

TABLE TO § 165.506—Continued

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

No.	Date	Location	Regulated area
10 .....	July 4th. November—Saturday following Thanksgiving Day.	Motts Channel, Banks Channel, Wrightsville Beach, NC, Safety Zone.	All waters of Motts Channel within a 500 yard radius of the fireworks launch site in approximate position latitude 34°12'29" N, longitude 077°48'27" W, approximately 560 yards south of Sea Path Marina, Wrightsville Beach, NC.
11 .....	July 4th .....	Cape Fear River, Southport, NC, Safety Zone.	All waters of the Cape Fear River within a 600 yard radius of the fireworks barge in approximate position latitude 33°54'40" N, longitude 078°01'18" W, approximately 700 yards south of the waterfront at Southport, NC.
12 .....	July 4th .....	Big Foot Slough, Ocracoke, NC, Safety Zone.	All waters of Big Foot Slough within a 300 yard radius of the fireworks launch site in approximate position latitude 35°06'54" N, longitude 075°59'24" W, approximately 100 yards west of the Silver Lake Entrance Channel at Ocracoke, NC.
13 .....	August—1st Tuesday .....	New River, Jacksonville, NC, Safety Zone.	All waters of the New River within a 300 yard radius of the fireworks launch site in approximate position latitude 34°44'45" N, longitude 077°26'18" W, approximately one half mile south of the Hwy 17 Bridge, Jacksonville, North Carolina.
14 .....	July 4th .....	Pantego Creek, Belhaven, NC, Safety Zone.	All waters on the Pantego Creek within a 600 foot radius of the launch site on land at position 35°32'35" N, 076°37'46" W.
15 .....	July 4th .....	Atlantic Intracoastal Waterway, Swansboro, NC, Safety Zone.	All waters of the Atlantic Intracoastal Waterway within a 300 yard radius of approximate position latitude 34°41'02" N, longitude 077°07'04" W, located on Pelican Island

Dated: July 2, 2014.

**Stephen P. Metruck,***Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 2014-17104 Filed 7-18-14; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG-2012-0730]

RIN 1625-AA00

**Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone on Lake Erie in Cedar Point, Ohio, for the Revolution 3 Triathlon in Cedar Point, Ohio. This zone will be enforced from 6 a.m. until 10 a.m. on each day of September 6 and 7, 2014. This action is necessary and intended to ensure safety of life on navigable waters during the Revolution 3 Triathlon. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Detroit.

**DATES:** The regulations in 33 CFR 165.941 will be enforced for safety zone (a)(60) in § 165.941, from 6 a.m. until 10 a.m. on each day of September 6 and 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call or email MST2 Daniel O'Leary, Prevention Department, Marine Safety Unit Toledo, 420 Madison Ave., Suite 700, Toledo, OH 43604; telephone (419) 418-6040; email *daniel.s.oleary@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Revolution 3 Triathlon safety zone listed as item (a)(60) of 33 CFR 165.941. Section 165.941 lists many annual events requiring safety zones in the Captain of the Port Detroit zone. This Revolution 3 Triathlon zone encompasses all waters and adjacent shoreline of Lake Erie located within an area that is approximately 200 yards. The area is within positions 41°29'00.04" N 082°40'48.16" W to 41°29'19.28" N 082°40'38.97" W to 41°29'02.51" N 082°40'20.82" W to 41°28'45.52" N 082°40'35.75" W then following the shoreline to the point of origin on Lake Erie during the annual Revolution 3 Triathlon from 6 a.m. until 10 a.m. on September 6 and 7, 2014.

All vessels must obtain permission from the Captain of the Port Detroit, or his or her on-scene representative to enter, move within, or exit the safety zone. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted

on a case by case basis. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port Detroit, or his or her designated representative.

This document is issued under authority of 33 CFR 165.941, Safety Zones; Annual events requiring safety zones in the Captain of the Port Detroit zone, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this event via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Detroit, or his or her on-scene representative, may be contacted via VHF Channel 16.

Dated: July 3, 2014.

