

navigation position provides 30 feet of vertical clearance throughout the navigation channel, and 46 feet of vertical clearance throughout the center 60 feet of the bridge; vertical clearance references to Mean Water Level of Lake Washington. To facilitate this event, the double bascule span will remain closed from 6 a.m. to 9 a.m. on May 28, 2017. The Coast Guard coordinated with the local mariners by request any objections via the Local Notice to Mariners.

The normal operating schedule for the Montlake Bridge operates in accordance with 33 CFR 117.1051(e). Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergencies and emergency vessels in route to a call. Lake Washington Ship Canal has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 27, 2017.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2017-09723 Filed 5-12-17; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2017-0311]

#### Drawbridge Operation Regulation; Quantuck Canal, Westhampton Beach, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Beach Lane Bridge across the Quantuck Canal, mile 1.1 at Westhampton Beach, New York. This action is necessary to complete rehabilitation of the bascule leaves of

the drawbridge. The deviation will allow the bridge to open only one bascule span at a time in order to provide passage for vessels requiring an opening.

**DATES:** This deviation is effective without actual notice from May 15, 2017 through 11:59 p.m. on September 30, 2017. For the purposes of enforcement, actual notice will be used from April 17, 2017, until May 15, 2017.

**ADDRESSES:** The docket for this deviation, USCG-2017-0311 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212-514-4334, email [james.m.moore2@uscg.mil](mailto:james.m.moore2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Suffolk County Department of Public Works, the owner of the bridge, requested a temporary deviation in order to facilitate reconstruction of the bascule leaves.

The Beach Lane Bridge across the Quantuck Canal, mile 1.1 at Westhampton Beach, New York is a double-leaf bascule bridge offering mariners a vertical clearance of 13.9 feet at mean high water and 16.2 feet at mean low water in the closed position. Horizontal clearance is 50.3 feet, but utilization of a work barge placed underneath one of the bascule leaves will reduce horizontal clearance to 25 feet. The existing drawbridge operating regulations are listed at 33 CFR 117.799(d).

This temporary deviation will allow the Beach Lane Bridge to open only one of the two bascule spans for bridge openings from 12:01 a.m. on April 17, 2017 to 11:59 p.m. on September 30, 2017. Dual lift span operations will be permitted, provided 48 hours of advance notice is furnished to the owner of the bridge.

The majority of vessels requiring bridge openings are sailing vessels and yachts transiting the waterway. Discussion with the proprietor of the Modern Yachts Marina located in the vicinity of the bridge confirms typical recreational traffic will continue to be able to proceed through the navigation opening of the bridge during one-leaf operations. Small scale tug/barge combinations occasionally transit the Quantuck Canal, but such commercial craft are generally limited in size. Mariners concur that the requirement to

provide the bridge owner 48 hours of advance notice for dual lift span operations will not impede overall operations.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be able to open for emergencies and there is an alternate route for vessels unable to pass through the bridge when in the closed position.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 24, 2017.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

[FR Doc. 2017-09722 Filed 5-12-17; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2007-0989; FRL-9960-67-Region 6]

#### Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Minor New Source Review Permitting Program

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving severable portions of revisions to the Oklahoma New Source Review (NSR) State Implementation Plan (SIP) submitted by the State of Oklahoma on February 14, 2002 (the February 14, 2002, SIP submittal). This action addresses revisions to the Oklahoma Administrative Code (OAC), Title 252, Chapters 4 and 100, concerning the State's Minor New Source Review air permitting program.

**DATES:** This rule is effective on June 14, 2017.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2007-0989. 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., 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 Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Rick Barrett, 214-665-7227, [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

### I. Background

The background for this action is discussed in detail in our November 29, 2016, proposal (81 FR 85907). In that document, we proposed to find that the severable portions of the Minor NSR program requirements in OAC 252:4-1 (General Provisions), OAC 252:4-7 (Environmental Permit Process), Appendix C (Permitting Process Summary), OAC 252:100-5 (Registration, Emission Inventory and Annual Operating Fees), OAC 252:100-7 (Permits for Minor Facilities) and Appendix H (De Minimis Facilities) are approvable as meeting CAA requirements for a Minor NSR program. With the exception of OAC 252:100-7

and Appendix H, the above provisions were previously approved as to Oklahoma’s Major NSR program. See 75 FR 72695, November 26, 2010. In this action, the severable Minor NSR provisions provide the necessary procedures and applicable requirements for approvable Minor NSR programs. We did not propose approval of those portions of OAC 252:100-8, Parts 1 and 5 as they apply to Oklahoma’s Minor NSR program; the EPA will address the Minor NSR program aspects of them in a separate action. This action is being taken under section 110 of the Act.

We received one comment on the proposal. The comment and our response to that comment follows below.

### II. Response to Comment

*Comment:* One commenter stated that the EPA cannot approve the changes to the Oklahoma minor source NSR program unless the program ensures that no source which causes or contributes to a violation of any NAAQS can obtain a permit.

*Response:* We thank the commenter for the comment. We agree that EPA cannot approve a revision to a Minor NSR program SIP that would preclude the permitting authority from preventing the construction or modification of a source whose emissions interfere with the attainment or maintenance of the NAAQS. See 40 CFR 51.160(b). The revisions to Oklahoma’s Minor NSR program SIP approved through this action include permitting provisions that require a

source to comply with all applicable air pollution rules and prohibit the exceedance of the NAAQS. See OAC 252:100-7-15. EPA’s review of the proposed revisions to the Oklahoma Minor NSR program, in accordance with section 110(l) of the CAA, forms the basis for demonstrating noninterference with applicable requirements concerning attainment of the NAAQS and other applicable requirements of the CAA. See the section 110(l) analysis in our proposed approval for this action (81 FR 85907, 85911, November 29, 2016), and in the accompanying Technical Support Document on page 26.

### III. Final Action

We are approving the severable portions of revisions to the Oklahoma SIP as proposed in our November 29, 2016 proposal (81 FR 85907). This includes portions of the February 14, 2002, SIP submittal from the State of Oklahoma. Many of these revisions are administrative in nature and modify redundant or incorrect text within the SIP. The revisions also include renumbered or codified portions of the SIP and new sections that incorporate Federal rules. We approve the revisions to the SIP that meet CAA requirements. Specifically, we are approving the severable portions of revisions to the Oklahoma Minor NSR SIP identified in Table 1 below. As discussed above, many of these provisions were previously approved as part of Oklahoma’s Major NSR program. See 75 FR 72695 (November 26, 2010).

TABLE 1—REVISIONS TO THE OKLAHOMA SIP FOR APPROVAL

Section	Title	Effective date	Submittal date
<b>Chapter 4 (OAC 252:4). Rules of Practice and Procedure</b>			
Subchapter 1. General Provisions			
OAC 252:4-1-1 .....	Purpose and Authority .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-2 .....	Definitions .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-3 .....	Organization .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-4 .....	Office hours and locations; communications .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-5, except (a) 2nd sentence, which EPA will address in a separate action.	General Provisions, Availability of a record .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-6 .....	Administrative fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-7 .....	Fee credits for regulatory fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-8 .....	Board and Councils .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-9 .....	Severability .....	June 11, 2001 .....	February 14, 2002.
Subchapter 7. Environmental Permit Process			
OAC 252:4-7-1 .....	Authority .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-2, except 2nd sentence, which EPA will address in a separate action.	Preamble .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-3 .....	Compliance .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-4, except (a) 1st sentence, which EPA will address in a separate action.	Filing an application .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-5 .....	Fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-6 .....	Receipt of Applications .....	June 11, 2001 .....	February 14, 2002.

TABLE 1—REVISIONS TO THE OKLAHOMA SIP FOR APPROVAL—Continued

Section	Title	Effective date	Submittal date
OAC 252:4-7-7 .....	Administrative completeness review .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-8 .....	Technical review .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-9 .....	When review times stops .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-10 .....	Supplemental time .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-11 .....	Extensions .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-12 .....	Failure to meet deadline .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-13, except (a), which EPA will address in a separate action.	Notices .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-14 .....	Withdrawing applications .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-15 .....	Permit issuance or denial .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-17 .....	Permit decision-making authority .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-18 .....	Pre-issuance permit review and correction .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-19 .....	Consolidation of permitting process .....	June 11, 2001 .....	February 14, 2002.
<b>Part 3. Air Quality Division Tiers and Timelines</b>			
OAC 252:4-7-31 .....	Air quality time lines .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-32, except (a) and (c)(1), which EPA will address in a separate action.	Air quality applications—Tier I .....	June 11, 2001 .....	February 14, 2002.
Appendices for OAC 252: Chapter 4			
OAC 252: 4. Appendix C, except the Tier I column, which EPA will address in a separate action.	Permitting process summary .....	June 11, 2001 .....	February 14, 2002.
<b>Chapter 100 (OAC 252:100) Air Pollution Control</b>			
Subchapter 5. Registration, Emission Inventory and Annual Operating Fees			
OAC 252: 100-5-1 .....	Purpose .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 100-5-1.1 .....	Definitions .....	June 15, 2007 .....	July 16, 2010.
OAC 252: 100-5-2 .....	Registration of potential sources of air contaminants.	June 11, 2001 .....	February 14, 2002.
OAC 252: 100-5-2.1 .....	Emission inventory .....	June 15, 2007 .....	July 16, 2010.
OAC 252: 100-5-2.2 .....	Annual operating fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 100-5-3 .....	Confidentiality of proprietary information .....	June 11, 2001 .....	February 14, 2002.
Subchapter 7. Permits for Minor Facilities			
<b>Part 1. General Provisions</b>			
OAC 252: 100-7-1 .....	Purpose .....	June 25, 1998 .....	February 14, 2002.
OAC 252: 100-7-1.1 .....	Definitions .....	June 11, 1999 .....	February 14, 2002.
OAC 252: 100-7-2, except (a) 2nd sentence, which EPA will address in a separate action.	Requirement for permits for minor facilities .....	June 1, 2001 .....	February 14, 2002.
<b>Part 3. Construction Permits</b>			
OAC 252: 100-7-15 .....	Construction permit .....	June 11, 1999 .....	February 14, 2002.
<b>Part 4. Operating Permits</b>			
OAC 252: 100-7-17 .....	Relocation permits for portable sources .....	June 25, 1998 .....	February 14, 2002.
OAC 252: 100-7-18 .....	Operating permit .....	June 11, 1999 .....	February 14, 2002.
<b>Part 9. Permits by Rule</b>			
OAC 252: 100-7-60 .....	Permit by rule .....	June 11, 1999 .....	February 14, 2002.
OAC 252: 100-7-60.1 .....	Cotton gins .....	June 11, 1999 .....	February 14, 2002.
OAC 252: 100-7-60.2 .....	Grain elevators .....	June 11, 1999 .....	February 14, 2002.
Subchapter 8. Permits for Part 70 Sources			
EPA will address applicability to Minor NSR permitting under OAC 252:100-8 in a separate action.			
OAC 252: 100. Appendix H .....	DE MINIMIS FACILITIES .....	June 25, 1998 .....	February 14, 2002.

This action is being taken under section 110 of the Act.

#### IV. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes

incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the

incorporation by reference of the revisions to the Oklahoma regulations as described in the Final Action section above. We have 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 EPA Region 6 office.

## V. Statutory and Executive Order Reviews

Under the Clean Air Act, 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, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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, 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 Clean Air Act; and
- Does not provide the 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).

In addition, 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).

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. The 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 14, 2017. 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 27, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

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 LL—Oklahoma

- 2. In § 52.1920(c), the table titled "EPA Approved Oklahoma Regulations" is amended:

- a. Under "Regulation 1.4 Air Resources Management Permit Required," by removing the entries for 1.4.1(d), 1.4.2(e), 1.4.2(h), the center heading for "1.4.3 Operating Permit" and the entries for 1.4.3(a) through 1.4.3(c).
- b. By adding in numerical order:
- i. An entry under "CHAPTER 4 (OAC 252:4). RULES OF PRACTICE AND PROCEDURE" for 252:4-7-32;
- ii. A center heading for under "CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL" titled "Subchapter 5. Registration, Emission Inventory and Annual Operating Fees", followed by entries for 252:100-5-1;
- iii. A center heading under "CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL" titled "Subchapter 7. Permits for Minor Facilities" immediately after the entry for Section 252:100-5-3, followed by a center heading titled "Part 1. General Provisions";
- iv. Entries for 252:100-7-1 through 252:100-7-2;
- v. A center heading titled "Part 3. Construction Permits";
- vi. An entry for 252:100-7-15;
- vii. A center heading titled "Part 4. Operating Permits";
- viii. Entries for 252:100-7-17 through 252:100-7-18
- ix. A center heading titled "Part 9. Permits by Rule";
- x. Entries for 252:100-7-60 through 252:100-7-60.2; and
- xi. An entry for "252:100, Appendix H" immediately after the entry for "252:100, Appendix G."
- c. By revising the entries for 1.4.1(a), 1.4.1(b), 1.4.1(c), 1.4.2(a), 1.4.2(b), 1.4.2(c), 1.4.2(d), 1.4.2(f), 1.4.2(g), the entries for 252:4-1-1 through 252:4-1-9, 252:4-7-1 through 252:4-7-31, 252:4, Appendix C, under "Appendices for OAC 252: Chapter 4", and 252:100-5-1 through 252:100-5-3.

The additions and revisions read as follows:

### § 52.1920 Identification of plan

\* \* \* \* \*

(c) \* \* \*

## EPA APPROVED OKLAHOMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>OKLAHOMA AIR POLLUTION CONTROL REGULATIONS</b>				
<b>Regulation 1.4. Air Resources Management Permits Required</b>				
<b>Regulation 1.4.1 General Permit Requirements</b>				
1.4.1(a) .....	Scope and purpose .....	<sup>1</sup> 5/19/1983	8/25/1983, 48 FR 38635 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.1(b) .....	General requirements .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.1(c) .....	Necessity to obtain permit .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
<b>1.4.2 Construction Permit</b>				
1.4.2(a) .....	Standards required .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(b) .....	Stack height limitation .....	6/11/1989	8/20/1990, 55 FR 33905 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(c) .....	Permit applications .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(d) .....	Action on applications .....	<sup>1</sup> 5/19/1983	8/25/1983, 48 FR 38635 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(f) .....	Construction permit conditions	<sup>1</sup> 5/19/1983	8/25/1983, 48 FR 38635 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(g) .....	Cancellation of authority to construct or modify.	<sup>1</sup> 2/6/1984	7/27/1984, 49 FR 30184 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
<b>Regulation 3.8. Control of Hazardous Air Contaminants</b>				

\* \* \* \* \*

## OKLAHOMA ADMINISTRATIVE CODE, TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY

## CHAPTER 4 (OAC 252:4). RULES OF PRACTICE AND PROCEDURE

## Subchapter 1. General Provisions

252:4–1–1 .....	Purpose and authority .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–2 .....	Definitions .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–3 .....	Organization .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–4 .....	Office location and hours; communications.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:4–1–5 .....	Availability of a record .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Sub-section (a), second sentence.
252:4–1–6 .....	Administrative fees .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–7 .....	Fee credits for regulatory fees	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–8 .....	Board and councils .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–9 .....	Severability .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
*	*	*	*	*
<b>Subchapter 7. Environmental Permit Process</b>				

## Part 1. The Process

252:4–7–1 .....	Authority .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–7–2 .....	Preamble .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: second sentence.
252:4–7–3 .....	Compliance .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–7–4 .....	Filing an application .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Sub-section (a), first sentence.
252:4–7–5 .....	Fees .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–7–6 .....	Receipt of applications .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–7–7 .....	Administrative completeness review.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:4-7-8 .....	Technical review .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-9 .....	When review times stop .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-10 .....	Supplemental time .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-11 .....	Extensions .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-12 .....	Failure to meet deadline .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-13 .....	Notices .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Subsection (a). NOT in SIP: Subsection (e) and subsection (f) requirements for permits other than Part 70 permits.
252:4-7-14 .....	Withdrawing applications .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-15 .....	Permit issuance or denial .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-16 .....	Tier II and III modifications .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-17 .....	Permit decision-making authority.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-18 .....	Pre-issuance permit review and correction.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-19 .....	Consolidation of permitting process.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Part 3. Air Quality Division Tiers And Time Lines</b>				
252:4–7–31 .....	Air quality time lines .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–7–32 .....	Air quality applications—Tier I	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. NOT in SIP: Subsections (a), (b), (c)(1), (c)(3) and (c)(5).
*	*	*	*	*
<b>Appendices for OAC 252: Chapter 4</b>				
252:4, Appendix C ....	Permitting process summary ...	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Tier I column.
*	*	*	*	*
<b>CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL</b>				
*	*	*	*	*
<b>Subchapter 5. Registration, Emission Inventory and Annual Operating Fees</b>				
252:100–5–1 .....	Purpose .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:100–5–1.1 .....	Definitions .....	6/15/2007	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 9/28/2016, 81 FR 66535.
252:100–5–2 .....	Registration of potential sources of air contaminants.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:100–5–2.1 .....	Emission inventory .....	6/15/2007	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 9/28/2016, 81 FR 66535.
252:100–5–2.2 .....	Annual operating fees .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:100–5–3 .....	Confidentiality of proprietary information.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.



## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Subchapter 7. Permits for Minor Facilities</b>				
<b>Part 1. General Provisions</b>				
252:100–7–1 .....	Purpose .....	6/25/1998	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–1.1 .....	Definitions .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–2 .....	Requirement for permits for minor facilities.	6/1/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> NOT in SIP: Subsection (a), second sentence.
<b>Part 3. Construction Permits</b>				
252:100–7–15 .....	Construction permit .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
<b>Part 4. Operating Permits</b>				
252:100–7–17 .....	Relocation permits for portable sources.	6/25/1998	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–18 .....	Operating permit .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
<b>Part 9. Permits by Rule</b>				
252:100–7–60 .....	Permit by rule .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100n–7–60.1 .....	Cotton gins .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–60.2 .....	Grain elevators .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
<b>Subchapter 8. Permits for Part 70 Sources</b>				
*	*	*	*	*
<b>Appendices for OAC 252: Chapter 100</b>				
*	*	*	*	*
252:100, Appendix G	Allowable Particulate Matter Emission Rates for Directly Fired Fuel-Burning Units and Industrial Process.	7/1/2009	11/3/2015, 80 FR 67650.	
252:100, Appendix H	De minimis Facilities .....	6/25/1998	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> NOT in SIP: “and/or toxic.”
*	*	*	*	*

<sup>1</sup> Submitted.

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2016–0042; FRL–9961–38–Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions and Amendments to Regulations for Continuous Opacity Monitoring, Continuous Emissions Monitoring, and Quality Assurance Requirements for Continuous Opacity Monitors; Correction****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects an omission in the rule language of a final rule pertaining to changes and amendments to Maryland regulations for continuous opacity monitoring (COM or COMs) and continuous emissions monitoring (CEM or CEMs) and to an amendment adding requirements for quality assurance and quality control as they pertain to COMs. EPA approved these revisions to the COMs and CEMs requirements in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This document is effective on May 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814–2308 or by email at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 7, 2016, (81 FR 78048), EPA published a final rulemaking action approving revisions and amendments to Maryland regulations for COMs, CEMs, and quality assurance requirements for COMs.

In the “Identification of Plan” table on page 78052 of the rulemaking action published on November 7, 2016, we added only the title for Maryland regulation COMAR 26.11.31 “Quality Assurance Requirements for Opacity Monitors (COMs)” to 40 CFR 52.1070(c) and inadvertently omitted approved sections COMAR 26.11.31.01 through .12. The intent of the approved rulemaking was to incorporate the entire COMAR 26.11.31 regulation into the Maryland SIP. The revised rule language in this correcting rulemaking action is now adding the omitted language for each section of COMAR 26.11.31 in the Code of Federal Regulations (CFR). These sections were part of the original approval and are to be included in the CFR through this correction.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B),

provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are merely correcting an inadvertent, incorrect citation in a previous action which fully discussed the regulation added to the Maryland SIP and provided a proposal and opportunity for comment. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

**Statutory and Executive Order Reviews**

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of May 15, 2017.

EPA will submit a report containing this rule 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**. This correction of the rule language in 40 CFR 52.1070(c) pertaining to changes and amendments to Maryland regulations for COMs and CEMs is not a “major rule” as defined by 5 U.S.C. 804(2).