

County in South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, “all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.” EPA notes that today’s action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 27, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

■ 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 PP—South Carolina

■ 2. Section 52.2120(c) is amended by revising an entry under “Regulation No. 62.1” entitled “Section III” to read as follows:

#### § 52.2120 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
* * *	* * *	* * *	* * *	* * *
Section III .....	Emission Inventory and Emissions Statement.	9/23/2016	5/31/2017	[Insert <b>Federal Register</b> page citation]
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[FR Doc. 2017–10920 Filed 5–30–17; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R08–OAR–2017–0020; FRL–9963–15–Region 8]

#### Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve State Implementation Plan (SIP) revisions submitted by the

state of Montana on September 8, 2016. The revisions are to the Administrative Rules of Montana (ARM) and include updates to the citations and references to federal and state laws and regulations, updated links to sources of information, and provides clarity on how copies of federal regulations may be obtained. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

**DATES:** This rule is effective on August 29, 2017 without further notice, unless the EPA receives adverse comment by June 30, 2017. If the 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–R08–OAR–2017–0020 at <https://www.regulations.gov>. Follow the online

instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The 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. The 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).

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Publicly available docket materials are available either

electronically in [www.regulations.gov](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 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 additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Jaslyn Dobrahner, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6252, [dobrahner.jaslyn@epa.gov](mailto:dobrahner.jaslyn@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Why is the EPA using a direct final rule?

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the “Proposed Rules” section of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revisions 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 the EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. If the EPA receives adverse comment on an amendment, paragraph, or section of this rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. We would address all public comments in a subsequent final rule based on the proposed rule.

#### II. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to the EPA through <https://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that

you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and
- Make sure to submit your comments by the comment period deadline identified.

#### III. Background

On September 8, 2016, the state of Montana submitted formal revisions to its SIP (hereafter, the “2016 SIP revisions”). The 2016 SIP revisions contain amendments updating citations and references to federal and state laws and regulations in ARM sections 17.8.102 and 17.8.103. The Montana Board of Environmental Review adopted the amendments on May 29, 2015 (effective June 26, 2015).

#### IV. Review of the State of Montana’s September 8, 2016 Submittal

We evaluated Montana’s September 8, 2016 submittal regarding revisions to the State’s ARM. The 2016 SIP revisions to ARM 17.8.102 and 17.8.103 update the citations and references to federal and state laws and regulations, update links to sources of information, and provide clarity on how copies of federal regulations may be obtained. All of the 2016 SIP revisions are approvable. Therefore, in this action we are

approving revisions to ARM sections 17.8.102 and 17.8.103 as detailed in Section V below.

#### V. What action is the EPA taking?

The amendments to Montana ARM 17.8.102 and 17.8.103 update the date of the version of the federal regulations incorporated by reference regarding air quality rules as they existed on July 1, 2014, federal statutes as they existed on December 31, 2013, and the September 30, 2014 edition of the ARM. Therefore, the EPA is taking direct final action to approve the following revisions, shown in Table 1, to Montana’s air rules.

TABLE 1—LIST OF MONTANA REVISIONS THE EPA IS APPROVING

Revised Sections in September 8, 2016 Submittal for Approval

September 8, 2016 submittal: 17.8.102(1)(a)–(c); 17.8.103(4) and (5).

#### VI. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Administrative Rules of Montana described in the amendments set forth to 40 CFR part 52 below. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.<sup>1</sup> The EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### VII. Statutory and Executive Orders Review

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, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this direct final action merely approves some state law

<sup>1</sup> 62 FR 27968 (May 22, 1997).

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 Order 12866 (58 FR 51735, Oct. 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, Aug. 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 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, Feb. 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the 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 31, 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 CAA section 307(b)(2).)

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 12, 2017.

**Suzanne J. Bohan,**

*Acting Regional Administrator, Region 8.*

40 CFR part 52 is amended to read 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 BB—Montana

- 2. Section 52.1370(c) is amended under “(i) Administrative Rules of Montana, Subchapter 01, General Provisions” by revising entries “17.8.102” and “17.8.103”.

The revisions read as follows:

#### § 52.1370 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
<b>(1) Statewide</b>					
<b>(i) Administrative Rules of Montana, Subchapter 01, General Provisions</b>					
* * * * *					
17.8.102 .....	Incorporation by Reference.	6/26/15	5/31/17	[Insert <b>Federal Register</b> citation].	
17.8.103 .....	Incorporation by Reference.	6/26/15	5/31/17	[Insert <b>Federal Register</b> citation].	
* * * * *					

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[FR Doc. 2017–10924 Filed 5–30–17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA 200–4205; FRL–9959–23–Region 3]

### Air Plan Approval; Pennsylvania; Update to Materials Incorporated by Reference

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

**ACTION:** Final rule; administrative change.

**SUMMARY:** The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Pennsylvania state implementation plan (SIP). The regulations affected by this update have been previously submitted by the Pennsylvania Department of Environmental Protection (PADEP) and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

