

- 2. In § 165.506, amend Table to § 165.506 as follows:
- a. Under “(d.) Coast Guard Sector North Carolina—COTP Zone,” suspend

entry number “2”, from 5:30 p.m. on July 4, 2014 to 1 a.m. on July 5, 2015.

■ b. Under, “(d.) Coast Guard Sector North Carolina—COTP Zone,” add entry number “15”, which will be enforced

from 5:30 p.m. on July 4, 2014 to 1 a.m. on July 5, 2014, to read as follows:

§ 165.506 Safety Zones; Fireworks Displays in the Fifth Coast Guard District.

* * * * *

TABLE TO § 165.506

No.	Date	Location	Regulated area
*	*	*	*
(d.) Coast Guard Sector North Carolina—COTP Zone			
*	*	*	*
15	July 4–5, 2014	Cape Fear River, Wilmington, NC, Safety Zone.	All waters of the Cape Fear River within a 300 yard radius of the fireworks launch barge in approximate position latitude 34°14'17" N longitude 077°57'11".

Dated: May 14, 2014.

S.R. Murtagh,

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

[FR Doc. 2014–12376 Filed 5–28–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2013–0509; A–1–FRL–9909–99–Region 1]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Decommissioning of Stage II Vapor Recovery Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire Department of Environmental Services. This revision includes regulatory amendments that require the decommissioning of Stage II vapor recovery systems at gasoline dispensing facilities by December 22, 2015, and a demonstration that such removal is consistent with the Clean Air Act and EPA guidance. The intended effect of this action is to approve New Hampshire’s revised vapor recovery regulation. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on June 30, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2013–0509. All documents in the docket are listed on the www.regulations.gov

Web site. 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 either electronically through www.regulations.gov or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 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.

Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at State Air Agency, Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302–0095.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1660, fax number (617) 918–0660, email garcia.ariel@epa.gov.

SUPPLEMENTARY INFORMATION:

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

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose

II. Final Action

III. Statutory and Executive Order Reviews

I. Background and Purpose

On March 10, 2014 (79 FR 13268), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Hampshire. The NPRM proposed approval of New Hampshire’s revised vapor recovery regulation. The formal SIP revision was submitted by New Hampshire on June 18, 2013 and included a demonstration that the decommissioning of Stage II vapor recovery systems at gasoline dispensing facilities is consistent with the Clean Air Act and EPA guidance. A detailed discussion of New Hampshire’s June 18, 2013 SIP revision and EPA’s rationale for proposing approval of the SIP revision were provided in the NPRM and will not be restated here. No public comments were received on the NPRM.

II. Final Action

EPA is approving New Hampshire’s June 18, 2013 SIP revision. Specifically, EPA is approving the amended New Hampshire rule Env–Or 500, *Recovery of Gasoline Vapors*, and incorporating it into the New Hampshire SIP. EPA is approving this SIP revision because it meets all applicable requirements of the Clean Air Act and EPA guidance, and it will not interfere with attainment or maintenance of the ozone National Ambient Air Quality Standards.

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 July 28, 2014. 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 22, 2014.

H. Curtis Spalding,

Regional Administrator, EPA New England.

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.*

Subpart EE—New Hampshire

- 2. Section 52.1520 is amended by adding “Env-Or 500” in table (c) after “Env-A 3600” to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date ¹	Explanations
Env-Or 500	Recovery of Gasoline Vapors	11/17/2012	5/29/2014	Includes decommissioning of Stage II vapor recovery systems.
			[Insert Federal Register page number where the document begins].	

