

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 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; 46 U.S.C. Chapters 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.T09–0868 to read as follows:

#### § 165.T09–0868 Safety Zone; Motion Picture Stunt Work and Filming; Chicago, IL.

(a) *Safety Zones.* The following are designated as safety zones:

(1) All waters of Lake Michigan, Calumet Harbor, west of an imaginary line connecting 41°44′29.4″ N, 087°31′33.9″ W and 41°44′21″ N, 087°31′47.12″ W (NAD 83).

(2) All waters of the South Branch of the Chicago River from position 41°52′19.03″ N, 087°38′08.7″ W, then approximately 1380 yards south to position 41°51′36.5″ N, 087°38′04.7″ W (NAD 83).

(3) All waters of the Chicago River from an imaginary line connecting positions 41°53′11.6″ N, 087°38′20.5″ W and 41°53′14.0″ N, 087°38′17.2″ W, then east to the North Orleans Street Bridge in position 41°53′15.84″ N, 087°38′09.16″ W, then south along the south branch of the river to the vicinity of the West Van Buren Street Bridge in position 41°52′36.4″ N, 087°38′15.8″ W (NAD 83).

(4) All waters of the Chicago River from the West Lake Street Bridge in position 41°53′8.6″ N, 087°38′15.9″ W, then north to an imaginary line connecting positions 41°53′11.6″ N, 087°38′20.5″ W and 41°53′14.0″ N, 087°38′17.2″ W, then east along the main branch of the river to a position of 41°53′19″ N, 087°36′33″ W (NAD 83) in the vicinity of the North Lake Shore Drive Bridge.

(5) All waters of the Chicago Sanitary and Ship Canal within a 1,000 foot radius of a position at 41°50′28.5″ N, 087°40′22.7″ W (NAD 83) in the vicinity of the South Damen Avenue bridge.

(b) *Effective and Enforcement Period.* These zones are effective from 6 a.m. on

October 1 until 12 a.m. on October 31, 2013. This rule will be enforced from 6 a.m. to 12 a.m. on intermittent dates between October 1 through October 31, 2013.

#### (c) Regulations.

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port, Lake Michigan or his designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port, Lake Michigan or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port, Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Lake Michigan to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port, Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port, Lake Michigan or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port, Lake Michigan, or his on-scene representative.

Dated: September 24, 2013.

**M.W. Sibley,**

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

[FR Doc. 2013–23861 Filed 9–30–13; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R03–OAR–2012–0955; FRL–9901–40–Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia; Removal of Obsolete Regulations and Updates to Citations to State Regulations Due to Recodification; Correction

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

**ACTION:** Direct final rule; correction.

**SUMMARY:** This document contains a correction to the direct final rule, which was published on Thursday, June 6,

2013. The regulations related to removal of over fifty rules in the Code of Federal Regulations (CFR) for Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia because they are unnecessary or obsolete. Errors in the amendatory instruction are identified and corrected in this action.

**DATES:** Effective October 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 814–2108, or by email at [frankford.harold@epa.gov](mailto:frankford.harold@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

In a direct final rule published on June 6, 2013 (78 FR 33977), Amendatory Instruction Number 33 for § 52.2063 was incorrectly stated. This document corrects this amendatory instruction and set-out text to read as follows:

#### Need for Correction

As published, the final regulations contain an error in the amendatory instruction and set-out text:

#### List of Subjects in 40 CFR part 52

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

Accordingly, 40 CFR part 52 is corrected by making the following correcting amendment:

#### 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.*

**§ 52.2063 Original identification of plan section.**

■ 2. Section 52.2063 is revised to read as follows:”

(a) This section identifies the original “Air Implementation Plan for the Commonwealth of Pennsylvania” and all revisions submitted by Pennsylvania that were federally approved prior to February 10, 2005. The information in this section is available in the 40 CFR, part 52, Volume 2 of 2 (§§ 52.1019 to the end of part 52) editions revised as of July 1, 2005 through July 1, 2011, and the 40 CFR, part 52, Volume 3 of 3 (§§ 52.2020 to the end of part 52) edition revised as of July 1, 2012.

(b) [Reserved]

Dated: September 12, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013-23792 Filed 9-30-13; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

49 CFR Parts 350, 381, 383, 384, 385, 386, 387, and 392

RIN 2126-AB60

### Amendments To Implement Certain Provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21)

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Moving Ahead for Progress in the 21st Century surface transportation reauthorization legislation. The majority of these statutory changes went into effect on October 1, 2012, while others will go into effect on October 1, 2013. It is necessary to make conforming changes to ensure that FMCSA's regulations are current and consistent with the applicable statutes. Adoption of the rules is a nondiscretionary ministerial action that can be taken without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA).

**DATES:** *Effective Date:* This final rule is effective Tuesday, October 1, 2013. Petitions for Reconsideration must be received by the Agency no later than December 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Genevieve Sapir, Office of Chief Counsel, Regulatory Affairs Division (MC-CCR), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; by telephone at (202) 366-7056, or by electronic mail at [genevieve.sapir@dot.gov](mailto:genevieve.sapir@dot.gov). If you have questions regarding the docket, call Ms. Barbara Hairston, Docket Operations, telephone 202-366-3024.

### SUPPLEMENTARY INFORMATION:

### Executive Summary

#### *Purpose and Summary of the Major Provisions*

This rule makes nondiscretionary ministerial changes to FMCSA regulations that are required by MAP-21.

#### *Benefits and Costs*

The rule provisions considered both individually and in the aggregate do not rise to the level of economic significance. The only costs associated with this rule arise out of 49 U.S.C. 32918(a), which requires brokers and freight forwarders to provide evidence of minimum financial security in the amount of \$75,000. The annual overall cost of this new requirement is approximately \$15.9 million.

#### **Legal Basis for the Rulemaking**

This rule is based on the MAP-21 Act (Pub. L. 112-141, 126 Stat. 405, July 6, 2012). Certain provisions of MAP-21 made mandatory, non-discretionary changes to FMCSA programs. The majority of these statutory changes went into effect on October 1, 2012, while others will go into effect on October 1, 2013. It is necessary to make conforming changes to ensure that FMCSA's regulations are current and consistent with the applicable statutes.

The provisions implemented in this final rule in Title 49, United States Code (U.S.C.) are from the following sections of MAP-21:

1. Section 32102 Safety Fitness of New Operators
2. Section 32108 Increased Penalties for Operating Without Registration
3. Section 32110 Revocation of Registration and Other Penalties for Failure To Respond to Subpoena
4. Section 32111 Fleetwide Out of Service Order for Operating Without Required Registration
5. Section 32203 State Reporting of Foreign Commercial Driver Convictions
6. Section 32204 Authority To Disqualify Foreign Commercial Drivers
7. Section 32205 Revocation of Foreign Motor Carrier Operating Authority for Failure To Pay Civil Penalties
8. Section 32307 Employer Responsibilities
9. Section 32501 Inspection Demand and Display of Credentials
10. Section 32503 Penalties for Violation of Operation Out of Service Orders
11. Section 32505 Increased Penalties for Evasion of Regulations
12. Section 32506 Violations Relating to Commercial Motor Vehicle Safety Regulation and Operators
13. Section 32507 Emergency Disqualification for Imminent Hazard
14. Section 32601 Motor Carrier Safety Assistance Program
15. Section 32913 Waivers, Exemptions, and Pilot Programs

16. Section 32918 Financial Security of Brokers and Freight Forwarders
17. Section 33010 Civil Penalties

FMCSA is authorized to implement these statutory provisions by delegation from the Secretary of Transportation in 49 CFR 1.87.

Generally, agencies may promulgate final rules only after issuing a notice of proposed rulemaking and providing an opportunity for public comment under procedures required by the APA, as provided in 5 U.S.C. 553(b) and (c). The APA, in 5 U.S.C. 553(b)(3)(B), provides an exception from these requirements when notice and public comment procedures are "impracticable, unnecessary, or contrary to the public interest." FMCSA finds that notice and comment is unnecessary prior to adoption of each provision in this final rule because the changes to regulations are statutorily mandated by Congress, and the Agency is performing a nondiscretionary, ministerial act. Therefore, the Agency may adopt this rule without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the APA. For these same reasons, the rule will be effective on October 1, 2013, the day many of these statutory changes go into effect.

#### **MAP-21 Provisions Implemented by the Final Rule**

The Federal Motor Carrier Safety Regulations amended by this final rule encompass diverse subject areas. Those amendments are explained below.

##### *Section 32102—Safety Fitness of New Operators*

Previously, 49 U.S.C. 31144 required new entrant motor carriers to undergo a safety review within 18 months of beginning operations. Section 32102 of MAP-21 changed that time period to 12 months for property carriers and 120 days for passenger carriers. This final rule amends 49 CFR 385.3 and 49 CFR part 385, Appendix A(I)(a), to change references from an 18-month safety review to 12-month and 120-day safety reviews.

##### *Section 32108—Increased Penalties for Operating Without Registration*

Previously, 49 U.S.C. 14901(a) set the civil penalty for violating the Agency's reporting, recordkeeping, and registration requirements at \$500, except for violations of passenger carrier registration requirements, which were set at \$2,000.<sup>1</sup> MAP-21 Section 32108

<sup>1</sup> The penalties referenced in this rule refer to statutorily enacted amounts. In 2007, the Agency amended 49 CFR part 386, Appendix B to increase