**DATES:** This action is effective May 31, 2017.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; or NARA. For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Sharon McCauley, (215) 814–3376, or by email at [mccauley.sharon@epa.gov](mailto:mccauley.sharon@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

The SIP is a living document which a state revises as necessary to address its unique air pollution problems. Therefore, EPA, from time to time, must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and “Identification of plan” format are discussed in further detail in the May 22, 1997 **Federal Register** document. On

February 25, 2005 (70 FR 9450), EPA published a document in the **Federal Register** beginning the new IBR procedure for Pennsylvania, including Philadelphia and Allegheny Counties. On January 3, 2007 (72 FR 200), March 25, 2009 (74 FR 13014), July 5, 2011 (76 FR 38992), and August 1, 2013 (78 FR 46516), EPA published updates to the IBR material for Pennsylvania.

Since the publication of the last IBR update, EPA has approved the following regulatory changes to the following regulations and sections for Pennsylvania and Allegheny County:

#### A. Added Regulations

1. Additions of the following regulations or sections in 25 PA Code, article III:

a. Chapter 123 (Standards for Contaminants, Sulfur Compound Emissions), sections 123.22(f) and 123.22(g).

b. Chapter 129 (Standard for Sources), (Sources for VOCs), sections 67(a) and 67(b).

2. Addition of title 65 (Pennsylvania Statute—Public Officers), part II (Accountability), chapter 11 (Ethics, Standards, and Financial Disclosure), sections 1101 (Short title of chapter), 1102 (Definitions), 1104 (Statement of financial interests required to be filed), 1105 (Statement of financial interests) and 1109 (Penalties).

3. Additions of the following regulations or sections in Allegheny County article XXI:

a. Additional definitions were added to part A (General), section 2102.20.

b. Part D (Pollutant Emission Standards), section 2104.09.

c. Part E (Source Emission and Operating Standards), subpart 7 (Miscellaneous VOC Sources), section 2105.80 through 2105.86 inclusive.

#### B. Revised Regulations

1. Revisions to the following regulations or sections in 25 PA Code, article III:

a. Chapter 121 (General Provisions), section 121.1.

b. Chapter 123 (Sulfur Compound Emissions), sections 123.22(a) through (e) inclusive.

c. Chapter 127 (Construction, Modification, Reactivation, and Operation of Sources), subchapter I (Plan Approval and Operating Permit Fees), section 127.701.

d. Chapter 129 (Standards for Sources), (Sources of VOCs), sections 129.51, 129.67, and 129.77.

e. Chapter 130 (Standards for Products), subchapter D (Adhesives,

Sealants, Primers and Solvents), section 130.703.

f. Chapter 139 (Sampling and Testing), subchapter A (Sampling and Testing Methods and Procedures—General), section 139.4.

g. Chapter 139 (Sampling and Testing), subchapter A (Sampling and Testing Methods and Procedures—Stationary Sources), section 139.16.

2. Revisions to Allegheny County article XXI:

a. Part A (General), sections 2101.10 and 2101.20.

b. Part B (Permits Generally), sections 2102.04, 2102.06, 2102.08 and 2102.10.

c. Part E (Source Emission and Operating Standards), subpart 1—VOC Sources, sections 2105.10 and 2105.11.

d. Part E (Source Emission and Operating Standards), subpart 5—Open Burning and Abrasive Blasting Sources, section 2105.50.

#### C. Removed Regulations

In 25 PA Code article III, chapter 130 (Standards for Products), subchapter A (Portable Fuel Containers), sections 130.101 through 130.108 inclusive have been removed.

## II. EPA Action

In this action, EPA is announcing the update to the IBR material as of July 1, 2016 and revising the text within 40 CFR 52.2020(b).

EPA is revising our 40 CFR part 52 “Identification of Plan” for the Commonwealth of Pennsylvania regarding incorporation by reference, § 52.2020(b). EPA is revising § 52.2020(b)(1) to clarify that all SIP revisions listed in paragraphs (c) and (d), regardless of inclusion in the most recent “update to the SIP compilation,” are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking in which EPA approved the SIP revision, consistent with following our “Approval and Promulgations of Air Quality Implementation Plans; Revised Format of 40 CFR part 52 for Materials Being Incorporated by Reference,” effective May 22, 1997 (62 FR 27968). EPA is revising § 52.2020(b)(2) to clarify references to other portions of paragraph (b) with paragraph (b)(2). EPA is revising paragraph (b)(3) to update address and contact information.

In the table for paragraph 40 CFR 52.2020(c)(1), EPA is taking the following action:

Rearrange entries in chapter 123 (Standards for Contaminants), (Sulfur Compound Emissions), section 123.22 (a) through 123.22(e).