

Dated: April 24, 2015.

**P.C. Schifflin,**

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

[FR Doc. 2015-12735 Filed 5-26-15; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2014-0532; FRL-9928-17-Region 10]

### Approval and Promulgation of Implementation Plans; Alaska

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the Alaska State Implementation Plan (SIP) submitted on July 1, 2014 and October 24, 2014. These revisions primarily update the adoption by reference of Federal regulations and definitions into the Alaska SIP. The revisions also clarify stationary source permitting rules governing owner-requested emission limits and revise the SIP to reflect the redesignation of the Eagle River area of Anchorage. Upon the effective date, the Alaska SIP will be updated to reflect recent Federal regulatory changes and actions.

**DATES:** This final rule is effective on June 26, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2014-0532. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information the disclosure of which 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 EPA Region 10, Office of Air, Waste, and Toxics, AWT-150, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person 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 Federal holidays.

### FOR FURTHER INFORMATION CONTACT:

Kristin Hall at (206) 553-6357, [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov), or by using the above EPA, Region 10 address.

### SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us” or “our” is used, it is intended to refer to the EPA.

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#### I. Background

In a notice of proposed rulemaking published in the **Federal Register** at 80 FR 14038, March 18, 2015, the EPA proposed to approve and incorporate by reference revisions to the Alaska SIP submitted on July 1, 2014 and October 24, 2014. Please see our March 18, 2015, proposed rulemaking for further explanation and the basis for our finding. The public comment period for the proposal ended on April 17, 2015. We received a comment letter from the Alaska Department of Environmental Conservation, dated April 16, 2015, acknowledging our work and supporting the proposal. We received no other comments.

#### II. Final Action

The EPA is approving and incorporating by reference into the Alaska SIP changes to the following provisions submitted on July 1, 2014 and October 24, 2014:

- 18 AAC 50.015 “Air Quality Designations, Classifications, and Control Regions” (State effective 10/6/2013);
- 18 AAC 50.040 “Federal Standards Adopted by Reference” (State effective 10/6/2013);
- 18 AAC 50.225 “Owner-Requested Limits” (State effective 10/6/2013);
- 18 AAC 50.260 “Guidelines for Best Available Retrofit Technology under the Regional Haze Rule” (State effective 10/6/2013);
- 18 AAC 50.502 “Minor Permits for Air Quality Protection” (State effective 11/9/2014); and
- 18 AAC 50.990 “Definitions” (State effective 11/9/2014).

We note that this action does not address the submitted revisions related to Alaska's nonattainment NSR permitting program because we approved those changes on January 7, 2015 (80 FR 832). This action is being taken under section 110 and part C of title I of the CAA.

#### III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes

incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the provisions of 18 AAC 50 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

#### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action 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 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 July 27, 2015. 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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 7, 2015.

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

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.*

**Subpart C—Alaska**

■ 2. In section 52.70, the table in paragraph (c) is amended by revising entries 18 AAC 50.015, 18 AAC 50.040, 18 AAC 50.225, 18 AAC 50.260, 18 AAC 50.502, and 18 AAC 50.990 to read as follows:

**§ 52.70 Identification of plan.**

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(c)	*	*	*	*

**EPA-APPROVED ALASKA REGULATIONS AND STATUTES**

State citation	Title/subject	State effective date	EPA approval date	Explanations
<b>Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50 Air Quality Control (18 AAC 50)</b>				
18 AAC 50.015	Air Quality Designations, Classifications, and Control Regions.	10/6/13	05/27/15 [Insert <b>Federal Register</b> citation].	
18 AAC 50.040	Federal Standards Adopted by Reference.	11/9/14 10/6/13 12/3/05	1/7/15, 80 FR 832; 05/27/15 [Insert <b>Federal Register</b> citation] 8/14/07, 72 FR 45378.	except (a), (b), (c), (d), (e), (g), (h)(21), (j), and (k).
<b>18 AAC 50 Article 2. Program Administration</b>				
18 AAC 50.225	Owner-Requested Limits	10/6/13	05/27/15 [Insert <b>Federal Register</b> citation].	
18 AAC 50.260	Guidelines for Best Available Retrofit Technology under the Regional Haze Rule.	10/6/13	05/27/15 [Insert <b>Federal Register</b> citation].	
<b>18 AAC 50 Article 5. Minor Permits</b>				
18 AAC 50.502	Minor Permits for Air Quality Protection.	11/9/14	05/27/15 [Insert <b>Federal Register</b> citation].	

EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
<b>18 AAC 50 Article 9. General Provisions</b>				
18 AAC 50.990 .....	Definitions .....	11/9/14	1/7/15, 80 FR 832; 05/27/15 [In-	sert <b>Federal Register</b> citation].
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 [FR Doc. 2015-12655 Filed 5-26-15; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**49 CFR Part 383**

**Commercial Driver's License Standards; Regulatory Guidance Concerning the Passenger Endorsement Requirements**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of regulatory guidance.

**SUMMARY:** FMCSA responds to a question whether a commercial driver's license (CDL) passenger endorsement is required for drivers of certain custom motorcoaches designed or used to transport fewer than 16 passengers, including the driver. The guidance explains that a passenger endorsement is required because the vehicle is intended to transport passengers rather than cargo.

**DATES:** This guidance is effective May 27, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Selden Fritschner, Chief, Commercial Driver's License Division, Office of Safety Programs, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Telephone (202) 366-0677 or *Selden.Fritschner@dot.gov*. Office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. If you have questions on the docket, call Ms. Barbara Hairston, Docket Operations, telephone 202-366-3024.

**SUPPLEMENTARY INFORMATION:**

**I. Legal Basis**

The CDL program was established by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. chapter 313). The CMVSA authorizes the

Secretary of Transportation to set minimum standards for the CDL. The Administrator of FMCSA has been delegated the authority to carry out the functions vested in the Secretary by the CMVSA (49 Code of Federal Regulations [CFR] 1.87(e)(1)).

Parts 383 and 384 of Title 49, CFR, implement the CMVSA requirements. Part 383 prohibits any person who does not hold a valid CDL or commercial learner's permit (CLP) issued by his/her State of domicile from operating a commercial motor vehicle (CMV) that requires a driver with a CDL. This regulatory guidance is based on that authority and is intended to ensure that CDL holders obtain the proper endorsements before operating a CMV.

**II. Background**

The American Bus Association (ABA) asked if drivers of certain custom motorcoaches require passenger endorsements. These motorcoaches are used primarily to transport entertainers to performance venues throughout the United States. Because these vehicles have gross vehicle weights (GVWs) and gross vehicle weight ratings (GVWRs) greater than 26,000 pounds, the driver must have a CDL. However, the vehicles are not designed or used to transport 16 or more passengers. Each vehicle begins as a motorcoach chassis and body shell which is then customized by a second-stage manufacturer that installs beds, couches, sinks, kitchen cabinets, and other furnishings. ABA notes that the maximum passenger capacity of these vehicles is approximately 10-12 persons, plus the driver. The ABA asked whether the drivers must have passenger endorsements on their CDLs. ABA estimates that approximately 1,000 entertainer motorcoaches are currently in operation.

**III. Applicable Regulations**

The CDL rules in 49 CFR 383.23(a) require individuals to pass written and driving tests for a CLP or CDL to operate commercial motor vehicles (CMVs). Section 383.5 defines a CMV.

The customized motorcoaches described by the ABA are Group B Heavy Straight Vehicles, within the CMV definition under § 383.5 and under § 383.91 concerning endorsements. They are used in commerce to transport passengers, and have GVWRs and GVWs of 26,001 pounds or more. Section 383.93(b)(2) requires CDL holders who operate or expect to operate "passenger vehicles" to obtain a passenger endorsement requiring a knowledge and skills test (§ 383.93(c)(2)). Neither these sections nor the passenger endorsement provisions in § 383.117 specifies a minimum number of passengers needed to trigger the endorsement requirement. Drivers of the customized motorcoaches used by the entertainment industry, which are designed or used to transport between 10 and 12 passengers, including the driver, are therefore required to have a CDL with a passenger endorsement.

It should be noted that FMCSA and its predecessor agency, the Federal Highway Administration, have held for more than 20 years that drivers of recreational vehicles used strictly for non-commercial purposes are not required to obtain a CDL [Question 3 under § 383.3, 58 FR 60734, 60735, November 17, 1993; available on the Agency's Web site: *www.fmcsa.dot.gov*]. Such vehicles are not "used in commerce" in the sense intended by the definition of "commercial motor vehicle" in 49 U.S.C. 31301(4) and 49 CFR 383.5. Today's regulatory guidance is therefore limited to the issue of the passenger endorsement for individuals who are already required to possess a CDL.

**IV. FMCSA Decision**

In consideration of the above, FMCSA has determined that the requirements under 49 CFR part 383 require CDL-holders to have a passenger endorsement when operating a vehicle that exceeds the 26,000-pound threshold, and is designed to transport passengers rather than property. FMCSA