

### 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 proposed rule involves a safety zone lasting for 2 hours on 33 separate days that would prohibit entry into a portion of Oregon Inlet for bridge construction. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.ID. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### 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.

### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this

document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

### 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 proposes to amend 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.T05–0964 to read as follows:

#### § 165.T05–0964 Safety Zone; Oregon Inlet, Dare County, NC.

(a) *Location.* The following area is a safety zone: All navigable waters of Oregon Inlet, from approximate position 35°46'23" N., 75°32'18" W., thence southeast to 35°46'18" N., 75°32'12" W., thence southwest to 35°46'16" N., 75°32'16" W., thence northwest to 35°46'20" N., 75°32'23" W., thence northeast back to the point of origin (NAD 1983) in Dare County, NC.

(b) *Definitions.* As used in this section—

*Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard commissioned,

warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

*Captain of the Port* means the Commander, Sector North Carolina.

*Construction crews* means persons and vessels involved in support of construction.

(c) *Regulations.* (1) The general regulations governing safety zones in § 165.23 apply to the area described in paragraph (a) of this section.

(2) With the exception of construction crews, entry into or remaining in this safety zone is prohibited.

(3) All vessels within this safety zone when this section becomes effective must depart the zone immediately.

(4) The Captain of the Port, North Carolina can be reached through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina at telephone number 910–343–3882.

(5) The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 MHz) and channel 16 (156.8 MHz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement Period.* This regulation will be enforced from January 8 through March 3, 2018, with alternate dates of March 4 through April 15, 2018.

(f) *Public Notification.* The Coast Guard will notify the public of the specific two hour closures at least 48 hours in advance by transmitting Broadcast Notice to Mariners via VHF–FM marine channel 16.

Dated: November 27, 2017.

**Bion B. Stewart,**

*Captain, U.S. Coast Guard, Captain of the Port North Carolina.*

[FR Doc. 2017–26147 Filed 12–4–17; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R01–OAR–2017–0590; FRL–9971–59–Region 1]

### Air Plan Approval; Massachusetts; Logan Airport Parking Freeze

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a

State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This SIP revision increases the total number of commercial parking spaces allowed in the Logan Airport Parking Freeze Area by 5,000 parking spaces. The intended effect of this action is to reduce carbon monoxide (CO) and nitrogen oxide (NO<sub>x</sub>) emissions by reducing the increased vehicle miles traveled (VMT) resulting from insufficient available parking. This action is being taken under the Clean Air Act.

**DATES:** Written comments must be received on or before January 4, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R01–OAR–2017–0590 at <http://www.regulations.gov>, or via email to [mcwilliams.anne@epa.gov](mailto:mcwilliams.anne@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the “For Further Information Contact” section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Anne McWilliams, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number: (617) 918–1697, email: [mcwilliams.anne@epa.gov](mailto:mcwilliams.anne@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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### I. Background

Since 1975, Boston Logan International Airport (Logan Airport) has been subject to a freeze on the number of commercial parking spaces available for use by Logan Airport travelers and visitors. In the mid-seventies, EPA developed the Logan Parking Freeze as part of a comprehensive strategy to reduce air pollution caused by automobile emissions. The goal was to achieve the ozone and CO National Ambient Air Quality Standards (NAAQS) established by EPA under the Clean Air Act (CAA).

The Logan Airport Parking Freeze was reaffirmed and committed to as a Reasonable Available Control Measure (RACM) in the 1979 and 1982 State Implementation Plan revisions required by the Clean Air Act Amendments of 1977. Through the 1979 and 1982 SIP revisions, the Commonwealth incorporated the Federal Implementation Plan’s parking freeze provisions by reference, committing the Commonwealth to implement and enforce the parking freeze as a state regulation, 310 Code of Massachusetts Regulations (CMR) 7.30 Massachusetts Port Authority (Massport)/Logan Airport Parking Freeze, as well as Federal law.

In 1989, the Logan Airport Parking Freeze was amended and the East Boston Parking Freeze was adopted by the Commonwealth of Massachusetts. Unlike the 1975 Logan Freeze, which targeted only commercial parking, the 1989 state action limited and regulated the management of all major airport-related parking in the Logan Airport and East Boston Parking Freeze areas. The parking supply at Logan Airport was capped at 19,315 parking spaces. In addition, Logan-related park-and-fly and rental car parking spaces in East Boston were capped at existing levels. On April 26, 1991, the Massachusetts Department of Environmental Protection (MassDEP) certified the parking freeze numbers for the East Boston Parking Freeze area at 4,012 rental motor vehicle parking spaces and 2,475 park-and-fly parking spaces. EPA approved the Logan Airport Parking Freeze and East Boston Parking Freeze amendments into the Massachusetts SIP on March 16, 1993. See 58 FR 14153–14157.

