

(h) The Superintendent may prohibit or restrict the non-subsistence taking of wildlife in accordance with the provisions of § 13.50.

(i) A person may not intentionally obstruct or hinder another person's lawful hunting or trapping by:

(1) Placing oneself in a location in which human presence may alter the behavior of the game that another person is attempting to take or the imminent feasibility of taking game by another person; or

(2) Creating a visual, aural, olfactory, or physical stimulus in order to alter the behavior of the game that another person is attempting to take.

■ 5. Revise § 13.50 to read as follows:

**§ 13.50 Closure and restriction procedures.**

(a) *Applicability and authority.* The Superintendent will follow the provisions of this section to close an area or restrict an activity, or terminate or relax a closure or restriction, in NPS areas in Alaska.

(b) *Factors.* In determining whether to close an area or restrict an activity, or whether to terminate or relax a closure or restriction, the Superintendent must ensure that the activity or area is managed in a manner compatible with the purposes for which the park area was established. The Superintendent's decision under this paragraph must therefore be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, conservation of endangered or threatened species, and other management considerations.

(c) *Rulemaking requirements.* This paragraph applies only to a closure or restriction, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the area; adversely affect the area's natural, aesthetic, scenic, or cultural values; or require a long-term modification in the resource management objectives of the area. Except in emergency situations, the closure or restriction, or the termination or relaxation of such, must be published as a rulemaking in the **Federal Register**.

(d) *Written determination.* Except in emergency situations, prior to implementing or terminating a closure or restriction, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reasons the closure or restriction authorized by paragraph (a) of this section has been established. This determination will be posted on the NPS Web site at [www.nps.gov](http://www.nps.gov).

(e) *Restrictions on taking fish or wildlife.* (1) Except in emergencies, the NPS will consult with the State agency having responsibility over fishing, hunting, or trapping and provide an opportunity for public comment, including one or more public meetings near the affected NPS unit, prior to implementing a closure or restriction on taking fish or wildlife.

(2) Emergency closures or restrictions may not exceed a period of 60 days and may not be extended without following the nonemergency procedures of this section.

(f) *Notice.* A list of closures and restrictions will be compiled in writing and updated annually. The list will be posted on the NPS Web site at [www.nps.gov](http://www.nps.gov) and made available at park headquarters. Additional means of notice reasonably likely to inform residents in the affected vicinity will also be provided where available, such as:

(1) Publication in a newspaper of general circulation in the State or in local newspapers;

(2) Use of electronic media, such as the internet and email lists;

(3) Radio broadcast; or

(4) Posting of signs in the local vicinity.

(g) Violating a closure or restriction is prohibited.

**§ 13.400 [Amended]**

■ 6. In § 13.400, remove paragraph (e) and redesignate paragraph (f) as new paragraph (e).

■ 7. Revise § 13.470 to read as follows:

**§ 13.470 Subsistence fishing.**

Fish may be taken by local rural residents for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable Federal law and regulation, including the provisions of §§ 2.3 and 13.40 of this chapter. Local rural residents in park areas where subsistence uses are allowed may fish with a net, seine, trap, or spear; or use native species as bait, where permitted by applicable Federal law and regulation.

■ 8. Revise § 13.480 to read as follows:

**§ 13.480 Subsistence hunting and trapping.**

Local rural residents may hunt and trap wildlife for subsistence uses in park areas where subsistence uses are allowed in compliance with this chapter and 50 CFR part 100.

■ 9. In § 13.490, revise paragraph (a) to read as follows:

**§ 13.490 Closures and restrictions to subsistence uses of fish and wildlife.**

(a) The Superintendent may temporarily restrict a subsistence activity or close all or part of a park area to subsistence uses of a fish or wildlife population after consultation with the State and the Federal Subsistence Board in accordance with the provisions of this section. The Superintendent may make a temporary closure or restriction notwithstanding any other provision of this part, and only if the following conditions are met:

(1) The restriction or closure must be necessary for reasons of public safety, administration, or to ensure the continued viability of the fish or wildlife population;

(2) Except in emergencies, the Superintendent must provide public notice and hold a public hearing near the affected NPS unit;

(3) The restriction or closure may last only so long as reasonably necessary to achieve the purposes of the closure.

\* \* \* \* \*

Dated: September 9, 2015.

**Michael Bean,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2015-26813 Filed 10-22-15; 8:45 am]

**BILLING CODE 4310-EJ-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R04-OAR-2015-0337; FRL-9936-05-Region 4]**

**Approval and Promulgation of Implementation Plans; Florida; Regional Haze Plan Amendment—Lakeland Electric C.D. McIntosh**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval of the State of Florida's March 10, 2015, State Implementation Plan (SIP) revision, submitted by the Florida Department of Environmental Protection (FDEP). This submittal fulfills Florida's commitment to EPA to provide a regional haze SIP revision with a Best Available Retrofit Technology (BART) nitrogen oxides (NOx) emissions limit for Unit 1 at the Lakeland Electric—C.D. McIntosh Power Plant (McIntosh) reflecting best operating practices for good combustion. States are required to address the BART provisions of the Clean Air Act (CAA or Act) and EPA's

regional haze regulations as part of a program to prevent any future and remedy any existing anthropogenic impairment of visibility in mandatory Class I areas (national parks and wilderness areas) caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the “regional haze program”) and to assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. In this action, EPA is approving the BART NOx emissions limit for Unit 1 at McIntosh into the Florida SIP.

**DATES:** This rule is effective November 23, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2015-0337. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information may not be publicly available, *i.e.*, 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Michele Notarianni, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Ms. Notarianni can be reached by phone at (404) 562-9031 or via electronic mail at [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On December 10, 2012, EPA proposed to approve the BART and reasonable progress determinations for a number of EGUs in Florida as part of Florida’s regional haze SIP. *See* 77 FR 73369. In

that action, EPA proposed approval of Florida’s BART determination for emissions Units 1 and 2 at McIntosh found subject to BART. On August 29, 2013, EPA issued a final, full approval of Florida’s regional haze SIP. *See* 78 FR 53250. In that final action, EPA approved the BART determination for the McIntosh facility, including the determination that the existing level of control for NOx at Unit 1, best operating practices for good combustion, is the NOx BART control for Unit 1. *See* 78 FR 53263. As described in the August 29, 2013, final action, FDEP submitted a letter to EPA dated July 30, 2013, in which the State committed to provide EPA with a regional haze SIP revision no later than March 19, 2015, the deadline for the State’s five-year regional haze periodic progress report SIP, that would include a NOx BART emissions limit for Unit 1 reflecting best operating practices for good combustion. FDEP also committed to modify the title V permit for McIntosh to include this new limit.

To fulfill its commitment in accordance with the July 30, 2013 letter, the State of Florida submitted a SIP revision dated March 10, 2015, revising the State’s regional haze SIP to include a NOx BART emissions limit for McIntosh Unit 1 and a construction permit (FDEP Permit No. 1050004-034-AC) dated April 30, 2014, for Unit 1 containing this limit. The permit contains supporting conditions (*e.g.*, monitoring requirements) and a condition specifying a schedule for McIntosh to apply for a revision to its title V permit to reflect the new permit conditions.

In a notice of proposed rulemaking (NPR) published on August 20, 2015, EPA proposed to approve Florida’s March 10, 2015, regional haze SIP revision fulfilling the State’s July 20, 2013, commitment to provide EPA with a SIP revision containing a NOx BART emissions limit for McIntosh Unit 1 reflecting best operating practices for good combustion and conditions to modify the title V permit to incorporate this limit. *See* 80 FR 50591. The details of Florida’s submittal and the rationale for EPA’s actions are explained in the NPR. Comments on the proposed rulemaking were due on or before September 21, 2015. No adverse comments were received.

**II. Final Action**

EPA is finalizing approval of the State of Florida’s March 10, 2015, SIP revision and revising the regional haze SIP to include the NOx BART emissions limit for Unit 1 and the April 30, 2014, construction permit containing this

limit. EPA is approving these changes to the Florida SIP because the submission meets the applicable regional haze requirements as set forth in the CAA and in EPA’s regional haze regulations and the applicable requirements of section 110 of the CAA.

**III. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 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);
- 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).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 December 22, 2015. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate

matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 8, 2015.  
**Heather McTeer Toney**,  
*Regional Administrator, Region 4.*

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 K—Florida**

■ 2. Section 52.520(e) is amended by adding an entry for “Regional Haze Plan Amendment 3” at the end of the table to read as follows:

**§ 52.520 Identification of plan.**

\* \* \* \* \*  
 (e) \* \* \*

**EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS**

| Provision                            | State effective date | EPA approval date   | Federal Register notice                         | Explanation  |
|--------------------------------------|----------------------|---|---|--|
| *<br>Regional Haze Plan Amendment 3. | *<br>4/30/2014       | *<br>10/23/2015 .....<br>[Insert <b>Federal Register</b> citation]. | *<br>[Insert <b>Federal Register</b> citation]. | *<br>Establishes NO <sub>x</sub> BART emissions limit for Unit 1 at the Lakeland Electric—C.D. McIntosh Power Plant and includes FDEP Permit No. 1050004-034-AC. |

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R10-OAR-2014-0562; FRL-9935-48-Region 10]

**Approval and Promulgation of Implementation Plans; Oregon: Lane Regional Air Protection Agency Open Burning Rules and Oregon Department of Environmental Quality Enforcement Procedures**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving into Oregon’s State Implementation Plan (SIP) a submittal from the Oregon Department of Environmental Quality (ODEQ) dated July 7, 2014, containing revisions to the Lane Regional Air

Protection Agency’s (LRAPA) open burning rules adopted on March 14, 2008. The revised LRAPA open burning rules make clarifications and provide for additional controls of open burning activities in Lane County, would reduce particulate emissions in Lane County, and would strengthen Oregon’s SIP. The EPA is also approving a submittal from the ODEQ dated June 30, 2014, to update Oregon Administrative Rules (OAR) that relate to procedures in contested cases (appeals), enforcement procedures, and civil penalties. The EPA is approving most of the submitted provisions because the revisions clarify and strengthen the SIP and are consistent with the Clean Air Act (CAA). The EPA is not approving certain provisions of the submitted rules that do not relate to the requirements for SIPs under section 110 of the CAA. Finally, the EPA is correcting the SIP pursuant to the authority of section 110(k)(6) of the CAA to remove certain provisions previously approved by the EPA that do not relate to the

requirements for SIPs under section 110 of the CAA.

**DATES:** This rule is effective on December 22, 2015, without further notice, unless the EPA receives adverse comment by November 23, 2015. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2014-0562, by any of the following methods:

- *Federal eRulemaking Portal* <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *Email:* [R10-Public\\_Comments@epa.gov](mailto:R10-Public_Comments@epa.gov).
- *Mail:* Mr. Keith Rose, EPA Region 10, Office of Air, Waste, and Toxics, AWT-150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Mr. Keith Rose, Office of Air, Waste, and Toxics, AWT-150. Such deliveries are only