

omitting the technical support document (TSD) in the docket. This proposed rule corrects this omission and provides notice of the availability of the TSD which supports EPA's analysis. All comments received on or before July 24, 2017 will be entered into the public record and considered by EPA before taking final action on the proposed rule. Comments submitted between the close of the original comment period and the re-opening of this comment period will be accepted and considered.

**DATES:** Written comments must be received on or before July 24, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0152 at <http://www.regulations.gov>, or via email to [stahl.cynthia@epa.gov](mailto:stahl.cynthia@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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:** Gavin Huang, (215) 814-2042, or by email at [huang.gavin@epa.gov](mailto:huang.gavin@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 1, 2017, EPA published in the **Federal Register** a proposal to approve portions of the State of Delaware's SIP submittal to address the infrastructure requirements for the 2012 PM<sub>2.5</sub> NAAQS. 82 FR 25211. Comments on the proposed rule were required to be received by July 3, 2017. We are extending the comment period until July 24, 2017. This action will allow interested persons additional time to prepare and submit comments. EPA is also announcing the availability in the

docket of the TSD EPA prepared for this proposed rulemaking which includes EPA's analysis supporting approval of portions of Delaware's December 14, 2015 infrastructure SIP submission for the 2012 PM<sub>2.5</sub> NAAQS. The TSD is available in the docket for this rulemaking and online at [www.regulations.gov](http://www.regulations.gov).

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

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: June 8, 2017

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2017-12963 Filed 6-21-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2017-0271; FRL-9963-79-Region 9]

#### Approval and Promulgation of Air Quality Implementation Plans; Nevada; Rescission of Visibility Protection Federal Implementation Plan for the Mohave Generating Station

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to rescind the visibility protection federal implementation plan (FIP) that we promulgated on February 8, 2002, to regulate air pollutant emissions from the Mohave Generating Station (MGS), located in Clark County, Nevada. The EPA is proposing this action in response to the Nevada Division of Environmental Protection's (NDEP) request dated March 25, 2016. The request seeks rescission of the FIP because MGS had been decommissioned and demolished, as demonstrated by the supporting documentation provided by the NDEP.

**DATES:** Any comments on this proposal must arrive by August 7, 2017. Requests for public hearing must be received on or before July 7, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-R09-OAR-2017-0271, at <http://www.regulations.gov>, or via email to [viswanathan.krishna@epa.gov](mailto:viswanathan.krishna@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for

submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the EPA's full 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:** Krishna Viswanathan, EPA Region IX, (520) 999-7880, [viswanathan.krishna@epa.gov](mailto:viswanathan.krishna@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to the EPA.

#### Table of Contents

- I. Background
- II. Proposed Action
- III. Solicitation of Comments
- IV. Environmental Justice Considerations
- V. Statutory and Executive Order Reviews

#### I. Background

The EPA promulgated a revision to the long-term strategy of the Nevada Visibility FIP on February 8, 2002, to regulate air pollutant emissions from MGS ("MGS FIP").<sup>1</sup> The requirements of the MGS FIP were based on a consent decree between the owners of MGS and the Grand Canyon Trust, the Sierra Club, and the National Parks Conservation Association. The MGS FIP addressed concerns raised by the Department of Interior regarding MGS's contribution to visibility impairment at the Grand Canyon National Park due to sulfur dioxide emissions.

On December 31, 2005, MGS ceased operations. On June 10, 2009, the owners of MGS announced their decision to decommission and

<sup>1</sup> 40 CFR 52.1488(d). See also 67 FR 6130 (February 8, 2002) (final rule) and 65 FR 45003 (July 20, 2000) (proposed rule).

dismantle MGS, and subsequently submitted a request to the NDEP to terminate its Class I Air Quality Operating Permit, No. AP4911–0774, FIN A0013. The NDEP, on April 9, 2010, granted the owners' request on the basis that MGS had ceased all operations related to electricity generation from burning coal and that MGS had received a new operating permit establishing the emission reduction credits for the permanent shutdown and dismantling of the main steam boilers. MGS was subsequently demolished on March 11, 2011, as acknowledged in separate EPA rulemakings.<sup>2</sup> On March 25, 2016, the NDEP submitted a request to us asking that we rescind the MGS FIP.<sup>3</sup>

The provisions of Clean Air Act section 307(d) apply to EPA's action to revise the MGS FIP by rescinding it, and this rulemaking is being conducted in accordance with those provisions.

The proposed action relies on documents, information, and data that are listed in the index on <http://www.regulations.gov> under docket number EPA–R09–OAR–2017–0271. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the Planning Office of the Air Division, AIR–2, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. 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, 9:00–5:00 PDT, excluding federal holidays.

## II. Proposed Action

Based on our review of the information submitted with the March 25, 2016 letter from NDEP, we are proposing to grant NDEP's request to rescind the MGS FIP and update the Code of Federal Regulations to remove any references to MGS because MGS has been decommissioned and demolished.

## III. Solicitation of Comments

The EPA solicits comments on any issues associated with rescinding the MGS FIP. In addition, if anyone contacts the EPA by July 7, 2017 requesting to speak at a public hearing, the EPA will schedule a public hearing and announce the hearing in the **Federal Register**. Contact Krishna Viswanathan at the phone number or email address

provided above to request a hearing or to find out if a hearing will be held.

## IV. Environmental Justice Considerations

The EPA is proposing to rescind a FIP that is no longer applicable because the subject facility has been decommissioned and demolished. Therefore, the EPA considers this proposed action to have no potential disproportionately high and adverse effects on minority, low-income, or indigenous populations.

## V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

### B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

### C. Regulatory Flexibility Act (RFA)

I certify that this proposed action will not have a significant economic impact on a substantial number of small entities. This action will not impose any requirements on small entities because the rule merely rescinds a FIP covering a generating station that has been decommissioned and demolished.

### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

### E. Executive Order 13132: Federalism

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, or on the distribution of power and responsibilities among the various levels of government. This action merely rescinds a FIP covering a generating station that has been decommissioned and demolished.

### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. This proposed action will 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. This action merely rescinds a FIP covering a generating station that has been decommissioned and demolished. Thus, Executive Order 13175 does not apply to this action.

### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets EO 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it merely rescinds a FIP covering a generating station that has been decommissioned and demolished.

### H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

### I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, the EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS because it merely rescinds a FIP covering a generating station that has been decommissioned and demolished.

<sup>2</sup> See 80 FR 55809, Table 1 (September 17, 2015) (explaining that MGS “ceased operations in December 2005 and was subsequently fully decommissioned and demolished”).

<sup>3</sup> Letter from David Emme, Administrator, NDEP, to Jared Blumenfeld, Regional Administrator, EPA Region 9, dated March 25, 2016, and attachments.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes that this proposed rule will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. Because this proposed rule merely rescinds a FIP covering a generating station that has been decommissioned and demolished, this proposal will not cause any emissions increases.

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

Environmental protection, Air pollution control, Incorporation by reference, Sulfur oxides.

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

Dated: June 7, 2017.

**Alexis Strauss,**

*Acting Regional Administrator, EPA Region IX.*

Chapter I, Title 40, of the Code of Federal Regulations is proposed to be 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 DD—Nevada

■ 2. Section 52.1488 is amended by removing and reserving paragraph (d).

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[EPA-R05-OAR-2016-0513; FRL-9963-73-Region 5]

#### Air Plan Approval; Indiana; Redesignation of the Indiana Portion of the Cincinnati-Hamilton, OH-IN-KY Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to redesignate the Indiana portion of the Cincinnati-Hamilton, OH-IN-KY,

nonattainment area (hereafter, “the Cincinnati-Hamilton area”) to attainment for the 1997 fine particulate matter (PM<sub>2.5</sub>) annual national ambient air quality standard (NAAQS or standard). The Indiana portion of the Cincinnati-Hamilton area includes Lawrenceburg Township within Dearborn County. EPA is taking this action because it has determined that the Cincinnati-Hamilton area is attaining the annual PM<sub>2.5</sub> standard. EPA is also proposing several additional related actions. First, EPA is proposing to approve the state’s plan for maintaining the 1997 annual PM<sub>2.5</sub> NAAQS through 2027. In addition, EPA is proposing to approve Indiana’s updated emission inventory, which includes emission inventories for volatile organic compounds (VOCs) and ammonia. Indiana’s maintenance plan submission also includes a budget for the mobile source contribution of PM<sub>2.5</sub> and nitrogen oxides (NO<sub>x</sub>) to the Cincinnati-Hamilton PM<sub>2.5</sub> area for transportation conformity purposes, which EPA is proposing to approve and update. EPA is proposing to take these actions in accordance with the Clean Air Act (CAA) and EPA’s State implementation plan (SIP) rules regarding the 1997 PM<sub>2.5</sub> NAAQS.

**DATES:** Comments must be received on or before July 24, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2016-0513 at <http://www.regulations.gov>, or via email to [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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/submitting-comments>.

#### FOR FURTHER INFORMATION CONTACT:

Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3901, [becker.michelle@epa.gov](mailto:becker.michelle@epa.gov).

**SUPPLEMENTARY INFORMATION:** This supplementary information section is arranged as follows:

- I. What is the background for these actions?
- II. What are the criteria for redesignation to attainment?
- III. What is EPA’s analysis of the state’s request?
  1. Attainment
  2. The Area Has Met All Applicable Requirements Under Section 110 and Part D and Has a Fully Approved SIP Under Section 110(k) (Section 107(d)(3)(E)(ii) and (v))
  3. The Improvement in Air Quality Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIPs and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions (Section 107(d)(3)(E)(iii))
  4. Indiana Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA (Section 107(d)(3)(E)(iv))
  5. Motor Vehicle Emissions Budget (MVEBs) for the Mobile Source Contribution to PM<sub>2.5</sub> and NO<sub>x</sub>
  6. 2005 Comprehensive Emissions Inventory
- V. EPA’s Proposed Actions
- VI. Statutory and Executive Order Reviews

#### I. What is the background for these actions?

The first air quality standards for PM<sub>2.5</sub> were promulgated on July 18, 1997, at 62 FR 38652. Fine particulate pollution can be emitted directly from a source (primary PM<sub>2.5</sub>) or formed secondarily through chemical reactions in the atmosphere involving precursor pollutants emitted from a variety of sources (secondary PM<sub>2.5</sub>). EPA promulgated an annual standard at a level of 15 micrograms per cubic meter (µg/m<sup>3</sup>) of ambient air, based on a three-year average of the annual mean PM<sub>2.5</sub> concentrations at each monitoring site. See 40 CFR 50.13.

On January 5, 2005, at 70 FR 944, EPA published air quality area designations for the 1997 annual PM<sub>2.5</sub> standard based on air quality data for calendar years 2001–2003. In that rulemaking, EPA designated the Cincinnati-Hamilton area, which includes Lawrenceburg Township, Dearborn