The Logan Airport and East Boston Parking Freezes were designed to meet the following objectives: Mitigating the

traffic-related air quality impacts of airport access on both a regional and neighborhood level; reducing the number of vehicle trips (*i.e.*, employee and air traveler drop-off/pick up trips) by providing a mix of on-airport parking and off-airport satellite parking centers outside of the parking freeze area; managing the parking supply for Logan to stabilize overall ground access; and developing a unified access management plan for Logan Airport. One of the goals of the current Logan Airport Parking Freeze and East Boston Parking Freeze is to encourage the relocation of park-and-fly parking spaces from the East Boston neighborhoods to reduce localized traffic and air quality impacts.

On March 21, 2001, EPA approved revisions to 310 CMR 7.30 Massport/Logan Airport Parking Freeze and 310 CMR 7.31 City of Boston/East Boston Parking Freeze which allow the permanent relocation of certain categories of parking spaces from the East Boston Parking Freeze area inventory to the Logan Airport Parking Freeze area. See 66 FR 14318. One of the goals of the amendments was to encourage the relocation of the park-and-fly spaces from the East Boston neighborhoods, reducing localized traffic and air quality impacts.

According to the most recent Logan Airport Spaces Inventory, the number of existing Total Parking Freeze Spaces is 21,088. In the Massport Policy Memorandum submitted by MassDEP,<sup>1</sup> Massport details how parking is becoming more constrained at Logan Airport. Since 1975, there has been a 220% increase in passengers at Logan, but only an 80% increase in Logan’s commercial parking supply.

### II. State Submittal

On July 13, 2017, MassDEP submitted amendments to 310 CMR 7.30 Massport/Logan Airport Parking Freeze as a formal revision to the Massachusetts State Implementation Plan (SIP). Revised 310 CMR 7.30 increases the total number of commercial spaces in the Logan Parking Freeze area by 5,000 spaces to a total of 26,088. In the event that the remaining 702 park-and-fly spaces in the East Boston Parking Freeze cap were converted to commercial spaces at Logan Airport in the future, the maximum total number of spaces permitted would be 26,790.

The revision also requires Massport to complete the following studies within 24 months of June 30, 2017: (1) Potential

<sup>1</sup> The Massport Policy Memorandum submitted to MassDEP in a letter dated June 6, 2016 can be found in the docket for this rulemaking.

improvements to high occupancy vehicle access to Logan; (2) a cost and pricing assessment for different modes of transportation to and from Logan in order to generate revenue for the promotion of HOV use by airport travelers and visitors; and (3) the feasibility and effectiveness of potential operational measures to reduce non-HOV pick-up/drop-off modes of transportation to Logan Airport.

Finally, the revision allows Massport to satisfy its annual reporting requirements through its submission of annual Environmental Data Reports or similar airport-wide documents under the Massachusetts Environmental Policy Act (MEPA).

### III. EPA's Assessment of the State Submittal

The Technical Analysis submitted by MassDEP<sup>2</sup> demonstrates the current insufficient parking at Logan Airport. In 2014, Massport diverted or valet-parked passenger vehicles on 103 out of 260 working days.<sup>3</sup> On such days, vehicles are diverted to other on-airport facilities or to off-site facilities such as Suffolk Downs, or vehicles are valet-parked, stacked at parking facilities or at other on-airport locations. Such operations are inconvenient to passengers, increases VMT at the airport, and has potential long-term ramifications for future mode choice. Passengers who are unable to park at Logan Airport are more likely to use pick-up/drop-off modes in the future.

The Technical Analysis concludes that building more parking spaces meets the current and future parking demand. Parking on site results in fewer trips than drop-off/pick-up modes per air passenger. The air quality analysis shows that emissions of VOC, NO<sub>x</sub>, and CO<sub>2</sub> are reduced by 20–25 percent if additional on-airport parking is built compared to a no build scenario.<sup>4</sup> In addition, MassDEP emphasizes that any new parking garage built as a consequence of the revised regulation would be subject to review under the Massachusetts Environmental Policy Act (MEPA), which would require Massport to submit and review an Environmental Notification Report (ENR) and Environmental Impact Report (EIR). Massport would also be required

to commit, through the MEPA Section 61 Findings, to additional mitigation measures with respect to the garage's environmental impacts.

Clean Air Act (CAA) section 110(l) provides that EPA shall not approve any implementation plan revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA, *i.e.* demonstrate anti-backsliding. The Massport/Logan Parking Freeze was originally implemented to reduce mobile source emissions in order to achieve the CO and Ozone NAAQS. Massachusetts is currently meeting both standards.<sup>5</sup> However, the current constrained parking encourages more people to choose drop-off/pick-up travel modes, which increases the vehicle miles traveled and air emissions. The submitted amendment will result in reduced vehicle trips and thereby reduce air emissions.

