

examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners and is not corrected promptly.

(c) When a condition that may adversely affect safety or health is not corrected promptly, the examination record shall include, or be supplemented to include, the date of the corrective action.

\* \* \* \* \*

[FR Doc. 2017-19381 Filed 9-11-17; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 56 and 57

[Docket No. MSHA-2014-0030]

RIN 1219-AB87

#### Examinations of Working Places in Metal and Nonmetal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule; delay of effective date.

**SUMMARY:** On January 23, 2017, the Mine Safety and Health Administration (MSHA) published a final rule in the **Federal Register** amending the Agency's standards for the examination of working places in metal and nonmetal mines. MSHA is proposing to delay the effective date of the Agency's final rule to March 2, 2018. This extension would offer additional time for MSHA to provide stakeholders training and compliance assistance.

**DATES:** Comments must be received or postmarked by midnight Eastern Daylight Saving Time (DST) on September 26, 2017.

**ADDRESSES:** Submit comments and informational materials, identified by RIN 1219-AB87 or Docket No. MSHA-2014-0030, by one of the following methods:

*Federal E-Rulemaking Portal:* <https://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*Email:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov).

*Mail:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452.

*Hand Delivery or Courier:* 201 12th Street South, Suite 4E401, Arlington, Virginia, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th Floor East, Suite 4E401.

*Fax:* 202-693-9441.

*Instructions:* All submissions must include RIN 1219-AB87 or Docket No. MSHA-2014-0030. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change, including any personal information provided.

*Email Notification:* To subscribe to receive email notification when MSHA publishes rulemaking documents in the **Federal Register**, go to <https://www.msha.gov/subscriptions>.

*Docket:* For access to the docket to read comments received, go to <http://www.regulations.gov> or <http://www.msha.gov/currentcomments.asp>. To read background documents, go to <http://www.regulations.gov>. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9 a.m. and 5 p.m. DST Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th Floor East, Suite 4E401.

#### FOR FURTHER INFORMATION CONTACT:

Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at [mcconnell.sheila.a@dol.gov](mailto:mcconnell.sheila.a@dol.gov) (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Delay of Effective Date

On January 23, 2017, MSHA published a final rule in the **Federal Register** (82 FR 7680) amending the Agency's standards for the examination of working places in metal and nonmetal mines. The final rule was scheduled to become effective on May 23, 2017. On May 22, 2017, MSHA published a final rule delaying the effective date to October 2, 2017 (82 FR 23139), to assure that mine operators and miners affected by the final examinations rule have the training and compliance assistance they need prior to the rule's effective date.

At this time, the Agency is proposing to delay the rule's effective date beyond October 2, 2017, to March 2, 2018. As MSHA has reiterated to industry stakeholders, MSHA made a commitment to the industry to hold informational meetings around the country and to develop and distribute compliance assistance material prior to enforcing the rule. MSHA also committed to conducting compliance assistance visits at metal and nonmetal mines throughout the country. Further, extending the effective date would permit more time for MSHA to address issues raised by stakeholders during quarterly training calls and stakeholder meetings and compliance assistance

visits. MSHA is considering concerns raised by stakeholders on certain provisions in the rule and how best to address them. MSHA intends to collaborate with and seek input from stakeholders regarding these issues. At the same time, MSHA is seeking comment on a proposed rule that may address some of these issues. The extension also would provide MSHA more time to train its inspectors to help assure consistency in MSHA enforcement. MSHA will make the Agency's inspector training materials available to the mining community to assist miners and mine operators in effectively implementing the rule, thus enhancing the safety of miners.

**Wayne D. Palmer,**

*Acting Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2017-19380 Filed 9-11-17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2017-0332; FRL-9967-56-Region 9]

#### Approval of California Air Plan Revisions, Placer County and Ventura County Air Pollution Control Districts

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Placer County Air Pollution Control District (PCAPCD) and Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of oxides of nitrogen (NO<sub>x</sub>) from incinerators in the PCAPCD and previously unregulated types of fuel burning equipment in the VCAPCD. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by October 12, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2017-0332 at <http://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited 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 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 full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Kevin Gong, EPA Region IX, (415) 972-3073, [Gong.Kevin@epa.gov](mailto:Gong.Kevin@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to the EPA.

## Table of Contents

- I. The State’s Submittal
  - A. What rules did the State submit?
  - B. Are there other versions of these rules?

