

Dated: August 5, 2015.

**Chuck Rosenberg,**  
Acting Administrator.

[FR Doc. 2015-19655 Filed 8-10-15; 8:45 am]

BILLING CODE 4410-09-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2015-0248; FRL-9932-19-Region 4]

#### Approval and Promulgation of Implementation Plans; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan revision submitted by the State of Georgia, through Georgia Environmental Protection Division on February 6, 2015, to address the base year emissions inventory and emissions statements requirements for the 2008 8-hour ozone national ambient air quality standards for the Atlanta, Georgia 2008 8-hour ozone nonattainment area (hereinafter referred to as the "Atlanta Area"). These requirements apply to all ozone nonattainment areas. The Atlanta Area is comprised of 15 counties in Atlanta (Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale). This proposed action is being taken pursuant to the Clean Air Act and its implementing regulations.

In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before September 10, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2015-0248 by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email: R4-ARMS@epa.gov*.

3. *Fax: (404) 562-9019*.

4. *Mail: "EPA-R04-OAR-2015-0248,"* Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

#### FOR FURTHER INFORMATION CONTACT:

Tiereny Bell, 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. Bell can be reached at (404) 562-9088 and via electronic mail at *bell.tiereny@epa.gov*.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule and incorporated herein by reference. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: July 30, 2015.

**Heather McTeer Toney,**  
Regional Administrator, Region 4.

[FR Doc. 2015-19727 Filed 8-10-15; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2015-0384; FRL-9932-22-Region 4]

#### Approval and Promulgation of Implementation Plans; Kentucky; New Sources in or Impacting Nonattainment Areas

**AGENCY:** Environmental Protection Agency

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the Commonwealth of Kentucky's September 23, 2011, State Implementation Plan (SIP) revision, submitted through the Kentucky Division for Air Quality (KY DAQ), which modifies the SIP by making changes to Kentucky regulation, "Review of new sources in or impacting upon nonattainment areas." EPA has preliminarily determined that Kentucky's requested SIP revision meets the applicable provisions of the Clean Air Act (CAA or Act) and EPA regulations regarding Nonattainment New Source Review (NNSR) permitting.

**DATES:** Written comments must be received on or before September 10, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R04-OAR-2015-0384 by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email: R4-ARMS@epa.gov*.

3. *Fax: (404) 562-9019*.

4. *Mail: "EPA-R04-OAR-2015-0384,"* 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.

5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, 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. Such

deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R04-OAR-2015-0384. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through [www.regulations.gov](http://www.regulations.gov) or email, information that you consider to be CBI or otherwise protected. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information may not be publicly available, *i.e.*, 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 in [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:** Zuri Fargalo of the Air Regulatory Management Section, in the 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. Mr. Fargalo may be reached by phone at (404) 562-9152 or via electronic mail at [fargalo.zuri@epa.gov](mailto:fargalo.zuri@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On September 23, 2011, KY DAQ submitted a SIP revision to EPA for approval that makes several changes to Kentucky's regulations at 401 Kentucky Administrative Regulations (KAR) 51:052, *Review of new sources in or impacting nonattainment areas*. These regulations establish air quality permitting requirements for the construction or modification of major stationary sources located within, or impacting upon, areas designated nonattainment for any primary national ambient air quality standard. To ensure improvement of air quality in those areas, the emissions resulting from construction or modification of a major stationary source must be offset with compensating emission reductions.

Kentucky's requested SIP revision would revise 401 KAR 51:052 by: (1) Changing Section 5, paragraph (6)(b) to authorize new or modified sources to offset their emission increases with emission reductions achieved by shutting down an existing unit or curtailing production or operating hours prior to the new source application date (if specified conditions are met), (2) adding new and more comprehensive language to Section 5, paragraph (6)(b) describing how to calculate offsetting emission reductions obtained from a source shutdown or curtailment (3) amending Section 4, paragraph (3)(a) to establish an offset ratio of at least 1:1 for pollutants other than volatile organic compounds (VOCs) and nitrogen oxides (NOx), and (4) making changes to the introductory paragraph to 401 KAR 51:052 and Section 5, paragraph (3)(e) that update and clarify these provisions.