**S. B. Lemasters,***Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. 2014-17102 Filed 7-18-14; 8:45 am]

BILLING CODE 9110-04-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R03-OAR-2013-0789; FRL-9913-42-Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review****AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The revision will expedite the processing of certain preconstruction permits issued under West Virginia's minor New Source Review (NSR) Program. Notably, the revision will allow, in certain circumstances, construction prior to obtaining a permit, and will allow equipment and materials to be delivered and stored onsite prior to permit issuance. EPA is approving these revisions to West Virginia's minor NSR Program in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on August 20, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2013-0789. 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 the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Gerallyn Duke, (215) 814-2084, or by email at [duke.gerallyn@epa.gov](mailto:duke.gerallyn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On February 14, 2014 (79 FR 8914), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. In the NPR, EPA proposed approval of revisions to rule 45CSR13: "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation." The

West Virginia legislature adopted these revisions to rule 45CSR13 in 2008 and West Virginia submitted the formal SIP revision on July 20, 2009.

The purpose of this SIP revision is to shorten the time period by which permits for construction and operation may be issued for sources subject to minor NSR rules; to allow, in certain instances, construction prior to obtaining a permit; and to allow equipment and materials to be delivered and stored onsite prior to minor NSR permit issuance.

**II. Summary of SIP Revision**

The July 20, 2009 SIP revision will (a) reduce the time allotted for West Virginia Department of Environmental Protection (WVDEP) to process minor NSR permits from 180 days to 90 days after a permit application is deemed complete, (b) reduce the time for WVDEP to process temporary minor NSR permits from 60 days to 45 days after a complete application is received, and (c) reduce the time for WVDEP to process Class II general permits from 90 days to 45 days after a general permit registration application is deemed complete. The SIP revision also creates a mechanism for the following types of sources to commence construction prior to obtaining a permit, provided that operation does not commence until a permit is issued: New and modified stationary sources which are not major sources, major stationary sources proposing non-major modifications, and sources subject to general permits. Sources of hazardous air pollutants subject to CAA subsections 112(g) or 112(j), sources seeking "synthetic minor" permits to avoid otherwise applicable standards, and sources requiring specific case-by-case emission limits under 45CSR21 or 45CSR27 are ineligible for permission to commence construction in advance of permit issuance. Additionally, the SIP revision allows equipment and materials to be delivered and stored onsite prior to permit issuance and includes other minor clarifying changes to West Virginia's minor NSR rule.

If WVDEP determines that any proposed construction, modification, registration or relocation interferes with attainment or maintenance of an applicable ambient air quality standard, causes or contributes to a violation of an applicable air quality increment, or is inconsistent with the intent and purpose of 45CSR13, WVDEP shall issue an order denying the proposed activity. No permission to commence construction in advance of permit issuance is allowed if WVDEP deems it is inconsistent with any Federal

requirement, Federal delegation, Federally approved requirement in any SIP, or Federally approved requirement under the title V permitting program.

Other specific requirements of the regulations and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

**III. Final Action**

EPA is approving West Virginia's SIP submission dated July 20, 2009, which consists of a new version of 45CSR13 that revises West Virginia's minor NSR Program as a revision to the West Virginia SIP.

**IV. Statutory and Executive Order Reviews**

*A. General Requirements*

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, 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 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 rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

*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 September 19, 2014. Filing a petition for reconsideration by the Administrator 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 related to West Virginia’s minor NSR Program 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, Carbon monoxide,

Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 17, 2014.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

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 XX—West Virginia**

■ 2. In § 52.2520, the table in paragraph (c) is amended by revising the table heading and the entries for “[45 CSR] Series 13” to read as follows:

**§ 52.2520 Identification of plan.**

*	*	*	*	*
(c) * * *				

**EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP**

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA Approval date	Additional explanation/ citation at 40 CFR 52.2565
*	*	*	*	*
<b>[45 CSR] Series 13 Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction and Procedures for Evaluation</b>				
Section 45–13–1 .....	General .....	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–2 .....	Definitions .....	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–3 .....	Reporting Requirements for Stationary Sources.	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–4 .....	Administrative Updates to Existing Permits and General Permit Registrations.	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–5 .....	Permit Application and Reporting Requirements for Construction of and Modifications to Stationary Sources.	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–6 .....	Determination of Compliance of Stationary Sources.	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–7 .....	Modeling .....	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–8 .....	Public Review Procedures .....	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–9 .....	Public Meetings .....	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–10 .....	Permit Transfer, Suspension, Revocation and Responsibility.	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>
Section 45–13–11 .....	Temporary Construction or Modification Permits.	6/1/09	7–21–14 [Insert <b>Federal Register</b> citation].	<b>Federal Register</b>

