

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 safety zones of limited size and duration. It is categorically excluded from further review under Categorical Exclusion 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.T11-925 to read as follows:

§ 165.T11-925 Safety Zone; San Francisco State University Graduation Fireworks Display, San Francisco Bay, San Francisco, CA.

(a) *Location.* The following area is a safety zone: All navigable waters of the San Francisco Bay within 100 feet of the fireworks barge during loading at Pier 50, as well as transit and arrival near AT&T Park in San Francisco, CA. From 11:00 a.m. until approximately 4:00 p.m. on May 24, 2018, the fireworks barge will be loading at Pier 50 in San Francisco, CA. The safety zone will expand to all navigable waters around and under the firework barge within a radius of 560 feet in approximate position 37°46'36" N, 122°22'56" W (NAD 83), 30 minutes prior to the start of the 10 minute fireworks display, scheduled to begin at 9:30 p.m. on May 24, 2018.

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 11:00 a.m. until approximately 10:00 p.m. May 24, 2018. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners in accordance with § 165.7.

(c) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in subpart C of this part, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP’s designated representative.

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

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zones on VHF-23A or through the 24-hour Command Center at telephone (415) 399-3547.

Dated: May 17, 2018.

Patrick S. Nelson,
Captain, U.S. Coast Guard, Alternate Captain of the Port, San Francisco.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2017-0323; FRL-9978-45—Region 5]

Air Plan Approval; Illinois; Volatile Organic Compounds Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state submission as a revision to the Illinois state implementation plan (SIP). The

revision, submitted on May 30, 2017, incorporates changes to the Illinois Administrative Code (IAC) definition of “volatile organic material” or “volatile organic compounds” (VOC). The revision removes recordkeeping and emission reporting requirements related to the use of tertiary butyl acetate (also known as t-butyl acetate) as a VOC. The revision is consistent with an EPA 2016 rulemaking related to tertiary butyl acetate. In addition, Illinois’ submission includes the addition of chemical identification information to the list of compounds excluded from the definition of VOC and the deletion of an unnecessary phrase in the definition of VOC. EPA proposed this action on November 2, 2017, and received one public comment in response.

DATES: This final rule is effective on June 25, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2017-0323. All documents in the docket are listed on the www.regulations.gov website. 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 through www.regulations.gov or 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 Charles Hatten, Environmental Engineer, (312) 886-6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3031, hatten.charles@epa.gov.

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 is the background for this action?
- II. Public Comment Received and EPA’s Response
- III. What action is EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. What is the background for this action?

On May 30, 2017, Illinois submitted, as a SIP revision, a request to revise and update the definition of VOC at Part 211, Subpart B, Section 7150 (35 IAC 211.7150). Illinois also submitted corrections to chemical names and revisions to chemical identifiers included in the list of compounds excluded from the definition of VOC at 35 IAC 211.7150(a) and a minor deletion of an unnecessary phrase in 35 IAC 211.7150(d).

The revision addresses an existing exemption related to defining tertiary butyl acetate as a VOC. Before this action, the Illinois SIP excluded this compound from the definition of VOC for purposes of VOC emission limitations and VOC content requirements, but defined the compound as a VOC for all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOC. (69 FR 69298, November 29, 2004). This approach was consistent with EPA's regulation of tertiary butyl acetate at the time this portion of the SIP was originally approved. (64 FR 52731, September 30, 1999).

On February 25, 2016, EPA promulgated a final rule amending the definition of VOC to remove the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of tertiary butyl acetate as a VOC. (81 FR 9339, codified at 40 CFR 51.100(s)). See 82 FR 50812 for a more detailed summary of the basis for EPA's 2016 rulemaking. In order to conform to EPA's current definition, Illinois revised its definition of VOC to remove the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements for tertiary butyl acetate within the definition of VOC (35 IAC 211.7150).

Additionally, Illinois amended the list of excluded compounds in 35 IAC 211.7150 by adding the International Union of Pure and Applied Chemistry (IUPAC) names¹ and CAS registry numbers,² and presenting common names parenthetically.³ Illinois made

these changes to eliminate confusion and make it easier to identify specific excluded compounds in 35 IAC 211.7150(a). These changes did not alter the list of excluded compounds and are consistent with the Federal list of excluded compounds in 40 CFR 51.100(s). Finally, Illinois made a minor administrative change by deleting the words "of this Section" in 35 IAC 211.7150(d), which discusses appropriate testing methods and includes a reference to subsection (b) of 35 IAC 211.7150.

On November 2, 2017, EPA published a proposed rule approving Illinois' requested revision to the SIP at 35 IAC 211.7150 and providing a 30-day public comment period. (82 FR 50853, published in parallel with a Direct Final Rule that was subsequently withdrawn, see 82 FR 50811, 60545).

II. Public Comment Received and EPA's Response

EPA received one adverse comment on the proposed approval of the Illinois definition of VOC.

