

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** In response to requests from interested parties, the Mine Safety and Health Administration (MSHA) is extending the comment period on the proposed rule addressing Criteria and Procedures for Assessment of Civil Penalties. This extension gives commenters additional time to review and comment on the proposed rule.

**DATES:** The comment period for the proposed rule published July 31, 2014, at 79 FR 44494, is extended. Comments must be received or postmarked by midnight Eastern Standard Time on December 3, 2014.

**ADDRESSES:** Submit comments and informational materials, identified by RIN 1219-AB72 or Docket No. MSHA-2014-0009, by one of the following methods:

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Email:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include RIN 1219-AB72 or Docket No. MSHA-2014-0009 in the subject line of the message.

- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939.

- *Fax:* 202-693-9441.

- *Hand Delivery or Courier:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.

**Instructions:** All submissions must include RIN 1219-AB72 or Docket No. MSHA-2014-0009. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to <http://www.regulations.gov> and <http://www.msha.gov/currentcomments.asp>, including any personal information provided.

**Docket:** For access to the docket to read comments received, go to <http://www.regulations.gov> or <http://www.msha.gov/currentcomments.asp>. To read background documents, go to <http://www.regulations.gov>. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist's desk on the 21st floor.

**Email Notification:** To subscribe to receive an email notification when MSHA publishes rules in the **Federal Register**, and program information,

instructions, and policy, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

**FOR FURTHER INFORMATION CONTACT:**

Sheila A. McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at [mcconnell.sheila.a@dol.gov](mailto:mcconnell.sheila.a@dol.gov) (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

**SUPPLEMENTARY INFORMATION:** On July 31, 2014 (79 FR 44494), MSHA published a proposed rule, Criteria and Procedures for Assessment of Civil Penalties. In response to commenters, MSHA is providing additional time for interested parties to comment on the proposed rule. MSHA is extending the comment period from September 29, 2014, to December 3, 2014.

**Authority:** 30 U.S.C. 957.

Dated: September 11, 2014.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2014-22000 Filed 9-15-14; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2014-0650]

RIN 1625-AA00

#### Safety Zone; Old Port Tampa Exercise 2014, Tampa Bay, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish temporary safety zones on the waters of Tampa Bay, Florida during Old Port Tampa Exercise 2014. The exercise is scheduled to take place on November 4, 2014. The proposed safety zone is necessary to protect the public from the hazards associated with environmental response operations occurring during the exercise. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port St. Petersburg or a designated representative.

**DATES:** Comments and related material must be received by the Coast Guard on or before October 16, 2014.

**ADDRESSES:** You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* (202) 493-2251.

(3) *Mail or Delivery:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is (202) 366-9329. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Junior Grade Brett Sillman, Sector St. Petersburg Waterways Management Branch, U.S. Coast Guard; telephone (813) 228-2191, email [brett.s.sillman@uscg.mil](mailto:brett.s.sillman@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Acronyms**

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

#### **A. Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

##### *1. Submitting Comments*

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. You may submit your comments and material online at <http://www.regulations.gov>, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a

mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG–2014–0650 in the “SEARCH” box and click “SEARCH.” Click on “Submit a Comment” on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

## 2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number USCG–2014–0650 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

## 3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

## 4. Public Meeting

We do not plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

## B. Regulatory History and Information

The Old Port Tampa Exercise 2014 is a one-time, unique event. Therefore, temporary safety zones are more conducive than establishing a permanent regulation.

## C. Basis and Purpose

The legal basis for this proposed rule is the Coast Guard’s authority to establish safety zones: 33 U.S.C. 1225, 1231; 33 CFR 1.05–1, 6.04–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the regulation is to provide for the safety of life on the navigable waters in the Captain of the Port St. Petersburg Zone during the Old Port Tampa Exercise 2014 while oil spill response operations are being conducted.

## D. Discussion of Proposed Rule

The Coast Guard will be conducting an oil spill response equipment deployment exercise in Tampa Bay for the purpose of testing deployment techniques, procedures, and accuracy of the Geographical Response Plan oil spill boom deployment recommendations. The areas are: (1) Directly off of the Picnic Island boat ramp, (2) directly south of Picnic Island, and (3) north of Picnic Island. Equipment deployment vessels will avoid impacting commercial traffic and will coordinate with the Cooperative Vessel Traffic Service to operate while no commercial traffic is expected to transit near the operational area. The nature of the exercise and accompanying equipment pose a potential danger to mariners. The Coast Guard is proposing these safety zones to protect mariners on the navigable waters of the United States. The Coast Guard Sector St. Petersburg will give notice of the safety zones by issuing a Broadcast Notice to Mariners, and by placing Coast Guard vessels on-scene.

The proposed safety zones will encompass all waters within the following three areas.

1. Area 1—all waters within the following: 27°52′18″ N 082°33′02″ W, 27°52′11″ N 082°32′48″ W, 27°51′46″ N 082°33′06″ W, 27°51′55″ N 082°33′21″ W.

2. Area 2—all waters within the following: 27°51′30″ N 082°33′10″ W, 27°51′30″ N 082°33′08″ W, 27°51′29″ N 082°33′08″ W, 27°51′28″ N 082°33′10″ W.

3. Area 3—all waters within the following: 27°50′51″ N 082°33′39″ W, 27°50′51″ N 082°33′06″ W, 27°50′29″ N 082°32′43″ W, 27°50′14″ N 082°33′10″ W.

The proposed safety zones will be enforced only while Coast Guard and environmental response vessels are on-scene during actual equipment deployment operations of the exercise. Vessels will be prohibited from anchoring, mooring, or transiting within the zones unless authorized by the Captain of the Port St. Petersburg or a designated representative.