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA Approval date	Additional explanation/ citation at 40 CFR 52.2565
Section 45–13–12 .....	Permit Application Fees .....	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	
Section 45–13–13 .....	Inconsistency Between Rules .....	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	
Section 45–13–14 .....	Statutory Air Pollution .....	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	
Section 45–13–15 .....	Hazardous Air Pollutants .....	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	
Section 45–13–16 .....	Application for Permission to Commence Construction in Advance of Permit Issuance.	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	New.
TABLE 45–13A .....	Potential Emission Rate .....	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	
TABLE 45–13B .....	De Minimus Sources .....	6/1/09	7–21–14 [Insert <b>Federal Reg-</b> <b>ister</b> citation].	
*	*	*	*	*

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[FR Doc. 2014–16409 Filed 7–18–14; 8:45 am]  
BILLING CODE 6560–50–P

**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

[Docket No. DARS–2014–0011]

**48 CFR Chapter 2, Appendix A**

**Defense Federal Acquisition Regulation Supplement: Rules of the Armed Services Board of Contract Appeals (No DFARS Case)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update the Rules of the Armed Services Board of Contract Appeals (ASBCA). The final rule revises and reorders the Board’s Rules for clarity and consistency and accounts for changes in technology, provides updated contact information, and adds two addendums.

**DATES:** Effective July 21, 2014.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Gardin, Deputy General Counsel, ASBCA, 703–681–8502, or Catherine Stanton, General Counsel, ASBCA, 703–681–8501.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On February 28, 2014, DoD published a proposed rule in the **Federal Register**

at 79 FR 11374 to revise the DFARS to update the Rules of the Armed Services Board of Contract Appeals at 48 CFR Chapter 2, Appendix A, Part 2. The rule proposed to revise and reorder the Board’s Rules for clarity and consistency and account for changes in technology, remove contradictions, resolve ambiguities, provide updated contact information to allow for some electronic communication by litigants appearing before the Board, and added two addendums: *Equal Access to Justice Act Procedures* and *Alternative Methods of Dispute Resolution*, previously not formally contained in the Rules.

Two respondents submitted public comments in response to the proposed rule.

**II. Discussion and Analysis**

DoD reviewed the public comments in the development of the final rule. A discussion of the comments is provided below. Minor changes were made to the final rule based on the comments.

*A. Analysis of Public Comments*

*Comment 1:* One respondent recommended that the Board consider implementing an electronic filing standard equivalent to the systems utilized by the federal court system.

*Response:* The Board’s proposed Rules provide for electronic filing, formalizing the guidance currently issued to the parties concerning electronic filings. The Board has not identified advantages sufficient to justify an electronic filing system similar to those in use in the federal courts. Moreover, the Board has *pro se* and foreign appellants that sometimes do not have the capability to send or receive documents electronically. The

Board considers this proposed change unnecessary.

*Comment 2:* Rule 1(a). One respondent recommended allowing the copy of the notice of appeal that the appellant sends to the contracting officer be transmitted in accordance with the methods outlined in Rule 2(a) and that, if the electronic mail option is used, the appellant must use an address reasonably calculated to reach the contracting officer.

*Response:* The proposed Rules currently allow notices of appeal to be transmitted via the methods set out in Rule 2(a). The Board sees no reason to single out copies of notices of appeal sent to contracting officers for special treatment. The Board considers this proposed change unnecessary.

*Comment 3:* Rule 1(b). One respondent commented that Rule 1(b) should include a requirement that appeals having an amount in dispute over \$100,000 shall contain the certification required by FAR 33.207(c). The respondent stated that this would ensure that the mandate at FAR 33.207(f) is met as it would correct any defective certification “prior to the entry of . . . a decision by an agency BCA.”

*Response:* Notices of appeal are not required to be certified under the Contract Disputes Act or the Federal Acquisition Regulation. Claims are required to be certified by the Contract Disputes Act, not the Board’s Rules. The Board considers this proposed change unnecessary.

*Comment 4:* Rule 1(c). One respondent recommended that the Board provide its notification of docketing electronically and that, therefore, the filed appeal would need to include a valid email address for both