

### E. 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.

### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (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 a safety zone that will be enforced for one hour and will prohibit entry into a designated area. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, 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; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0425 to read as follows:

#### § 165.T09–0425 Safety Zone; Bay-Rama Fish Fly Festival Fireworks, Lake St. Clair, New Baltimore, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of the Lake St. Clair, New Baltimore, MI, within a 900-foot radius of position 42°40.600' N, 082°43.990' W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) will be enforced from 10 p.m. until 11 p.m. on June 21, 2018. In the case of inclement weather on June 21, 2018, this safety zone will be enforced from 10 p.m. until 11 p.m. on June 22, 2018.

(c) *Regulations.*

(1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The “on-scene representative” of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his on-scene representative may be contacted via VHF Channel 16 or at (313) 568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: May 14, 2018.

**Jeffrey W. Novak,**  
Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2018–10750 Filed 5–18–18; 8:45 am]

**BILLING CODE 9110–04–P**

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2018–0335]

#### Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the Navy Pier Southeast Safety Zone within the Chicago Harbor during specified times from May 26, 2018 through January 1, 2019. This action is necessary and intended to ensure the safety of life and property on navigable waters prior to, during, and immediately after firework displays. During the enforcement periods listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

**DATES:** The regulation in 33 CFR 165.931 will be enforced at the times specified below in **SUPPLEMENTARY INFORMATION** between May 26, 2018 through January 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT John Ramos, Waterways Management Division, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email [D09-DG-MSUChicago-Waterways@uscg.mil](mailto:D09-DG-MSUChicago-Waterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL listed in 33 CFR 165.931, on May 26, 2018 from 10:15 p.m. until 10:30 p.m.; Weekly events will occur each Saturday starting May 26, 2018 through September 1, 2018 from 10 p.m. until 10:30 p.m.; and each Wednesday starting May 30, 2018 through August 29, 2018 from 9:30 p.m. until 9:45 p.m. Additionally, this safety zone will also be enforced on July 4, 2018 from 9:30 p.m. until 10 p.m., on September 2, 2018 from 9:30 p.m. until 9:45 p.m., on December 1, 2018 from 9:30 p.m. until 9:45 p.m., and on December 31, 2018 from 11:45 p.m. until 12:30 a.m. on January 1, 2019. This safety zone encompasses all waters of Lake Michigan within Chicago Harbor bounded by coordinates beginning at 41°53′26.5″ N, 087°35′26.5″ W; then south to 41°53′7.6″ N, 087°35′26.3″ W; then west to 41°53′7.6″ N, 087°36′23.2″ W; then north to 41°53′26.5″ N, 087°36′24.6″ W; then east back to the point of origin (NAD 83). Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

This notice of enforcement is issued under authority of 33 CFR 165.931 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the above-specified enforcement periods

of this safety zone via Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via Channel 16, VHF-FM or at (414) 747-7182.

Dated: May 3, 2018

**Thomas J. Stuhldreier,**  
*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 2018-10822 Filed 5-18-18; 8:45 am]

BILLING CODE 9110-04-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2018-0080; FRL-9977-24-Region 9]

**Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Stationary Sources; New Source Review**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing action on revisions to the Bay Area Air Quality Management District (BAAQMD or District) portion of the California State Implementation Plan (SIP). These revisions concern permit program rules governing the issuance of permits for stationary sources, including review and permitting of major sources and major modifications under parts C and D of title I of the Clean Air Act (CAA), and the issuance and banking of Emission Reduction Credits. The revisions correct deficiencies in BAAQMD Regulation 2, Rules 1 and 2, and Regulation 2, Rule 4, previously identified by the EPA in final rules dated August 1, 2016, and December 4, 2017, respectively. Approval of this SIP revision terminates the sanctions clock and federal implementation plan (FIP) clock that were triggered by the EPA’s limited disapproval of a related SIP submission on August 1, 2016.

**DATES:** This rule will be effective on June 20, 2018.

**ADDRESSES:** The EPA has established a docket for this action under Docket No. EPA-R09-OAR-2018-0080. All documents in the docket are listed on the <http://www.regulations.gov> website. 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 through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Laura Yannayon, EPA Region 9, (415) 972-3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, the terms “we,” “us,” and “our” refer to the EPA.

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**I. Proposed Action**

On March 1, 2018 (83 FR 8822), the EPA proposed to fully approve the following rules that were submitted for incorporation into the BAAQMD portion of the California SIP.

TABLE 1—SUBMITTED RULES

Regulation & Rule No.	Rule title	Amended	Submitted
Regulation 2, Rule 1 (Rule 2-1)	Permits, General Requirements	12/6/2017	12/14/17
Regulation 2, Rule 2 (Rule 2-2)	Permits, New Source Review	12/6/2017	12/14/17
Regulation 2, Rule 4 (Rule 2-4)	Permits, Emissions Banking	12/6/2017	12/14/17

We proposed approval of these rules because we determined that the rules met the statutory requirements for SIP revisions as specified in sections 110(l) and 193 of the CAA, as well as the substantive statutory and regulatory requirements for a NSR permit program as contained in CAA section 110(a)(2)(C), and 40 CFR 51.160–51.166.

**II. Public Comments and EPA Responses**

The EPA’s proposed action provided a 30-day public comment period. During this period, we received 13 comments on the proposed rule. Twelve of these comments raised issues that are outside the scope of our proposed approval of the BAAQMD rules, including climate change science, air toxics regulation, rare earth mining, wind power costs and regulations, and pipeline and export terminal construction. Although some commenters made general statements about the sufficiency of current air quality in the United States and the cost

of additional regulation, these comments did not address the regulations at issue in the present rulemaking, nor did they indicate that the submitted rules do not meet the requirements of the Act. One commenter stated that “adopting best available retrofit control technology (BARCT) is absolutely imperative if the air quality crisis is to be mitigated.” BARCT is a state law requirement, not a requirement of the Clean Air Act. Therefore, consideration of BARCT is outside the scope of the present rulemaking.

The BAAQMD submitted a comment stating that it “supports EPA’s proposed approval of the Air District’s New Source Review rule revisions,” but noting that it disagrees with the EPA’s characterization of portions of the District’s prior submission of earlier versions of Regulation 2, Rules 1 and 2 as “deficiencies.” The District’s previously submitted version of these

rules is not presently before the EPA; therefore the comment is not germane to the present rulemaking. With respect to the rule that is presently before the Agency, the District states that it supports the proposed approval, and does not indicate that the submission does not meet all applicable requirements of the Act.<sup>1</sup>

<sup>1</sup> In its comment, the District stated that it incorporates by reference certain prior comments submitted by the District regarding the EPA’s November 12, 2016 proposed action on the District’s submission of a previous version of Regulation 2, Rules 1 and 2. These comments relate to a previous version of the rule, and the District does not suggest that they address deficiencies with the present rule, or issues germane to the present action. Moreover, the referenced comments were not properly presented to the Agency for consideration. As stated in our proposed rule, and the EPA’s public comment guidance: “[t]he EPA will generally not consider comments or comment contents located outside of the primary submission.” 83 FR 8822. For these reasons, the EPA does not herein specifically respond to issues raised in the District’s previously submitted comment in a separate rulemaking docket.