

EPA APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335-3-8-.63	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program—Administrator's Action on Submissions.	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.64	Reserved	11/24/2015	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.65	General Monitoring, Recordkeeping, and Reporting Requirements.	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.66	Initial Monitoring System Certification and Recertification Procedures.	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.67	Monitoring System Out-of-Control Periods.	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.68	Notifications Concerning Monitoring	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.69	Recordkeeping and Reporting	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
Section 335-3-8-.70	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements.	6/9/2017	10/6/2017, [insert <b>Federal Register</b> citation].	
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 [FR Doc. 2017-21523 Filed 10-5-17; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R07-OAR-2015-0356; FRL-9968-82-Region 7]

**Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) revision from the State of Missouri for the 2008 Ozone National Ambient Air Quality Standard (NAAQS). Section 110 of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as “infrastructure” SIPs. The infrastructure requirements are designed to ensure that the structural components of each state’s air quality management program are adequate to meet the state’s responsibilities under the CAA.

**DATES:** This direct final rule will be effective December 5, 2017, without further notice, unless EPA receives adverse comment by November 6, 2017. If EPA receives adverse comment, we

will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2015-0356, to <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7016, or by email at [casburn.tracey@epa.gov](mailto:casburn.tracey@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,”

and “our” refer to EPA. This section provides additional information by addressing the following:

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews.

**I. What is being addressed in this document?**

EPA is approving the infrastructure SIP submission from the State of Missouri received on July 08, 2013, as meeting the submittal requirements of 110(a)(1). EPA is approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevent significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M). EPA is not acting on the elements of section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQs (prong 2) because those elements were not addressed in the SIP revision submittal. EPA is not acting on section 110(a)(2)(I). EPA will act on 110(a)(2)(D)(i)(II)—protection of visibility (prong 4) in a separate action.

A Technical Support Document (TSD) is included as part of the docket to discuss the details of this action, including analysis of how the SIP meets the applicable 110 requirements for infrastructure SIPs.

**II. Have the requirements for approval of a SIP revision been met?**

The state’s submission has met the public notice requirements for the Ozone infrastructure SIP submission in accordance with 40 CFR 51.102. The

state held a public comment period from The MDNR held a public hearing and comment period from April 30, 2013 to June 06, 2013. EPA provided comments on May 23, 2013 and were the only commenters. A public hearing was held on May 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V for all elements except 110(a)(2)(D)(i)(I)—prongs 1 and 2. EPA published a document in the **Federal Register**, “*Findings of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone*”.<sup>1</sup> Missouri was included in this finding because it had not made a complete “good neighbor” SIP submittal to meet the section 110(a)(2)(D)(i)(I)—prongs 1 and 2 elements. As explained in more detail in the TSD, which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

### III. What action is EPA taking?

EPA is taking direct final action to approve elements of the July 08, 2013, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 Ozone NAAQS. As stated above, EPA is approving the revision as meeting the submittal requirement of section 110(a)(1) and approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M). EPA will act on (D)(i)(II)—prong 4 in a separate action.

EPA is taking no further action with respect to elements of section 110(a)(2)(D)(i)(I)—prongs 1 and 2—because the Cross State Air Pollution Rule (CSAPR) Federal Implementation Plans (FIPs) that require subject units in Missouri to participate in the Federal CSAPR NO<sub>x</sub> Annual Trading Program and the Federal CSAPR SO<sub>2</sub> Group 1 Trading Program continue to apply and addresses emissions from subject units that may be contributing to nonattainment (prong 1) or interfering with maintenance (prong 2) of the NAAQS in another state.<sup>2,3</sup> Additionally, on June 28, 2016, EPA took direct final action to approve Missouri’s adoption of state regulations that established state-determined allocations replacing EPA’s CSAPR default annual NO<sub>x</sub> and annual SO<sub>2</sub>

emissions allocation allowances for 2017 and later years as an abbreviated SIP revision.<sup>4</sup>

EPA is not taking action on section 110(a)(2)(I). Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas. EPA does not expect infrastructure SIP submissions to address element (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the “Proposed Rules” section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

### 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. 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 (Public Law 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

### List of Subjects in 40 CFR Part 52

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

Dated: September 21, 2017.

**Cathy Stepp**,

*Acting Regional Administrator, Region 7.*

For the reasons stated in the preamble, EPA is amending 40 CFR part 52 as set forth below:

<sup>1</sup> See 80 FR 39961 (August 12, 2015).

<sup>2</sup> See 76 FR 48208 (August 8, 2011).

<sup>3</sup> See 81 FR 74504 (December 27, 2016).

<sup>4</sup> See 81 FR 41838 (August 12, 2016).

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

§ 52.1320 Identification of plan.

**Subpart AA—Missouri**

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(e)\* \* \*

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

■ 2. Amend § 52.1320(e) by adding entry (63) in numerical order to read as follows:

**EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS**

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(63) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.	Statewide .....	7/8/13	10/6/17, [Insert <b>Federal Register</b> citation].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(D)(i)(I)—prongs 1 and 2 are addressed by a Federal Implementation Plan. 110(a)(2)(I) is not applicable. [EPA–R07–OAR–2015–0356; FRL–9968–82–Region 7.]

[FR Doc. 2017–21528 Filed 10–5–17; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R08–OAR–2013–0558, FRL–9969–00–Region 8]

**Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> National Ambient Air Quality Standards; North Dakota**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving elements of State Implementation Plan (SIP) revisions from the State of North Dakota to demonstrate the State meets infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for sulfur dioxide (SO<sub>2</sub>) on June 2, 2010, and fine particulate matter (PM<sub>2.5</sub>) on December 14, 2012.

**DATES:** This rule is effective on November 6, 2017.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2013–0558. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., 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 through <http://www.regulations.gov> or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kate Gregory, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6175, [gregory.kate@epa.gov](mailto:gregory.kate@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Infrastructure requirements for SIPs are set forth in section 110(a)(1) and (2) of the CAA. Section 110(a)(2) lists the specific infrastructure elements that a SIP must contain or satisfy. The elements that are the subject of this action are described in detail in our notice of proposed rulemaking published on June 6, 2017 (82 FR 25999).

In our proposed rule, the EPA proposed to approve some infrastructure elements and to take no action on others for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> NAAQS from the State’s March 7, 2013

and August 23, 2015 certifications,<sup>1</sup> respectively. In this rulemaking, we are taking final action to approve those infrastructure elements from the State’s certifications for which we proposed approval.

**II. Response to Comments**

No comments were received on our June 29, 2017 notice of proposed rulemaking.

**III. Final Action**

For reasons expressed in the proposed rule, the EPA is taking final action to approve infrastructure elements from the State’s certifications as shown in Table 1. Elements we are taking no action on are reflected in Table 2.

**TABLE 1—LIST OF NORTH DAKOTA INFRASTRUCTURE ELEMENTS AND REVISIONS THE EPA IS APPROVING**

Approval
March 7, 2013 submittal—2010 SO <sub>2</sub> NAAQS: (A), (B), (C), (D)(i)(II) prongs 3 and 4, (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).
August 23, 2015 submittal—2012 PM <sub>2.5</sub> NAAQS: (A), (B), (C), (D)(i)(II) prongs 3 and 4, (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).

<sup>1</sup> “Where an air agency determines that the provisions in or referred to by its existing EPA approved SIP are adequate with respect to a given infrastructure SIP element (or sub element) even in light of the promulgation of a new or revised NAAQS, the air agency may make a SIP submission in the form of a certification.” EPA’s “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and (2),” September 13, 2013, at 7.