Comment: The commenter stated that EPA should not approve this SIP submission because EPA should not have added tertiary butyl acetate to the list of exempted compounds, given that it is a highly reactive and volatile compound. The commenter also asserted that EPA should not have removed the reporting requirement because EPA had previously required recordkeeping and reporting so that it could determine further restrictions. The commenter further stated that "EPA should have enforced the reporting requirement, analysed [sic] the data and determined whether or not tertiary butyl acetate should be further regulated."

EPA's Response: This comment is not applicable to this action, which merely relies on EPA's previous actions and did not require a technical record supporting exclusion of tertiary butyl acetate from the definition of VOC.

The comment primarily concerns two separate EPA actions related to tertiary butyl acetate, the exclusion of the compound from the definition of VOC and the removal of related recordkeeping and reporting requirements, which were taken in 2004 and 2016, respectively. See 69 FR 69298 and 81 FR 9339. EPA provided public comment periods for these actions and responded to any adverse comments received as required by Federal law. In addition, the comment relates to EPA's approval in July 16, 2008, of Illinois' rule excluding tertiary butyl acetate as a VOC (73 FR 40748). These are issues on which the commenter would be

precluded from obtaining judicial review, as the time period to challenge these EPA actions has passed. See Section 307(b) of the Clean Air Act (CAA).

Nevertheless, EPA notes that it has previously addressed the commenter's concerns in the preambles to the final rules referenced above. Those documents discuss in great detail the nature of VOCs, EPA's approach to organic compounds with a negligible level of reactivity, the chemical characteristics of tertiary butyl acetate, and the bases for EPA's 2004 and 2016 decisions to exclude tertiary butyl acetate from the definition of VOC and remove the recordkeeping and emission reporting requirements related to tertiary butyl acetate as a VOC.

III. What action is EPA taking?

EPA is approving, as a SIP revision, the removal of the recordkeeping and emission reporting requirements applicable to tertiary butyl acetate as a VOC at 35 IAC 211.7150(e), the addition of chemical identification information for excluded compounds in 35 IAC 211.7150(a), and the removal of the phrase "of this Section" in 35 IAC 211.7150(d) contained in the May 30, 2017, submittal.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through www.regulations.gov, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.⁴

V. 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.

¹ IUPAC has developed a recognized system of nomenclature for chemical compounds.

² Chemical Abstract Service (CAS) numbers are developed by the American Chemical Society. CAS numbers are in widespread use and provide clarity because a single CAS number identifies only one chemical isomer.

³ In Table 6 of Attachment 7 to Illinois' submittal, Illinois lists the chemical compounds excluded from the definition of VOC, using the designations by EPA, IUPAC names, CAS numbers, and commonly used alternative names for each.

⁴ 62 FR 27968 (May 22, 1997).

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 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- 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, the SIP is not approved to apply on any Indian reservation land or in any other area where 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 and will not impose substantial direct costs on tribal governments or preempt tribal law 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. 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 23, 2018. 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 10, 2018.

Cathy Stepp,

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. In § 52.720, the table in paragraph (c) is amended by revising the entry “211.7150” to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 211: Definitions and General Provisions				
*	*	*	*	*
Subpart B: Definitions				
*	*	*	*	*
211.7150	Volatile Organic Material (VOM) Or Volatile Organic Compound (VOC).	1/23/2017	5/24/2018, [insert Federal Register citation].	
*	*	*	*	*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0760; FRL–9977–86—Region 9]

Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California

State Implementation Plan (SIP). This revision concerns the emissions of volatile organic compounds (VOCs) from motor vehicle assembly coating operations. We are approving a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on June 25, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2017–0760. All documents in the docket are listed on the <https://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 <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972–3024, lazarus.arnold@epa.gov.

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

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- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
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I. Proposed Action

On March 19, 2018 (83 FR 11944), the EPA proposed to approve the following rule into the California SIP.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
AVAQMD	1151.1	Motor Vehicle Assembly Coating Operations	6/20/2017	8/9/2017

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received six comments. One comment noted that the rule focuses specifically on “motor vehicle assembly coating operations,” and stated that it should include all components of the car manufacturing process, in order to address issues related to climate change. Rule 1151.1 is intended to control VOC emissions from a specific type of operation, and as such, we believe that the rule is appropriate in scope and stringency. For the reasons addressed in the proposal, the EPA has determined that the rule is consistent with applicable CAA requirements and appropriate for inclusion in the SIP.

The other five comments raised issues outside the scope of this rulemaking, including bird and bat deaths associated with wind turbines and the risks of unmanaged forests and wildfires. None of those comments are germane to our evaluation of Rule 1151.1.

III. EPA Action

No comments were submitted that changed our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

IV. 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 AVAQMD rule described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air 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, the EPA’s role is to approve state choices, provided that

they meet the criteria of the Clean Air 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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);