¹ In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

[FR Doc. 2014-12338 Filed 5-28-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA-R01-OAR-2008-0446; A-1-FRL-9901-93-Region 1]****Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Regulations Limiting Emissions of Volatile Organic Compounds and Nitrogen Oxides****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. These revisions consist of updates and amendments to existing air pollution control requirements for stationary sources of volatile organic compounds (VOCs) and nitrogen oxides (NO_x). This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on June 30, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2008-0446. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information may not be 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 either electronically through www.regulations.gov or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 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. Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Division of Air Quality Control, Department of

Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05-2), Boston, MA 02109-3912, telephone number (617) 918-1046, fax number (617) 918-0046, email mcconnell.robert@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. Additionally, the phrase “the Commonwealth” refers to the Commonwealth (or state) of Massachusetts. Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. Background and Purpose
- II. Response to Comments
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Background and Purpose

On August 1, 2013 (78 FR 46552), EPA published a Notice of Proposed Rulemaking (NPR) proposing to approve updates and amendments to existing air pollution control requirements for stationary sources of volatile organic compounds (VOCs) and nitrogen oxides (NO_x) contained in the Massachusetts State Implementation Plan (SIP). The proposed revisions were submitted by the Massachusetts Department of Environmental Protection to EPA on July 11, 2001, and September 14, 2006. The July 11, 2001 submittal was supplemented with two additional submittals, one on August 9, 2001, and a second on January 18, 2002 (collectively referred to herein as the July 11, 2001 submittal).

The July 11, 2001 submittal includes revisions to Title 310 of the Code of Massachusetts Regulations (CMR), section 7.19, Reasonably Available Control Technology (RACT) for Sources of Nitrogen Oxides (NO_x). The September 14, 2006 submittal includes revisions to 310 CMR 7.00, Definitions; 7.05, Fuels All Districts; 7.18, Volatile and Halogenated Organic Compounds; 7.19, RACT for Sources of NO_x; and 7.24, Organic Material Storage and Distribution.

In addition, we note that our August 1, 2013 NPR indicated we intended to take action on 310 CMR 7.18(8), Solvent Metal Degreasing, as submitted on September 14, 2006. However, in light of a June 1, 2010 submittal by Massachusetts to EPA of an updated version of 310 CMR 7.18(8), Massachusetts withdrew its SIP revision

request relating to the September 14, 2006 version of section 7.18(8) by letter dated January 18, 2013. Furthermore, we approved the updated version of section 7.18(8) that Massachusetts submitted on June 1, 2010 within a final rule published in the **Federal Register** on September 9, 2013. See 78 FR 54960.

Our August 1, 2013 proposal indicated that the Commonwealth's SIP revision request included a request that the definitions of 81 different terms be approved into the SIP. By letter dated August 8, 2013, Massachusetts informed EPA that nine of the 81 definitions had been unintentionally included in the SIP revision request. Therefore, by the August 8, 2013 letter, Massachusetts withdrew its request that those nine definitions be approved into the SIP. The nine terms are as follows: “Alter or alteration,” “Alternative fuel,” “Alternative fuel vehicle,” “Asbestos,” “Asbestos-containing material,” “Construct or construction,” “Cooling tower,” “Friable asbestos containing material,” and “Non-road vehicle.” Our final rule, therefore, will not incorporate these terms into the Massachusetts SIP. The other specific SIP revisions that were included in Massachusetts' submittals are explained in the NPR and are detailed in the description of amendments made to 40 CFR Part 52 described at the end of this final rule.

II. Response to Comments

We received one comment letter on our proposal. The comments were submitted by Robert Ukeiley on behalf of the Sierra Club, by letter dated September 3, 2013. A summary of Sierra Club's comments and our response to each is provided below.

Comment 1: Sierra Club notes that our proposed action was overdue, given that Massachusetts' submittals to EPA occurred as far back as 2001. Sierra Club also commented that our delay should not be used as justification for approving emission limits that are no longer protective of public health. Additionally, Sierra Club commented that there was very little analysis provided by EPA in the NPR as to why EPA was proposing approval of Massachusetts' submittals.

Response 1: We acknowledge that our action on these updates to regulations previously approved into the Commonwealth's SIP was delayed. However, we note that, with the exception of the updates we are taking final action on today, the majority of the provisions of the regulations in question (including the pollutant emissions rate limits contained within those regulations) have been part of the Massachusetts SIP for many years, with