## 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 A—General Provisions

**§ 52.37 [Amended]**

■ 2. Section 52.37 is amended by removing and reserving paragraph (b)(3).

### Subpart K—Florida

■ 3. Section 52.520(c) is amended under Chapter 62–210 by revising the entry for ''Section 62–210.200'', by revising the heading for Chapter 62–212, and under Chapter 62–212 by revising the entry for '' ''Section 62–212.720'' to read as follows:

**§ 52.520 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED FLORIDA REGULATIONS

| State citation | Title/subject | State effective date | EPA Approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * | * |
| **Chapter 62–210 Stationary Sources—General Requirements** | | | | |
| * | * | * | * | * |
| 62–210.200 ..... | Definitions ..... | 10/23/13 | 5/19/14 [Insert citation of publication]. | As of September 19, 2012, 61–210.200 does not include Florida's revision to adopt the $PM_{2.5}$ SILs threshold and provisions (as promulgated in the October 20, 2010, $PM_{2.5}$ PSD Increment-SILs-SMC Rule at 40 CFR 52.21(k)(2)). |
| * | * | * | * | * |
| **Chapter 62–212 Stationary Sources—Preconstruction Review** | | | | |
| * | * | * | * | * |
| 62–212.720 ..... | Actuals Plantwide Applicability Limits (PALs). | 12/17/2013 | 5/19/14 [Insert citation of publication]. | As of May 19, 2014 the PAL provisions include certain revisions to 40 CFR 52.21 finalized July 12, 2012 (Step 3 GHG Tailoring Rule) and relating to GHG PALs, which are incorporated by reference at 62–212.720 through Florida State Rule 62.204.800, F.A.C., (which incorporates by reference 40 CFR 52.21, subpart A as of July 1, 2011, and as amended on July 12, 2012 at 77 FR 41051. December 17, 2013.) |
| * | * | * | * | * |

* * * * *

■ 4. Section 52.530 is amended by adding paragraph (b) to read as follows:

**§ 52.530 Significant deterioration of air quality.**

* * * * *

(b) Pursuant to part C, subpart 1 of the Clean Air Act, EPA is approving a December 19, 2013 SIP revision submitted by the State of Florida, through the Florida Department of Environmental Protection (FDEP), Division of Air Resource Management that establishes prevention of significant deterioration (PSD) applicability thresholds for greenhouse gas (GHG) emissions at the same emissions thresholds and in the same timeframes as those specified by EPA in the GHG Tailoring Rule. This approval gives FDEP the authority to regulate GHG-emitting sources and issue GHG PSD permits. FDEP's December 19, 2013 SIP revision also includes a GHG PSD Permit Transition Plan which governs the transition from EPA administering GHG PSD permitting requirements for Florida sources under a Federal Implementation Plan (FIP) to the State administering GHG PSD permitting requirements under its approved SIP. Under this GHG PSD Permit Transition Plan, FDEP will administer and enforce GHG PSD permits issued by EPA to Florida sources under the GHG PSD FIP. FDEP's authority over these existing EPA-issued GHG PSD permits includes the authority for FDEP to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

* * * * *

[FR Doc. 2014–11211 Filed 5–16–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R09–OAR–2014–0196; FRL–9909–71–Region 9]**

### Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen ($NO_X$) emissions from large water heaters, boilers, steam generators, and process heaters. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

**DATES:** This rule is effective on July 18, 2014 without further notice, unless EPA receives adverse comments by June 18, 2014. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2014–0196, by one of the following methods:

1. Federal eRulemaking Portal: *www.regulations.gov*. Follow the on-line instructions.
2. Email: *steckel.andrew@epa.gov*.
3. Mail or deliver: Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Nicole Law, EPA Region IX, (415) 947–4126, *law.nicole@epa.gov*.

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

**Table of Contents**



## I. The State's Submittal

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

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agency and submitted by the California Air Resource Board.

TABLE 1—SUBMITTED RULES

| Local agency | Rule No. | Rule title | Amended | Submitted |
|---|---|---|---|---|
| VCAPCD | 5 | Effective Date | 04/13/04 | 07/19/04 |
| VCAPCD | 74.11.1 | Large Water Heaters and Small Boilers | 09/11/12 | 04/22/13 |
| VCAPCD | 74.15.1 | Boilers, Steam Generators, and Process Heaters | 09/11/12 | 04/22/13 |

On August 10, 2004, EPA determined that the submittal for VCAPCD Rule 5 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review. On June 26, 2013, EPA determined that the submittal for VCAPCD Rules 74.11.1 and 74.15.1 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

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

We approved an earlier version of Rule 5 into the SIP on September 22, 1972 (37 FR 19806). We approved earlier versions of Rule 74.11.1 into the SIP on December 20, 2000 (65 FR 79752) and Rule 74.15.1 on October 10, 2001 (66 FR 51576).

### *C. What is the purpose of the submitted rule revisions?*

$NO_X$ 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 $NO_X$ emissions. Rule 74.11.1 lowers $NO_X$ emission limits for units with rated heat input capacity of greater than or equal to 75,000 BTU/hr and less than 1,000,000 BTU/hr. Rule 74.11.1 will no longer regulate units with rated heat input capacity equal to or greater than 1,000,000 BTU/hr, but Rule 74.15.11 will. Rule 74.15.1 now regulates boilers with rated heat capacity equal to or greater than 1,000,000 BTU/hr and less than or equal to 2,000,000 BTU/hr, which were formerly regulated in Rule 74.11.1. Rule 74.15.1 also added a new section describing testing requirements which includes frequency of testing and the type of testing required. Rule 5 added a definition for existing equipment. EPA's technical support documents (TSDs) have more information about these rules.

## II. EPA's Evaluation and Action

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

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each $NO_X$ or VOC major source in ozone nonattainment areas classified as moderate or above (see sections 182(b)(2) and 182(f)), and must not relax existing requirements (see

sections 110(l) and 193). SIP rules must also implement Reasonable Available Control Measures (RACM), including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonable available control technology (RACT), as expeditiously as practicable for nonattainment areas (see CAA section 172(c)(1)). The Ventura County Air Pollution Control District regulates an ozone nonattainment area classified as serious for the 8-hour ozone NAAQS (see 40 CFR 81.305), so Ventura's Rules generally must fulfill RACT and RACM for $NO_X$.

Guidance and policy documents that we use to evaluate enforceability, RACT, and RACM requirements consistently include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the $NO_X$ Supplement), 57 FR 55620, November 25, 1992.
3. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).
4. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
5. ''$NO_X$ Emissions from Industrial/Commercial/Institutional (ICI) Boilers,'' EPA–453/R–94–022, March 1994.
6. ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters,'' CARB, July 18, 1991.

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

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, and SIP relaxations. We are not evaluating the RACM requirement in this action but believe that VCAPCD is required to evaluate any reasonably available control measure for the sources covered by these rules. We believe there are no sources subject to Rule 74.11.1 and Rule 74.15.1 that exceed the major source threshold (50 tpy), thus they are not required to meet RACT for $NO_X$. For this reason, we are not making a determination on RACT for Rules 74.11.1 and 74.15.1. The TSDs have more information on our evaluation. Rule 5 Effective Date is a rule specifying when rules are effective. The definition for ''existing equipment'' was added to clarify the rule. Rule 5 is a general rule and is not specific to source categories, so it was not evaluated for RACT or RACM. The rule revisions are not considered relaxations to the SIP as the only change was the addition of a definition.

*C. EPA Recommendations To Further Improve the Rules*

The TSDs describes additional rule revisions that we recommend for the next time the local agency modifies the rules.

*D. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by June 18, 2014, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on July 18, 2014. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. 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, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive 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 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 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it 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 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 18, 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. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 21, 2014.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(332)(i)(B)(*4*) and (c)(429)(i)(A)(*2*) and (*3*) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(332) * * *

(i) * * *

(B) * * *

(*4*) Rule 5, ''Effective Date,'' amended on April 13, 2004.

* * * * *

(429) * * *

(i) * * *

(A) * * *

(*2*) Rule 74.11.1, ''Large Water Heaters and Small Boilers,'' amended on September 11, 2012.

(*3*) Rule 74.15.1, ''Boilers, Steam Generators, and Process Heaters,'' amended on September 11, 2012.

* * * * *

[FR Doc. 2014–11430 Filed 5–16–14; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

**[MB Docket No. 10–71; FCC 14–29]**

### Retransmission Consent Negotiations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission (''Commission'') adopts a rule providing that it is a violation of the duty to negotiate retransmission consent in good faith for a television broadcast station that is ranked among the top four stations as measured by audience share to negotiate retransmission consent jointly with another such station, if the stations are not commonly owned and serve the same geographic market. The rule is intended to promote competition among Top Four broadcast stations for carriage of their signals by multichannel video programming distributors and facilitate the fair and effective completion of retransmission consent negotiations.

**DATES:** Effective June 18, 2014.

**FOR FURTHER INFORMATION CONTACT:** Raelynn Remy, *Raelynn.Remy@fcc.gov,* Diana Sokolow, *Diana.Sokolow@fcc.gov,* or Kathy Berthot, *Kathy.Berthot@fcc.gov,* Federal Communications Commission, Media Bureau, (202) 418–2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order,* FCC 14–29, adopted and released on March 31, 2014. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

**Paperwork Reduction Act of 1995 Analysis**

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

**Synopsis**

**I. Introduction**

In this Report and Order (''*Order*''), we revise our ''retransmission consent'' rules, which govern carriage negotiations between broadcast television stations and multichannel video programming distributors (''MVPDs''),[1] to provide that joint negotiation by stations that are ranked among the top four stations in a market as measured by audience share (''Top Four'' stations) and are not commonly owned constitutes a violation of the statutory duty to negotiate retransmission consent in good faith.[2] In March 2010, 14 MVPDs and public interest groups filed a rulemaking petition arguing that changes in the marketplace, and the increasingly contentious nature of retransmission consent negotiations, justify revisions to the Commission's rules governing retransmission consent. The Commission initiated this proceeding [3] and a robust record developed. Our action today addresses MVPDs' argument that competing broadcast television stations (''broadcast stations'' or ''stations'') obtain undue bargaining leverage by negotiating together when

[1] 47 U.S.C. 325(b)(1)(A).

[2] The statutory duty to negotiate retransmission consent in good faith applies to both broadcasters and MVPDs. *See* 47 U.S.C. 325(b)(3)(C).

[3] *Amendment of the Commission's Rules Related to Retransmission Consent,* Notice of Proposed Rulemaking, 76 FR 17071 (2011) (''*NPRM*'').