##### **II. Analysis of Kentucky's Submittal**

EPA has reviewed Kentucky's requested changes to 401 KAR 51:052,

*Review of new sources in or impacting nonattainment areas*, and preliminarily concluded that these changes are consistent with the applicable CAA provisions and EPA's NNSR permitting regulations at 40 CFR 51.165. Specifically, the changes to Section 5, paragraph (6)(b) of 401 KAR 51:052 authorizing new or modified sources to offset emission increases with emission reductions generated by source shutdowns or curtailments occurring before the filing of a permit application for a new project are consistent with 40 CFR 51.165(a)(3)(ii)(C)(1). Likewise, the new regulatory language in Section 5, paragraph (6)(b) of 401 KAR 51:052 describing how to calculate emission offsets generated from source shutdowns or permanent curtailments also is consistent with 40 CFR 51.165(a)(3)(ii)(C)(1). The change to Section 4, paragraph (3)(a) of 401 KAR 51:052 specifying that increases in emissions shall be offset by reductions in emissions using a ratio of emission decreases to emission increases of at least 1:1 is required by 40 CFR 51.165(a)(9)(i). Finally, the changes to the introductory paragraph to 401 KAR 51:052 and Section 5 paragraph (3)(e) simply update and clarify these provisions and do not affect the consistency of these provisions with federal law. EPA has preliminarily determined that these changes are approvable pursuant to CAA section 110 and EPA's NNSR permitting regulations at 40 CFR 51.165.

##### **II. Incorporation by Reference**

In this rule, 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, EPA is proposing to incorporate by reference Kentucky Rule 401 KAR 51:052, *Review of new sources in or impacting nonattainment areas*. EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

##### **III. Proposed Action**

EPA is proposing to approve the Commonwealth of Kentucky's September 23, 2011, SIP revision. EPA has preliminarily determined that the changes to Kentucky's Rule 401 KAR 51:052, *Review of new sources in or impacting nonattainment areas*, are approvable because they are consistent with CAA section 110 and EPA's

regulations regarding NNSR permitting at 40 CFR 51.165.

#### IV. 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 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 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.

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

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

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 30, 2015.

**Heather McTeer Toney,**  
Regional Administrator, Region 4.

[FR Doc. 2015-19723 Filed 8-10-15; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 224

[Docket No. 150506425-5425-01]

RIN 0648-XD941

#### Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Smooth Hammerhead Shark as Threatened or Endangered Under the Endangered Species Act

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** 90-day petition finding, request for information.

**SUMMARY:** We, NMFS, announce a 90-day finding on a petition to list the smooth hammerhead shark (*Sphyrna zygaena*) range-wide or, in the alternative, any identified distinct population segments (DPSs), as threatened or endangered under the Endangered Species Act (ESA), and to designate critical habitat concurrently with the listing. We find that the petition and information in our files present substantial scientific or commercial information indicating that the petitioned action may be warranted. We will conduct a status review of the species to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species from any interested party.

**DATES:** Information and comments on the subject action must be received by October 13, 2015.

**ADDRESSES:** You may submit comments, information, or data on this document, identified by the code NOAA-NMFS-2015-0103, by either any of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov) #!docketDetail;D=NOAA-NMFS-2015-0103. Click the "Comment Now" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Maggie Miller, NMFS Office of Protected Resources (F/PR3), 1315 East West Highway, Silver Spring, MD 20910, USA.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Copies of the petition and related materials are available on our Web site at <http://www.fisheries.noaa.gov/pr/species/fish/smooth-hammerhead-shark.html>.

**FOR FURTHER INFORMATION CONTACT:** Maggie Miller, Office of Protected Resources, 301-427-8403.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 27, 2015, we received a petition from Defenders of Wildlife to list the smooth hammerhead shark (*Sphyrna zygaena*) as threatened or endangered under the ESA throughout its entire range, or, as an alternative, to list any identified DPSs as threatened or endangered. To this end, the petitioners identified five populations that they indicate qualify for protection as DPSs: Northeast Atlantic and Mediterranean Sea, Northwest Atlantic, Southwest Atlantic, Eastern Pacific, and Indo-West Pacific. The petition also requests that critical habitat be designated for the smooth hammerhead shark under the ESA. In the case that the species does not warrant listing under the ESA, the petition requests that the species be listed based on its similarity of appearance to the listed DPSs of the scalloped hammerhead shark (*Sphyrna*