

Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port Sector New York (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) No vessels, except for event coordinators and support vessels, will be allowed to transit the safety zone without the permission of the COTP. Vessels not associated with the event that are permitted to enter the regulated areas shall maintain a separation of at least 100 yards from the participants.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the regulated area, citation for failure to comply, or both.

(4) Vessel operators desiring to enter or operate within the regulated area shall contact the COTP or the designated representative via VHF channel 16 or 718-354-4353 (Sector New York command center) to obtain permission to do so.

(5) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, unless authorized by COTP or the designated representative.

(6) The COTP or the designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

Dated: August 20, 2012.

**G.A. Loebl,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2012-21717 Filed 8-31-12; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2012-0380; FRL- 9723-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Washington; Determination of Clean Data for the 2006 24-Hour Fine Particulate Standard for the Tacoma, Pierce County Nonattainment Area

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

**ACTION:** Final rule.

**SUMMARY:** EPA is making a final determination that the Tacoma, Pierce County nonattainment area (hereafter referred to as "Tacoma, Pierce County" or "the area") has clean data for the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS). This determination is based upon complete, quality-assured, quality-controlled, and certified ambient air monitoring data showing that the area has monitored attainment of the 2006 PM<sub>2.5</sub> NAAQS based on the 2009–2011 data available in EPA's Air Quality System (AQS) database. EPA's determination relieves the area from the requirements to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the standard for so long as the area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS.

**DATES:** *Effective Date:* This final rule is effective on October 4, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R10-OAR-2012-0380. 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 EPA Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Seattle WA, 98101.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hunt at telephone number: (206) 553-

0256, email address: [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or the above EPA, Region 10 address.

#### SUPPLEMENTARY INFORMATION:

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

I. What action is EPA taking?

II. What is the effect of this action?

III. Statutory and Executive Order Reviews

#### I. What action is EPA taking?

EPA is making a final determination that the Tacoma, Pierce County nonattainment area has clean data for the 2006 24-hour PM<sub>2.5</sub> NAAQS. This determination is based upon complete, quality-assured, quality-controlled, and certified ambient air monitoring data showing that the area has monitored attainment of the 2006 PM<sub>2.5</sub> NAAQS based on 2009–2011 monitoring data.

On July 5, 2012 (77 FR 39657), EPA proposed a determination of clean data for the Tacoma, Pierce County nonattainment area. A discussion of the rationale behind this determination and the effect of the determination were included in the notice of proposed rulemaking. EPA received no comments on this notice of proposed rulemaking.

#### II. What is the effect of this action?

Under the provisions of EPA's PM<sub>2.5</sub> implementation rule (*See* 40 CFR 51.1004(c)), the requirements for the Tacoma, Pierce County nonattainment area to submit an attainment demonstration and associated reasonably available control measures (including reasonably available control technology), a reasonable further progress plan, contingency measures, and any other planning SIPs related to attainment of the 2006 PM<sub>2.5</sub> NAAQS are suspended for so long as the area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS. If EPA subsequently determines that the area violates the 24-hour 2006 PM<sub>2.5</sub> NAAQS, the basis for the suspension of the specific requirements, set forth at 40 CFR 51.1004(c), would no longer exist and the area would thereafter have to address the pertinent requirements.

This action does not constitute a redesignation of the area to attainment for the 24-hour 2006 PM<sub>2.5</sub> NAAQS under section 107(d)(3) of the Clean Air Act (CAA). Further, this action does not involve approving a maintenance plan for the area as required under section 175A of the CAA, nor does it find that the area has met all other requirements for redesignation. Even after this determination of attainment by EPA, the designation status of the area is nonattainment for the 24-hour 2006 PM<sub>2.5</sub> NAAQS until such time as EPA

determines that the area meets the CAA requirements for redesignation to attainment and takes action to redesignate the area.

### III. Statutory and Executive Order Reviews

#### A. General Requirements

This action makes a determination of attainment based on air quality, and will result in the suspension of certain Federal requirements, and will 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 CAA; 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 rulemaking that the Tacoma, Pierce County PM<sub>2.5</sub> nonattainment area has clean data for the 2006 24-hour PM<sub>2.5</sub> standard does not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### B. Submission to Congress and the Comptroller General

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).

#### C. Petitions for Judicial Review

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 November 5, 2012. 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 clean data determination for the 24-hour 2006 PM<sub>2.5</sub> NAAQS for the Tacoma, Pierce County nonattainment area 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 20, 2012.

**Dennis J. McLerran**,  
Regional Administrator, Region 10.

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 WW—Washington

■ 2. In § 52.2475, paragraph (e)(4) is added to read as follows:

#### § 52.2475 Approval of plans.

\* \* \* \* \*

(e) \* \* \*

(4) Tacoma

(i) *Determination of Clean Data*. EPA has determined, as of September 4, 2012, that based on 2009 to 2011 ambient air quality data the Tacoma, Pierce County nonattainment area has attained the 24-hour 2006 PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for the area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS.

(ii) [Reserved]

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[FR Doc. 2012–21560 Filed 8–31–12; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2012–0236; FRL–9711–2]

### Revisions to the California State Implementation Plan, South Coast Air Quality Management District (SCAQMD)

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of a revision to the SCAQMD portion of the California State Implementation Plan (SIP). This action was published on June 1, 2012 and concerns particulate matter (PM) emissions from cement manufacturing facilities. We are approving a local rule that regulates this emission source under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule will be effective on October 4, 2012.

**ADDRESSES:** EPA has established docket number EPA–R09–OAR–2012–0236 for this action. Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (CBI)). To inspect the hard copy