

one of which will become part of the public record.

(c) *Document submission contents and process.*

\* \* \* \* \*

(4) *Submission of electronic title lists.* If a document submitted for recordation pertains to 100 or more titles of copyrighted works (including where the total number of titles across multiple title lists associated with the document is 100 or more), in addition to identifying the titles in the paper submission, the remitting party may also submit an electronic list (or lists) setting forth each such title, as provided herein. The electronic list(s) shall not be considered a part of the recorded document and shall function only as a means to index titles and other information associated with the recorded document.

(i) *Method of submitting electronic title lists.* Absent a special arrangement with the Office, the electronic list must be included in the same package as the paper document to be recorded. The list must be prepared in a format consistent with the requirements of subparagraph (ii) of this paragraph (4), and stored on a compact disc, flash drive, or other digital storage medium approved by the Copyright Office that is clearly labeled with the following information: the name of the remitting party, the name of the first party listed in the paper document, the first title listed in the paper document, the number of titles included in the paper document, and the date the remitting party mailed or delivered the paper document.

(ii) *Format requirements for electronic title lists.* Any electronic list of titles submitted pursuant to paragraph (c)(4) shall conform to the requirements of this subparagraph. The electronic list of titles shall:

(A) Consist of a table contained in an electronic file in Excel (.xls) format or an equivalent electronic format approved by the Office;

(B) include only letters, numbers, and printable characters that appear in the ASCII 128-character set;

(C) include four columns respectively entitled, from left to right, Article, Title, Authorship Information, and Registration Number(s);

(D) list each title on a separate row of the electronic table, and include the following information for each title in the appropriate column, as applicable:

(1) *First column: Article.* If the title of the work begins with one of the articles specified in the following list, the article should be separated from the title and placed in this column. If the title does not begin with one of the specified

articles, the column must still be included, but this field should be left blank. The list of leading articles is as follows:

English: A, An, The  
Spanish: Un, Una, El, La, