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 54**

[WC Docket No. 11-42; DA 13-1441]

**Lifeline and Link Up Modernization and Reform****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** In this Order, the Wireline Competition Bureau (Bureau) underscores certain compliance requirements that are contained in the *Lifeline Reform Order* and its accompanying rules. The Bureau codifies the Commission's requirement that eligible telecommunications carriers (ETCs) verify a Lifeline subscriber's eligibility for Lifeline service before activating such service, pursuant to the authority delegated in the *Lifeline Reform Order*.

**DATES:** Effective August 8, 2013.**FOR FURTHER INFORMATION CONTACT:**

Radhika Karmarkar, Wireline Competition Bureau, (202) 418-7400 or TTY: (202) 418-0484.