EXCEPTION: In residential dwelling units, other than emergency transportable housing units, seats shall not be required in transfer type shower compartments provided that reinforcement has been installed in walls so as to permit the installation of seats complying with 608.4.

809.3 Kitchen Work Surface. In residential dwelling units required to provide mobility features complying with 809.2, at least one 30 inch (760 mm) wide minimum section of counter shall provide a kitchen work surface that complies with 804.3. Exception: In emergency transportable housing units, a work surface complying with 804.3 shall not be required provided that the following criteria are met:
(a) A kitchen table complying with 902 is provided within the kitchen;
(b) An electrical outlet is provided at a location within reach of the table; and
(c) All kitchen countertops are 34 inches high maximum.

809.1 General. * * * Residential dwelling units required to provide mobility features shall comply with 809.2. Residential dwelling units required to provide communication features shall comply with 809.3.

809.2 Residential Dwelling Units with Mobility Features. Residential dwelling units required to provide mobility features shall comply with 809.2.

809.2.1 Accessible Routes. Accessible routes complying with Chapter 8 shall be provided within residential dwelling units in accordance with 809.2.1.

Exception: * * *

809.2.1.1 Location. At least one accessible route shall connect all spaces and elements that are a part of the residential dwelling unit.

809.2.1.2 Floor Surfaces. Within emergency transportable housing units, carpet shall not be provided on floor surfaces.

809.2.5 Bedrooms in Emergency Transportable Housing Units. Bedrooms in emergency transportable housing units shall comply with 809.2.5.

809.2.5.1 Clear Floor Space. A clear floor space complying with 305 shall be provided on one side of a bed. The clear floor space shall be positioned for parallel approach to the side of the bed and shall be on an accessible route.

809.2.5.2 Furniture. Where bedrooms are less than 70 square feet, furniture supplied with the unit shall not overlap the accessible route, maneuvering clearances required at doors, and turning space.

809.2.5.3 Lighting Controls. A means to control at least one source of bedroom lighting from the bed shall be provided.

809.2.6 Weather Alert Systems. Where provided in emergency transportable housing units, weather alert systems shall comply with 309.1 through 309.3.

809.3 Residential Dwelling Units with Communication Features. Residential dwelling units required to provide communication features shall comply with 809.3.

809.3.1 Alarms. Alarms shall comply and 809.3.1. The same visible notification appliances shall be permitted to provide notification of building fire alarm and residential dwelling unit smoke alarm activation. Visible notification appliances used to indicate building fire alarm or residential dwelling unit smoke alarm activation shall not be used for any other purpose within the residential dwelling unit.

809.3.1.1 Building Fire Alarm System. Where a building fire alarm system is provided, the system wiring shall be extended to a point within the residential dwelling unit in the vicinity of the residential dwelling unit smoke alarm system. Notification appliances provided within a residential dwelling unit as part of the building fire alarm system shall comply with NFPA 72 (1999 or 2002 edition) (incorporated by reference, see “Referenced Standards” in Chapter 1).

809.3.1.2 Residential Dwelling Unit Smoke Alarms. Residential dwelling unit smoke alarms shall provide combination smoke alarms and visible notification appliances complying with NFPA 72 (1999 or 2002 edition) (incorporated by reference, see “Referenced Standards” in Chapter 1). Combination smoke alarms and visible notification appliances shall be supplied with power from one or more power sources as follows:
(a) A commercial light and power source along with a secondary power source; and
(b) A non-commercial alternating current (ac) power source along with a secondary power source.

809.3.1.3 Activation. All visible notification appliances within the residential dwelling unit providing notification of a building fire shall be activated upon activation of the building fire alarm in the portion of the building containing the residential dwelling unit. All combination smoke alarms and visible notification appliances within the residential dwelling unit shall be activated upon smoke detection.

809.3.2 Residential Dwelling Unit Primary Entrance. Communication features shall be provided at the residential dwelling unit primary entrance and shall comply with 809.3.2.

809.3.4 Weather Alert Systems. Where provided in emergency transportable housing units, weather alert systems shall provide audible and visual output.
www.regulations.gov or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30 excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9043. Mr. Lakeman can be reached via electronic mail at lakeman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. On July 18, 1997 (62 FR 36852), EPA promulgated a new annual PM2.5 NAAQS and on October 17, 2006 (71 FR 61144), EPA promulgated a new 24-hour NAAQS. On February 20, 2013, EPA proposed to approve SIP submissions from Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee related to prongs 1 through 3 of section 110(a)(2)(D)(i) and the requirements of section 110(a)(2)(D)(ii) for the 1997 annual and 2006 24-hour PM2.5 NAAQS. Today’s final rulemaking relates only to prong 4 of section 110(a)(2)(D)(i)(II), which as previously described, requires that infrastructure SIPs contain adequate provisions to protect visibility in other states.

II. Response to Comments

EPA received three sets of comments on the February 20, 2013 proposed rulemaking to approve the SIP submissions from Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee addressing prong 4 of section 110(a)(2)(D)(i)(II). Two of the commenters, the Municipal Electric Authority of Georgia and the Utility Air Regulatory Group, support EPA’s proposed action and one commenter, the National Parks Conservation Association (the “Commenter”), opposes the proposed action.

A summary of the adverse comments and EPA’s responses are provided below.

Comment 1: The Commenter states that EPA must disapprove the infrastructure SIP submissions from Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee as they relate to section 110(a)(2)(D)(i)(II) infrastructure SIP requirements to protect visibility in other states for both the 1997 and 2006 PM2.5 NAAQS. A summary of the background for today’s final action is provided below. See EPA’s February 20, 2013, proposed rulemaking at 78 FR 11805 for more detail.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as “prongs,” that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(III), are provisions that prohibit emissions activity in one state interfering with measures required to prevent significant deterioration of air quality in another state (prong 3), and to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

EPA has previously taken action to address SIP submissions from Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee related to prongs 1 through 3 of section 110(a)(2)(D)(i) and the requirements of section 110(a)(2)(D)(ii) for the 1997 annual and 2006 24-hour PM2.5 NAAQS. Today’s final rulemaking relates only to prong 4 of section 110(a)(2)(D)(i)(II), which as previously described, requires that infrastructure SIPs contain adequate provisions to protect visibility in other states.

Response 1: EPA disagrees with the Commenter. As discussed in EPA’s proposed rulemaking related to today’s action, the DC Circuit vacated the Cross-State Air Pollution Rule (CSAPR) in EME Homer City Generation v. EPA, 696 F.3d 7, 38 (D.C. Cir. 2012) and ordered EPA to “continue administering CAIR pending the promulgation of a valid replacement.” The Agency believes that it is therefore appropriate for EPA to rely on CAIR emission reductions for purposes of assessing the adequacy of the infrastructure SIPs subject to this action with respect to prong 4 of section 110(a)(2)(D)(i)(II) while a valid replacement rule is developed and until submission of comments to the EPA on any such new rule are submitted by the states and acted upon by EPA or until EME Homer
City is resolved in a way that provides different direction regarding CAIR and CSAPR. Furthermore, CAIR remains part of the federally-approved SIPs for Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee and can be considered in determining whether each of the infrastructure SIP’s subject to today’s action meets the requirements of prong 4. EPA is taking final action to approve these infrastructure SIP submissions with respect to prong 4 because the EPA-approved regional haze SIP for each state, in combination with each state’s implementation plan provisions to implement CAIR, adequately prevent sources in each state from interfering with measures adopted by other states to protect visibility during the first planning period. EPA notes that all of the rulemakings and proposed rulemakings cited by the Commenter that discuss the limited approvability of SIPs due to the status of CAIR were issued by EPA prior to the vacatur of CSAPR in August 2012 and with continued implementation of CAIR per the direction of the DC Circuit in EME Homer City. EPA has approved redesignations of areas to attainment of the 1997 and 2006 PM$_2.5$ NAAQS in which states have relied on CAIR as a permanent and enforceable measure. EPA disagrees with the Commenter that the CAA does not allow states to rely on an alternative program such as CAIR in lieu of source-specific BART. EPA’s regulations allow states to adopt alternatives to BART that provide for greater reasonable progress, and EPA’s determination that states may rely on CAIR to meet the BART requirements has been upheld by the DC Circuit as meeting the requirements of the CAA. In the first case challenging the provisions in the Regional Haze Rule allowing for states to adopt alternative programs in lieu of BART, Center for Energy and Economic Development v. EPA, 398 F.3d 653, 660 (D.C. Cir. 2005), the court affirmed the Agency’s interpretation of section 169A(b)(2) as allowing for alternatives to BART where those alternatives will result in greater reasonable progress than BART. In the second case, Utility Air Regulatory Group v. EPA, 471 F.3d 1333 (D.C. Cir. 2006), the court specifically upheld EPA’s determination that states could rely on CAIR as an alternative to BART for EGUs in the CAIR-affected states. The court concluded that the EPA’s two-pronged test for determining whether an alternative program achieves greater reasonable progress was a reasonable one and also agreed with EPA that nothing in the CAA required the EPA to “impose a separate technology mandate for sources whose emissions affect Class I areas, rather than piggy-backing on solutions devised under other statutory categories, where such solutions meet the statutory requirements.”

The EPA believes it is appropriate to approve the infrastructure SIPs subject to today’s action as they relate to prong 4 of the CAA. Since the vacatur of CSAPR in August 2012 and with continued implementation of CAIR per the direction of the DC Circuit in EME Homer City, EPA has approved redesignations of areas to attainment of the 1997 and 2006 PM$_2.5$ NAAQS in which states have relied on CAIR as a permanent and enforceable measure. EPA disagrees with the Commenter that the adequacy of the BART measures in the regional haze SIPs for these states is relevant to the question of whether each state’s implementation plan meets the requirements of section 110(a)(2)(D)(ii) of the CAA with respect to visibility. EPA interprets the visibility provisions in this section of the CAA as requiring states to include in their SIPS measures to prohibit emissions that would interfere with the reasonable progress goals set to protect Class I areas in other states. The Regional Haze Rule includes a similar requirement in 40 CFR 51.308(d)(3), and for each of the states subject to this action, EPA found that the respective regional haze SIP meets this requirement. Each of these states relied on CAIR to achieve significant reductions in emissions to both meet the BART requirements and to address impacts of the state on Class I areas in other states. The question of whether or not CAIR satisfies the BART requirements has no bearing on whether these measures meet the requirements of prong 4.

Regarding the reasonable progress evaluations, each state at issue focused its reasonable progress analysis on SO$_2$ emissions based on the conclusion that sulfate particles account for the greatest portion of the regional haze affecting Class I areas in these states. Each state then established areas of influence and contribution thresholds to determine which of its sources should be evaluated for reasonable progress control. EPA approved each state’s methodology for identifying units for reasonable progress evaluation and each state’s reasonable progress determinations in the respective regional haze SIP actions and provided a detailed discussion of the methodology and the rationale for approval in the Federal Register notices associated with those actions.

Contrary to the Commenter’s assertions, Alabama, Georgia, Kentucky, North Carolina, and South Carolina did not “exempt [CAIR] sources . . . that would otherwise be subject to reasonable progress review.” Each of these states considered the four statutory reasonable progress factors in evaluating whether CAIR would satisfy reasonable progress requirements for the state’s EGU sector and determined that no additional controls beyond CAIR were reasonable for SO$_2$ during the first planning period. As discussed in EPA’s

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1 Under CAA sections 301(a) and 110(k)(6) and EPA’s long-standing guidance, a limited approval results in approval of the entire SIP submittal, even nothing in the CAA required the EPA to “impose a separate technology mandate for sources whose emissions affect Class I areas, rather than piggy-backing on solutions devised under other statutory categories, where such solutions meet the statutory requirements.”

2 Utility Air Regulatory Group, 471 F.3d at 1340.

3 See, e.g., 77 FR 11949, 11951, 11956.

4 This conclusion was reached by the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) regional planning organization and adopted by each of the VISTAS states in their respective regional haze SIP submissions. VISTAS member states include: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. VISTAS determined that ammonium sulfate accounted for 69 to 87 percent of the calculated light extinction at the 18 Class I areas within the region. See, e.g., 77 FR 11947.

5 In evaluating reasonable progress, states may identify and focus on key pollutants that contribute to visibility impairment. EPA, Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program at 3–1 (June 1, 2007) [hereinafter “Reasonable Progress Guidance”].

6 See, e.g., Utilities Air Regulatory Group, 471 F.3d at 1340.
Reasonable Progress Guidance, states may evaluate the need for reasonable progress controls on a source category basis, rather than through a unit-specific analysis, and have wide latitude to determine additional control requirements for ensuring reasonable progress.10 The guidance also notes that states may consider emissions reductions from cap-and-trade programs such as CAIR in addition to source-specific controls.11

As mentioned above, EPA determined that each of the regional haze SIPs submitted by the states subject to this action adequately prevents sources in the state from interfering with the reasonable progress goals adopted by other states to protect visibility during the first planning period, thus satisfying the requirements of 40 CFR 51.308(d)(3)(ii).12 These states participated in a regional planning process through VISTAS, and their SIPs include all measures needed to achieve their respective apportionment of emissions reduction obligations agreed upon through that process as required by 40 CFR 51.308(d)(3)(iii)(E).

Comment 2: EPA must disapprove the infrastructure SIP submittals from North Carolina and South Carolina under prong 4 of 110(a)(2)(D)(i) because EPA has not approved the State’s five-year progress reports.

Response 2: EPA disagrees with the commenter. EPA received the North Carolina and South Carolina progress report SIP submittals on May 31, 2013, and December 28, 2012, respectively. As of this final rulemaking, EPA has not taken final action on these submissions, and no such action is due pursuant to CAA section 110(k)(2) at this time. Therefore, EPA does not believe that EPA approval of these progress reports is a required structural element necessary before EPA may approve the North Carolina and South Carolina infrastructure SIPs subject to this action.

Nevertheless, EPA notes that it has proposed approval of South Carolina’s progress report SIP submission since the publication of the proposed infrastructure action that is the subject of this rulemaking.13 As discussed in the proposed rulemaking on the progress report, South Carolina provided SO2 emissions data from EPA’s Clean Air Markets Division (CAMD) for EGUs in South Carolina and in the entire VISTAS region from 2002–2011.14 This data indicates that emissions of SO2, the primary contributor to visibility impairment in the VISTAS region, have declined significantly since South Carolina submitted its regional haze SIP in 2007.15 South Carolina’s progress report also states that total SO2 emissions from South Carolina EGUs are already below the 2018 projections in South Carolina’s 2007 regional haze SIP submittal and are expected to decrease further.16 In addition, the most current visibility data available at the time of EPA’s proposed approval of the progress report shows that visibility has improved at the Cape Romain Wilderness Area, the Class I area within South Carolina.17 For these reasons, EPA has proposed to approve South Carolina’s negative declaration pursuant to 40 CFR 51.306(b) that no further substantive revision of the State’s regional haze SIP is required at this time to achieve the reasonable progress goals for Class I areas affected by the State’s sources and continues to believe that the State’s existing SIP (including the regional haze SIP and CAIR) contains adequate provisions to meet the visibility protection requirements of section 110(a)(2)(D)(i)(III).18

Although EPA has not yet proposed action on North Carolina’s progress report SIP, the Agency has performed a preliminary review of the submission. North Carolina included 2011 SO2 emissions data from CAMD for EGUs in North Carolina that are expected to be retired by 2015 and for EGUs that were projected in the 2007 regional haze SIP submission to have controls installed by 2018.19 Based on this data, North Carolina reported a reduction in SO2 emissions of approximately 390,000 tons per year from these units between 2002–2011 and estimated that 2018 SO2 emissions would be approximately 80 percent lower than those projected in the regional haze SIP.20 North Carolina also provided visibility data supporting its conclusion that visibility has improved since the 2000–2004 baseline at all five of the Class I areas in the State.21 Based on EPA’s preliminary review of this information and other information provided in the State’s progress report SIP submission, EPA continues to believe, at this time, that the State’s existing SIP (including the regional haze SIP and CAIR) contains adequate provisions to meet the visibility protection requirements of section 110(a)(2)(D)(i)(II).

III. This Action

EPA is taking final action to approve the infrastructure SIP submissions from Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee as demonstrating that these states meet the applicable requirements of section 110(a)(2)(D)(i) of the CAA that relate to the protection of visibility in other states for the 1997 annual and 2006 24-hour PM2.5 NAAQS. In describing how its submission meets this requirement, Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee each referred to EPA-approved state provisions requiring EGUs to comply with the CAIR and to the limited approval and limited disapproval of its regional haze SIP. Although EPA has not fully approved the regional haze SIPs from these states, the Agency believes that the infrastructure SIP submission together with previously approved SIP provisions, specifically those provisions that require EGUs to comply with CAIR and the additional measures in the regional haze SIP addressing BART and reasonable progress requirements for other sources or pollutants, are adequate to demonstrate compliance with prong 4.

IV. Final Action

As described above, EPA is approving SIP submissions from Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee to incorporate provisions into the states’ implementation plans to address prong 4 of section 110(a)(2)(D)(i) of the CAA for both the 1997 and 2006 PM2.5 NAAQS because these submissions are consistent with section 110 of the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this final 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 Order 12866 (58 FR 51735, October 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 not subject to requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.); and
• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
• does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
EPA has determined that this final rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because there are no “substantial direct effects” on an Indian Tribe as a result of this action. EPA notes that the Catawba Indian Nation Reservation is located within 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.” Thus, while the South Carolina SIP applies to the Catawba Reservation, because today’s action is not a substantive revision to the South Carolina SIP, and is instead approving South Carolina’s infrastructure SIP submission to incorporate provisions satisfying prong 4 of section 110(a)(2)(D)(i), EPA has determined that today’s action will have no “substantial direct effects” on the Catawba Indian Nation. EPA has also determined that these revisions will not impose any 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 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 7, 2014. 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, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 18, 2014.
A. Stanley Meiburg,
Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

§ 52.50 Identification of plan.

Subpart B—Alabama

2. Section 52.50(e) is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

§ 52.50 Identification of plan.

<table>
<thead>
<tr>
<th>Name of nonregulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/ effective date</th>
<th>EPA Approval date</th>
<th>Explanation</th>
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<td>* * *</td>
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<td>* * *</td>
<td>9/23/2009</td>
<td>5/7/2014 [Insert citation of publication].</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
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### Subpart L—Georgia

3. Section 52.570(e) is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

#### EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

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<th>Name of nonregulatory SIP provision</th>
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<th>EPA Approval date</th>
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<td>Georgia ........................................</td>
<td>7/23/2008 5/7/2014 [Insert citation of publication].</td>
<td>* * * * *</td>
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<td>Georgia ........................................</td>
<td>10/21/2009 5/7/2014 [Insert citation of publication].</td>
<td>* * * * *</td>
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### Subpart S—Kentucky

4. Section 52.920(e) is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

#### EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

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<td>Kentucky .....................................</td>
<td>8/26/2008 5/7/2014 [Insert citation of publication].</td>
<td>* * * * *</td>
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<td>Kentucky .....................................</td>
<td>7/17/2012 5/7/2014 [Insert citation of publication].</td>
<td>* * * * *</td>
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### Subpart Z—Mississippi

5. Section 52.1270(e) is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

#### EPA-APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

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<td>12/7/2007 5/7/2014 [Insert citation of publication].</td>
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<td>10/6/2009 5/7/2014 [Insert citation of publication].</td>
<td>* * * * *</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
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</table>
## Subpart II—North Carolina

6. Section 52.1770(e) is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

### EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

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<td>4/1/2008 *</td>
<td>5/7/2014 *</td>
<td>[Insert citation of publication].</td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>9/21/2009 5/7/2014 [Insert citation of publication].</td>
<td></td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
</tbody>
</table>

## Subpart PP—South Carolina

7. Section 52.2120(e) is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

### EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Provision</th>
<th>State effective date</th>
<th>EPA Approval date</th>
<th>Federal Register citation</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>4/14/2008 5/7/2014 [Insert citation of publication].</td>
<td></td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>9/18/2009 5/7/2014 [Insert citation of publication].</td>
<td></td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
</tbody>
</table>

## Subpart RR—Tennessee

8. Section 52.2220(e), is amended by adding two new entries for “110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards” and “110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards” at the end of the table to read as follows:

### EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Provision</th>
<th>State effective date</th>
<th>EPA Approval date</th>
<th>Federal Register citation</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>12/14/2007 5/7/2014 [Insert citation of publication].</td>
<td></td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.</td>
<td>10/19/2009 5/7/2014 [Insert citation of publication].</td>
<td></td>
<td></td>
<td>Addressing prong 4 of section 110(a)(2)(D)(i) only.</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 180

[79 FR 10347, May 7, 2014, 8:45 am]

I. Does this action apply to me?

The Agency included in the Federal Register of February 3, 2014 (79 FR 6092) (FRL–9394–2), a list of those who may be potentially affected by this action.

II. What does this technical correction do?

EPA issued a final rule in the Federal Register of February 3, 2014 (79 FR 6092), that established an exemption from the requirement of a tolerance for certain chemicals when used as an inert ingredient as a surfactant in pesticide formulations in growing crops without limitations. In the regulatory text, CAS registry numbers were inadvertently omitted under §§ 180.910, 180.930, 180.940, and 180.960.

III. Why is this correction issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (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 final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because this document merely corrects technical omissions. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order reviews apply to this action?

No. For a detailed discussion concerning the statutory and executive order review, refer to Unit VII. of the February 3, 2014 final rule.

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 et seq.), 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 action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.


Lois Rossi,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is corrected as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:


2. In § 180.910, the table is amended by revising the following inert ingredient to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *