

on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### *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 Management 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 is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are 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 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.

#### **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.T11–772 to read as follows:

#### **§ 165.T11–772 Safety Zone; Newport Beach Harbor Grand Canal Bridge Construction; Newport Beach, CA.**

(a) *Location.* The following area is a safety zone: All navigable waters from the surface to the sea floor within the following coordinates: 33°36.311' N. 117°53.323' W., 33°36.437' N. 117°53.324' W., 33°36.438' N. 117°53.343' W., 33°36.312' N. 117°53.341' W. All coordinates displayed are referenced by North American Datum of 1983, World Geodetic System, 1984.

(b) *Definitions.* For the purposes of this section:

*Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Los Angeles–Long Beach (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF–FM Channel 16 or 310–521–3801. Those in the safety zone must comply with all lawful orders

or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This rule will be enforced from April 4, 2016 to January 31, 2017.

Dated: March 23, 2016.

**J. F. Williams,**

*Captain, U.S. Coast Guard, Captain of the Port Los Angeles—Long Beach.*

[FR Doc. 2016–09518 Filed 4–22–16; 8:45 am]

**BILLING CODE 9110–04–P**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 17**

#### **Expanded Access to Non-VA Care Through the Veterans Choice Program; Correction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Interim final rule; correcting amendment.

**SUMMARY:** The Department of Veterans Affairs published in the **Federal Register** of December 1, 2015, a document amending its medical regulations that implement section 101 of the Veterans Access, Choice, and Accountability Act of 2014. In that rule, two paragraphs were inadvertently removed. This document corrects that error.

**DATES:** Effective on April 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** Kristin J. Cunningham, Veterans Health Administration, (202) 382–2508 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department of Veterans Affairs (VA) published in the **Federal Register** of December 1, 2015, a document amending its medical regulations that implement section 101 of the Veterans Access, Choice, and Accountability Act of 2014. 80 FR 74991. Inadvertently paragraphs (a)(1) and (a)(2) of 38 CFR 17.1530 were removed. This document corrects that error.

#### **List of Subjects in 38 CFR Part 17**

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs–health, Grant programs–veterans, Health care, Health facilities, Health professions, Health records, Homeless, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

For reasons set forth in the preamble, the Department of Veterans Affairs

amends 38 CFR part 17 with the following correcting amendment:

## PART 17—MEDICAL

- 1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

- 2. In § 17.1530, add paragraphs (a)(1) and (2) to read as follows:

### § 17.1530 Eligible entities and providers.

(a) \* \* \*

(1) Not a part of, or an employee of, VA; or

(2) If the provider is an employee of VA, is not acting within the scope of such employment while providing hospital care or medical services through the Veterans Choice Program.

\* \* \* \* \*

Dated: April 19, 2016.

**William F. Russo,**

*Office of Regulation Policy & Management,  
Office of the General Counsel.*

[FR Doc. 2016-09475 Filed 4-22-16; 8:45 am]

**BILLING CODE 8320-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2015-0112; FRL-9945-45-Region 3]

### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Plan for the Lower Beaver Valley Nonattainment Area for the 2008 Lead National Ambient Air Quality Standards

**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 Commonwealth of Pennsylvania (Pennsylvania). The revision demonstrates attainment of the 2008 lead national ambient air quality standards (NAAQS) in the Lower Beaver Valley nonattainment area (Lower Beaver Valley Area or Area). The attainment plan includes the base year emissions inventory, an analysis of reasonably available control technology (RACT), reasonably available control measures (RACM) and reasonable further progress (RFP), a modeling demonstration of attainment, and contingency measures for the Area. EPA is approving Pennsylvania's lead attainment plan for the Lower Beaver

Valley Area as a revision to Pennsylvania's SIP in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on May 25, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2015-0112. 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 through [www.regulations.gov](http://www.regulations.gov) or may be viewed 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**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 January 20, 2016 (81 FR 3078), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. In the NPR, EPA proposed approval of a revision to Pennsylvania's SIP for the purpose of demonstrating attainment of the 2008 lead NAAQS in the Lower Beaver Valley Area. The formal SIP revision was submitted by Pennsylvania on January 15, 2015.

On November 12, 2008 (73 FR 66964), EPA revised the lead NAAQS, lowering the level from 1.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to 0.15  $\mu\text{g}/\text{m}^3$  calculated over a three-month rolling average. Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS; this designation process is described in section 107(d)(1) of the CAA.

On November 22, 2010 (75 FR 71033), EPA designated Vanport and Potter Townships in Beaver County, Pennsylvania as the Lower Beaver Valley Area for its nonattainment status with respect to the 2008 lead NAAQS.

On November 22, 2011 (76 FR 72097), EPA revised the Lower Beaver Valley Area boundary to include Center Township. The designation of the Lower Beaver Valley Area as nonattainment for the 2008 lead NAAQS triggered requirements under section 191(a) of the CAA, requiring Pennsylvania to submit a SIP revision with a plan for how the Area will attain the 2008 lead NAAQS, as expeditiously as practicable, but no later than December 31, 2015.<sup>1</sup>

Section 179(a)(1) of the CAA establishes specific consequences if EPA finds that a state has failed to submit a SIP or, with regard to a submitted SIP, if EPA determines it is incomplete or if EPA disapproves it. Additionally, any of these findings also triggers an obligation for EPA to promulgate a federal implementation plan (FIP) if the state has not submitted, and EPA has not approved, the required SIP within 2 years of the finding pursuant to section 110(c) of the CAA. On February 25, 2014, the EPA issued a finding that Pennsylvania failed to make the required nonattainment SIP submission for the Lower Beaver Valley Area. 79 FR 10391. With this final approval of Pennsylvania's Lower Beaver Valley attainment plan SIP in accordance with section 172(c) of the CAA, EPA no longer has any obligation to issue a FIP for the Lower Beaver Valley Area in accordance with section 110(c) of the CAA.

#### II. Summary of SIP Revision

On January 15, 2015, Pennsylvania through the Department of Environmental Protection (PADEP) submitted an attainment plan for the Lower Beaver Valley Area as a SIP revision which includes a base year emissions inventory, an attainment demonstration, an analysis of RACM and RACT, provisions for RFP, and contingency measures. The SIP revision also includes as attainment control measures certain provisions of a November 21, 2012 consent order and agreement (COA) (specifically including paragraphs 3, 5, and 6) between PADEP and Horsehead Corporation (Horsehead), the largest source of lead in the Area at the time of designations. Pennsylvania's attainment demonstration relied primarily on the emissions reductions achieved by the shutdown of the smelter equipment at Horsehead, as required by the COA. EPA's analysis of the submitted attainment plan includes a review of

<sup>1</sup> EPA determined that extension of the Lower Beaver Valley nonattainment area did not affect the required attainment date or SIP submission deadline for the Area. See 76 FR 72097 (November 22, 2011).