- C. What is the purpose of the submitted rules?
- II. The EPA’s Evaluation and Action
  - A. How is the EPA evaluating the rules?
  - B. Do the rules meet the evaluation criteria?
  - C. EPA Recommendations To Further Improve the Rules
  - D. Public Comment and Proposed Action
- III. Incorporation by Reference
- IV. Statutory and Executive Order Reviews

## I. The State’s Submittal

### A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted or amended	Submitted
PCAPCD .....	206	Incinerator Burning .....	10/13/2016	01/24/2017
VCAPCD .....	74.34	NO <sub>x</sub> Reductions from Miscellaneous Sources .....	12/13/2016	2/24/2017

On April 17, 2017, the EPA determined that the submittal for PCAPCD Rule 206 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review. On August 2, 2017, the EPA determined that the submittal for VCAPCD Rule 74.34 also met the completeness criteria.

### B. Are there other versions of these rules?

We approved an earlier version of PCAPCD Rule 206 into the SIP on November 15, 1978 (43 FR 53035) for the portions of the district regulating the Mountain Counties Air Basin and Sacramento Valley Air Basin. We approved another earlier version of PCAPCD Rule 206 into the SIP on August 21, 1979 (46 FR 27115) for the portion of the district regulating the Lake Tahoe Air Basin. There are no previous versions of VCAPCD Rule 74.34 in the SIP.

### C. What is the purpose of the submitted rules?

NO<sub>x</sub> helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO<sub>x</sub> emissions. PCAPCD Rule 206 modernizes the requirements and limits for incineration units in Placer County. VCAPCD Rule 74.34 establishes emission limits and operational requirements for sources of NO<sub>x</sub> that were previously unregulated by a

prohibitory rule (including kilns, dryers, and ovens) for Ventura County. The EPA’s technical support documents (TSDs) have more information about these rules.

## II. The EPA’s Evaluation and Action

### A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each major source of NO<sub>x</sub> in ozone nonattainment areas classified as moderate or above (see CAA sections 182(b)(2) and 182(f)). The PCAPCD regulates an ozone nonattainment area classified as “Severe” for the 2008 and 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) and the 1-hour ozone NAAQS. The VCAPCD regulates an ozone nonattainment area classified as “Serious” for the 2008 and 1997 8-hour ozone NAAQS and “Severe” for the 1-hour ozone NAAQS (40 CFR 81.305). Therefore, these rules must implement RACT in their respective counties.

Guidance and policy documents that we use to evaluate enforceability,

revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
2. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
3. “NO<sub>x</sub> Emissions from Industrial/Commercial/Institutional (ICI) Boilers,” EPA OAQPS, March 1994, EPA-453/R-94-022.
4. “NO<sub>x</sub> Emissions from Process Heaters,” EPA OAQPS, September 1993, EPA-453/R-93-034 1993/09.
5. “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units,” 40 CFR part 60, subpart CCCC.
6. “Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006,” 40 CFR part 60, subpart EEEE.

### B. Do the rules meet the evaluation criteria?

VCAPCD Rule 74.34 adopts emission limits, monitoring, recordkeeping, and reporting requirements for NO<sub>x</sub> sources that were previously unregulated by a SIP-approved rule, resulting in an estimated NO<sub>x</sub> reduction of 40 tons per year. PCAPCD Rule 206 updates control requirements for incinerator units in the county to meet SIP requirements to implement RACT. For these reasons, we conclude that these rules are consistent

with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. The TSDs have more information on our evaluation.

#### *C. EPA Recommendations To Further Improve the Rules*

The TSDs describe additional rule revisions that we recommend for the next time the local agencies modify the rules.

#### *D. Public Comment and Proposed Action*

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until October 12, 2017. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

### III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the PCAPCD and VCAPCD rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### IV. 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 proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 (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 disproportionate human health or environmental effects with practical, appropriate, 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 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).

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 30, 2017.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2015-0656; FRL-9967-55-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Under the 2008 Ozone National Ambient Air Quality Standard (NAAQS)

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Delaware. This revision pertains to reasonably available control technology (RACT) requirements under the 2008 8-hour ozone national ambient air quality standard (NAAQS). Delaware's submittal for RACT for the 2008 ozone NAAQS includes (1) certification that, for certain categories of sources, RACT controls approved by EPA into Delaware's SIP for previous ozone NAAQS are based on currently available technically and economically feasible controls and continue to represent RACT for 2008 8-hour ozone NAAQS implementation purposes; (2) the adoption of new or more stringent regulations or controls that represent RACT control levels for certain other categories of sources; and (3) a negative declaration that certain categories of sources do not exist in Delaware. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before October 12, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2015-0656 at <http://www.regulations.gov>, or via email to [stahl.cynthia@epa.gov](mailto:stahl.cynthia@epa.gov). For comments submitted at [Regulations.gov](http://Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://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