MassDEP has demonstrated that the addition of 5,000 parking spaces to the Logan Airport Freeze area will result in a decrease in VMT which in turn will reduce VOC, NO<sub>x</sub> and CO air emissions. EPA proposes to find that the revisions to 310 CMR 7.30 meet the requirements of CAA section 110(l). In addition, EPA proposes to approve revised 310 CMR 7.30 into the SIP because it will strengthen the SIP by reducing pollutant emissions. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the ADDRESSES section of this **Federal Register**.

### IV. Proposed Action

EPA is proposing to approve and incorporate into the Massachusetts SIP revised 310 CMR 7.30 Massport/Logan Airport Parking Freeze submitted on July 13, 2017. The revision increases the total number of commercial parking spaces allowed in the Logan Airport Parking Freeze Area by 5,000 parking spaces.

### V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference

310 CMR 7.30 Massport/Logan Airport Parking Freeze. The EPA has made, and will continue to make, these documents generally available electronically through <http://www.regulations.gov> and/or in hard copy at the appropriate EPA office.

### VI. 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, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed 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 proposed 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 application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

<sup>2</sup> “Technical Analysis” prepared by Vanasse Hangen Brustlin (VHB) dated December 11, 2015 listed as Exhibit B is available in the docket for this rulemaking.

<sup>3</sup> It should be noted that Massport continued to be in full compliance with the Logan Airport Parking Freeze throughout 2014.

<sup>4</sup> See Section VII. *Analysis of Vehicle Emissions Resulting from VMT Changes* of the “Technical Analysis.”

<sup>5</sup> For the most recent air quality design values, see [www.epa.gov/air-trends/air-quality-design-values](http://www.epa.gov/air-trends/air-quality-design-values).

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).

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

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

Dated: November 13, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–26182 Filed 12–4–17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2017–0555; FRL–9971–57–Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Source-Specific Requirements for Permanently Shutdown Facilities

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a

state implementation plan (SIP) revision submitted by the State of West Virginia. This revision pertains to the removal of source-specific SIP requirements for the following five facilities in West Virginia that have permanently shutdown: Mountaineer Carbon Company; Standard Lafarge; Follansbee Steel Corporation; International Mill Service, Inc.; and Columbian Chemicals Company. These sources have permanently ceased operation; therefore, SIP requirements for these sources are obsolete and no longer necessary for attaining and maintaining the national ambient air quality standards (NAAQS). This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before January 4, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0555 at <http://www.regulations.gov>, or via email to [pino.maria@epa.gov](mailto:pino.maria@epa.gov). For comments submitted at [Regulations.gov](http://Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://Regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER**

**INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Irene Shandruk, (215) 814–2166, or by email at [shandruk.irene@epa.gov](mailto:shandruk.irene@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The West Virginia SIP at 40 Code of Federal Regulations (CFR) part 52, subpart XX, § 52.2520(d) contains source-specific requirements, which were incorporated into the West Virginia SIP over the course of many years to allow the State to demonstrate attainment with various NAAQS. Subsequently, several of these sources have permanently ceased operation rendering source-specific requirements for these facilities obsolete.

SIP revisions pertaining to the removal of obsolete SIP requirements for sources that have permanently shutdown are considered administrative, non-substantive changes. If a source has permanently shutdown, the emissions are permanently reduced to zero, so removing source-specific SIP requirements for that source will not interfere with attainment and maintenance of any NAAQS, reasonable further progress or any other applicable CAA requirement. *See* CAA section 110(l).

##### II. Summary of SIP Revision and EPA Analysis

On August 25, 2017, West Virginia submitted a SIP revision requesting that the consent orders for the sources listed in Table 1 be removed from the West Virginia SIP located at 40 CFR part 52, subpart XX, § 52.2520(d).

TABLE 1—SOURCE-SPECIFIC REQUIREMENTS PROPOSED FOR REMOVAL FROM THE WEST VIRGINIA SIP

Source name	Order	State effective date	EPA Approval date/ Federal Register (FR) citation
Mountaineer Carbon Company .....	Consent Order .....	7/2/82	9/1/82, 47 FR 38532
Standard Lafarge .....	Consent Order .....	11/14/91	7/25/94, 59 FR 37696
Follansbee Steel Corporation .....	Consent Order .....	11/14/91	7/25/94, 59 FR 37696
International Mill Service, Inc .....	Consent Order .....	11/14/91	7/25/94, 59 FR 37696
Columbian Chemicals Company .....	Consent Order .....	1/31/00	8/2/00, 65 FR 47339