“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 July 21, 2014. 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, Incorporation by reference, Lead, Particulate matter, and Reporting and recordkeeping requirements.

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

Dated: May 1, 2014.

Michelle Pirzadeh,
Acting Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

§ 52.670 Approval and promulgation of implementation plans; State of Oregon; Approval and promulgation of Region–10

1. The authority citation for part 52 continues to read as follows:

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

Subpart N—Idaho

2. In § 52.670, the table in paragraph (e) is amended by adding an entry at the end of the table for “Section 110(a)(2) Infrastructure Requirements for the 2008 Pb NAAQS.”

The addition reads as follows:

§ 52.670 Identification of plan.

(e) * * * * *

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Comments</th>
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<td>* * * * * * * * * * *</td>
<td>* * * * * * * * * * *</td>
<td>2/14/2012</td>
<td>5/22/2014 [insert page number where the document begins].</td>
<td>This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).</td>
</tr>
</tbody>
</table>

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I. This Action

II. Statutory and Executive Order Review

I. This Action

On April 16, 2014, the EPA concurred with a determination by the ODEQ and Metro, the metropolitan planning organization for the Portland area, that the replacement of a transit service control measure in the Federally approved Oregon SIP. The substitution replaces the existing transit service increase TCM with an equivalent method for assessing the transit service increase TCM met the requirements of CAA section 176(c)(8). (See also EPA’s Guidance for Implementing the CAA section 176(c)(8) Transportation Control Measure Substitution and Addition Provision contained in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users which was signed into law on August 10, 2005, dated January 2009.) This action provides notice of the EPA’s concurrence with this substitution, and codifies the substitute transportation control measure in the Federally approved Oregon SIP. The substitution was made pursuant to the TCM substitution provisions contained in the Clean Air Act (CAA). The EPA concurred with this substitution on April 16, 2014. In this administrative action, the EPA is updating the non-regulatory provisions of the Oregon SIP to reflect the substitution. The substitution that the EPA concurred with is an equivalent method for assessing the transit service increase TCM.

DATES: This action is effective May 22, 2014.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following location: USEPA, Region 10, Office of Air, Waste, and Toxics (OAWT–107), 1200 Sixth Avenue, Seattle, Oregon 98101. Publicly available docket materials are available either electronically at www.regulations.gov or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Justin A. Spenillo, EPA Region 10, (206) 553–6125, spenillo.justin@epa.gov.

SUPPLEMENTARY INFORMATION:
Throughout this document, wherever “we”, “us” or “our” are used, it is intended to refer to the EPA.
cumulative average of actual hours for assessment conducted for the entire second ten-year Portland Area Carbon Monoxide Maintenance Plan (2007–2017). Transit service increase will be assessed on the basis of fiscal year (July 1–June 30) beginning with FY 2008.”

The TCM substitution process is collaborative, and includes participation by all affected jurisdictions and agencies, consultation with the EPA, and reasonable notice and opportunity for public comment. To develop a substitute TCM, the ODEQ and Metro consulted with the Transportation Policy Advisory Committee (TPAC), a technical advisory committee of the Joint Policy Advisory Committee on Transportation (JPACT) that is comprised of elected officials and representatives of agencies involved in transportation in the Portland area and includes representatives from the community, state and regional partners, and local jurisdictions. Public notice and comment was provided by Metro in coordination with the ODEQ. The public notice was published in The Oregonian on July 15, 2013, along with being posted on the ODEQ’s Web page on July 15, 2013, published in the August 2013 Oregon Bulletin, and multiple other forms of notice as described in the docket.

Through the concurrence process, the EPA determined that the requirements of CAA section 176(c)(8) were satisfied, including the requirements that the substitute measures (1) achieve equivalent or greater emissions reductions than the control measure to be replaced, (2) are implemented on a schedule consistent with the schedule for the existing TCM, (3) have adequate personnel, funding and authority under state or local law to implement, monitor and enforce, and (4) are jointly concurred upon by the ODEQ, the EPA and Metro. Upon the EPA’s concurrence, the transit service increase TCM substitution took effect as a matter of Federal law. A copy of the EPA’s concurrence letter along with the ODEQ’s letter submittal and additional support material is included in the Docket for this action. This letter can be accessed at www.regulations.gov using Docket ID No. EPA–R10–OAR–2014–0139. In accordance with the requirements for TCM substitution, on January 14, 2014, the ODEQ submitted a request for the EPA to update the Portland Area Carbon Monoxide portion of the Oregon SIP to reflect the EPA’s concurrence on transit service increase TCM substitution in its SIP (the subject of this administrative change). Today, the EPA is taking administrative action to update the non-regulatory provisions of the Oregon SIP in 40 CFR 52.1970 (e) to reflect the EPA’s concurrence on the transit service TCM substitution.

### STATE OF OREGON AIR QUALITY CONTROL PROGRAM

<table>
<thead>
<tr>
<th>SIP citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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</table>

Immediate notice of this action in the Federal Register benefits the public by providing the public notice of the updated Federally approved Oregon SIP and “Identification of Plan” portion of the Code of Federal Regulations.

**II. Statutory and Executive Order Reviews**

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this action.

Although section 6 of Executive Order 13132 does not apply to this action, the EPA did consult with representatives of state and local governments in taking this action. This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), as it does not affect any tribal groups. Thus, Executive Order 13175 does not apply to this action.

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA has determined that this administrative action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

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


Dennis J. McLerran, Regional Administrator, Region 10.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 MM—Oregon**

2. Section 52.1970(e), the table titled “State of Oregon Air Quality Control Program” is amended by revising entry 4.58 under “Section 4: “Control Strategies for Nonattainment Areas” to read as follows:

**§ 52.1970 Identification of plan.**

* * * * *

(e) * * *

* * * * *
STATE OF OREGON AIR QUALITY CONTROL PROGRAM

<table>
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<th>SIP citation</th>
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Notes:
1. This table lists regulations adopted as of 1972. It does not depict regulatory requirements which may have been part of the Federal SIP before this date.
2. The regulations are effective statewide unless stated otherwise in comments or title section.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS
[See Notes at end of table]

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<td>9/13/2013</td>
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<td>310 CMR 7.24(6) ...</td>
<td>Dispensing of Motor Vehicle Fuel ........</td>
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<td>9/13/2013</td>
<td>78 FR 54960</td>
<td>138</td>
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1. This table lists regulations adopted as of 1972. It does not depict regulatory requirements which may have been part of the Federal SIP before this date.
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