## E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

### 1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

This regulation is not a significant regulatory action because this proposed rule establishes safety zones in areas with minimum commercial and recreational traffic.

### 2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person

listed in the **FOR FURTHER INFORMATION CONTACT** section above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### 4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, 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 proposed rule under that Order and determined that this rule does not have implications for federalism.

#### 6. 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.

#### 7. 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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### 9. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### 10. Protection of Children From Environmental Health Risks

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### 11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

#### 12. Energy Effects

This proposed rule is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 14. 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 (NEPA) (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 is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist 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.

#### 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; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A temporary section 165.T07–0650 is added to read as follows:

#### § 165.T07–0650 Safety Zone; Old Port Tampa Exercise 2014, Tampa Bay, FL.

(a) *Regulated area.* The safety zone will encompass all waters within the following three areas.

(1) Area 1—all waters within the following: 27°52′18″ N 082°33′02″ W, 27°52′11″ N 082°32′48″ W, 27°51′46″ N 082°33′06″ W, 27°51′55″ N 082°33′21″ W. All coordinates referenced use datum: NAD 83.

(2) Area 2—all waters within the following: 27°51′30″ N 082°33′10″ W, 27°51′30″ N 082°33′08″ W, 27°51′29″ N 082°33′08″ W, 27°51′28″ N 082°33′10″ W. All coordinates referenced use datum: NAD 83.

(3) Area 3—all waters within the following: 27°50′51″ N 082°33′39″ W, 27°50′51″ N 082°33′06″ W, 27°50′29″ N 082°32′43″ W, 27°50′14″ N 082°33′10″ W. All coordinates referenced use datum: NAD 83.

(b) *Definitions.* The following definition applies to this section:

*Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port, St. Petersburg, Florida, in the enforcement of regulated navigation areas and safety and security zones.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, no person or vessel may anchor, moor or transit the safety zone without the prior permission of the Captain of the Port St. Petersburg, Florida, or a designated representative. Coast Guard Sector St. Petersburg will give notice of the enforcement of the safety zone by issuing a Broadcast Notice to Mariners and placing a Coast Guard vessel on-scene. Captain of the Port St. Petersburg or a designated representative may be contacted on VHF channel 16.

(d) *Dates.* The regulation will be effective on November 4, 2014 and will be enforced during the exercise when equipment deployment operations are underway.

Dated: September 5, 2014.

**G. D. Case,**

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

[FR Doc. 2014–21984 Filed 9–15–14; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51 and 52

[EPA–HQ–OAR–2006–0605; FRL–9916–63–OAR]

RIN 2060–AO24

#### Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)—Notice of Action Denying Petition for Reconsideration and Amended Rulemaking

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

**ACTION:** Action denying petition for reconsideration and amended rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice that it

has responded to a petition for reconsideration and amended rulemaking of certain provisions of the final rule, “Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC),” published on October 20, 2010. The final rule set forth provisions identifying the maximum allowable increases in ambient pollutant concentrations (“increments”) for PM<sub>2.5</sub>, modifying the definitions for the baseline dates and the baseline area, and adding two screening tools known as SILs and an SMC for PM<sub>2.5</sub>. On December 23, 2013, the EPA received a petition for reconsideration pursuant to the Clean Air Act (CAA) and for an amended rulemaking pursuant to the Administrative Procedures Act, from the state of North Carolina. The EPA considered the petition for reconsideration and amended rulemaking, along with information contained in the rulemaking docket, in reaching a decision on the petition. The EPA Administrator Gina McCarthy denied the petition for reconsideration and amended rulemaking in a letter to the Attorney General of North Carolina dated August 28, 2014. The letter documents the EPA’s reasons for the denial and can be found in the rulemaking docket.

**DATES:** The EPA’s response to this petition was signed on August 28, 2014. Any petitions for review of the final

letter denying the petition for reconsideration and amended rulemaking of certain provisions of the final rule published in the **Federal Register** on October 20, 2010 (75 FR 64864) must be filed in the Court of Appeal for the District of Columbia Circuit on or before November 17, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dan deRoeck, Air Quality Policy Division (C504–03), U.S. Environmental Protection Agency, Research Triangle Park, NC, 27711; telephone number: (919) 541–5593; or email address: [deroeck.dan@epa.gov](mailto:deroeck.dan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. How can I get copies of this document and other related information?

This **Federal Register** document, the petition for reconsideration and amended rulemaking, and the letter denying the petition are available in the docket that the EPA has established for the “Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)” rulemaking under Docket ID No. EPA–HQ–OAR–2006–0605. The table below identifies the petitioner, the date of the petition, the document identification number for the petition, the date of the EPA’s response, and the document identification number for the EPA’s response.

Petitioner	Date of petition to EPA	Petition: Document No. in docket	Date of EPA response	EPA response: Document No. in docket
State of North Carolina .....	12/23/2013	– 0065	8/28/2014	– 0066, – 0067, – 0068

Note that all document numbers listed in the table are in the form of “EPA–HQ–OAR–2006–0605–xxxx.”

All documents in the docket are listed on the <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 <http://www.regulations.gov> or in hard copy at the EPA Docket Center, Docket ID No. EPA–HQ–OAR–2006–0605, EPA William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public

Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

In addition to being available in the docket, an electronic copy of this notice of the EPA’s decision denying the petition for reconsideration and amended rulemaking and of the EPA’s response letter outlining reasons for the denial will also be available on the World Wide Web. Following signature of this document by the Acting Assistant Administrator, Office of Air and Radiation, a copy of this document will be posted on EPA’s New Source Review Web site, under Regulations & Standards, at <http://www.epa.gov/nsr>.

## II. Judicial Review

Under CAA section 307(b), judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit on or before November 17, 2014.

Dated: September 5, 2014.

**Janet G. McCabe,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 2014–21973 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**