

### 7. 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.

### 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### 9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### 10. Protection of Children From Environmental Health Risks

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### 11. Indian Tribal Governments

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.

### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

### 13. Technical Standards

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

### 14. 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 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 regulated navigation area of a 300-foot diameter, extending the entire water column from the water surface to the seabed. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (Water), Reporting and recordkeeping requirements, Security measurers, 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:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.840 to read as follows:

#### § 165.840 Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA.

(a) *Effective date.* This section is effective on April 4, 2013.

(b) *Location.* The following area is a Regulated Navigation Area: A 300-foot diameter area at the water surface centered on the following coordinates: 28°52′17″ N 089°10′50″ W, and extending the entire water column from the surface to the seabed.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.13 of this part, all vessels are prohibited from anchoring, mooring or loitering in the above

described area except as authorized by the Captain of the Port, New Orleans.

(2) Persons or vessels requiring deviations from this rule must request permission from the Captain of the Port New Orleans. The Captain of the Port New Orleans may be contacted by telephone at (504) 365–2200.

Dated: April 4, 2013.

**R. A. Nash,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 2013–09994 Filed 4–26–13; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2011–0595; FRL–9790–3]

### Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for the Cleveland Ozone Nonattainment Area

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving into the Ohio State Implementation Plan (SIP), several volatile organic compound (VOC) rules that were submitted by the Ohio Environmental Protection Agency (Ohio EPA) on June 1, 2011. These rules, which include the source categories covered by the Control Technique Guideline (CTG) documents issued in 2008, as well as several other miscellaneous rule revisions, will help Ohio’s effort to attain the 2008 ozone standard. These rules are being approved because they are consistent with the CTG documents issued by EPA in 2008, and satisfy the reasonably available control technology (RACT) requirements of the Clean Air Act (Act). EPA proposed these rules for approval on May 25, 2012, and received no comments.

**DATES:** This final rule is effective on May 29, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2011–0595. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. 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 electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy 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. We recommend that you telephone Steven Rosenthal, Environmental Engineer, at (312) 886-6052 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

- I. What public comments were received on the proposed approval and what is EPA's response?
- II. What action is EPA taking today and what is the purpose of this action?
- III. Statutory and Executive Order Reviews

#### **I. What public comments were received on the proposed approval and what is EPA's response?**

EPA proposed these rules for approval on May 25, 2012 (77 FR 31265), and received no comments.

#### **II. What action is EPA taking today and what is the purpose of this action?**

EPA is approving into the Ohio SIP several new VOC and amended VOC rules under Chapter 3745-21 of the Ohio Administrative Code (OAC). These include new fiberglass boat manufacturing, miscellaneous industrial adhesives, and automobile and light-duty truck assembly coatings rules, which are consistent with the CTGs issued in 2008, as well as revisions to definitions and rules for the control of VOC emissions from stationary sources, storage of volatile organic liquids, industrial cleaning solvents, and flatwood paneling coatings. These rules are approvable because they are consistent with the CTG documents issued by EPA in 2008, and satisfy the RACT requirements of the Act. These VOC rules will help Ohio's effort to attain the 2008 ozone standard.

EPA is also approving into the Ohio SIP amendments to OAC 3745-72, which contain its Low Reid Vapor Pressure Fuel Requirements, so that it is consistent with EPA requirements

regarding special provisions for alcohol blends.

#### **III. Statutory and Executive Order Reviews**

Under the 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 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 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 28, 2013. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 4, 2013.

**Susan Hedman,**  
Regional Administrator, Region 5.

40 CFR part 52 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.*

- 2. Section 52.1870 is amended by adding paragraph (c)(158) to read as follows:

##### **§ 52.1870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(158) On June 1, 2011, the Ohio Environmental Protection Agency (Ohio EPA) submitted several volatile organic

compound (VOC) rules for approval into the Ohio State Implementation Plan. These rules include the source categories covered by the Control Technique Guideline (CTG) documents issued in 2008, as well as several other miscellaneous rule revisions.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–21–01 “Definitions.”, effective May 12, 2011.

(B) Ohio Administrative Code Rule 3745–21–09 “Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.”, effective May 12, 2011, except for paragraph (U)(1)(h).

(C) Ohio Administrative Code Rule 3745–21–21 “Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.”, effective May 12, 2011.

(D) Ohio Administrative Code Rule 3745–21–23 “Control of volatile organic compound emissions from industrial solvent cleaning operations.”, effective May 12, 2011.

(E) Ohio Administrative Code Rule 3745–21–24 “Flat wood paneling coatings.”, effective May 12, 2011.

(F) Ohio Administrative Code Rule 3745–21–27 “Boat manufacturing.”, effective May 12, 2011.

(G) Ohio Administrative Code Rule 3745–21–28 “Miscellaneous industrial adhesives and sealants”, effective May 12, 2011.

(H) Ohio Administrative Code Rule 3745–21–29 “Control of volatile organic compound emissions from automobile and light-duty truck assembly coating operations, heavier vehicle assembly coating operations, and cleaning operations associated with these coating operations.”, effective May 12, 2011.

(I) Ohio Administrative Code Rule 3745–72–02 “Definitions.”, effective May 12, 2011.

(J) Ohio Administrative Code Rule 3745–72–05 “Liability.”, effective May 12, 2011.

(K) Ohio Administrative Code Rule 3745–72–06 “Defenses.”, effective May 12, 2011.

(L) May 2, 2011, “Director’s Final Findings and Orders,” signed by Scott J. Nally, Director, Ohio Environmental Protection Agency.

[FR Doc. 2013–08691 Filed 4–26–13; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2012–0965; FRL–9806–6]

#### Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Volatile Organic Compounds Emissions Reductions Regulations

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia. This SIP revision consists of amendments to Chapters 1 and 7 of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) for the Control of Volatile Organic Compounds (VOC) to meet the requirement to adopt reasonably available control technology (RACT) for sources as recommended by the Ozone Transport Commission (OTC) model rules and EPA’s Control Techniques Guidelines (CTG) standards. This SIP revision also includes negative declarations for various VOC source categories. EPA is approving the regulation changes and the negative declarations in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on May 29, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0965. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, 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 electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the District of Columbia, Department of the Environment, Air Quality Division, 1200 1st Street NE., 5th floor, Washington, DC 20002.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Becoat, (215) 814–2036, or by email at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Summary of SIP Revision

On February 11, 2013 (78 FR 9648), EPA published a notice of proposed rulemaking (NPR) for the District of Columbia. The NPR proposed approval of amendments to Chapters 1 and 7 of Title 20 (Environment) of the DCMR for the control of VOCs to meet the requirement to adopt RACT and negative declarations for various VOC source categories. The formal SIP revision was submitted by the District of Columbia on January 26, 2010, March 24, 2011, and March 15, 2012. The SIP revision amends the District’s regulations to impose the VOC RACT requirements as recommended by OTC’s model rules for consumer products, adhesives and sealants, architectural and industrial maintenance, portable fuel containers and spouts, and solvent cleaning and also include VOC RACT requirements consistent with EPA’s CTGs for flexible packaging and printing, large appliance coatings, metal furniture coatings, and miscellaneous metal products and plastic parts coatings, lithographic and letterpress printing, miscellaneous industrial adhesives, and industrial cleaning solvents. The SIP revision also consists of negative declarations for the following VOC source categories: Auto and Light-duty Truck Assembly Coatings; Fiberglass Boat Manufacturing Materials; Paper, Film and Foil Coatings; and Flatwood Paneling. EPA received no adverse comments on the NPR to approve the District of Columbia’s SIP revision. A more complete explanation of the amendments and the rationale for EPA’s proposed action is explained in the technical support document and the NPR in support of this final rulemaking and will not be restated here.

##### II. Final Action

EPA is approving the District of Columbia’s SIP revisions adopting VOC RACT requirements for various source categories. EPA is also approving the District’s negative declarations pursuant to section 182(b)(2)(A) of the CAA for those CTG categories where no sources are located in the District.

##### III. Statutory and Executive Order Reviews

###### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the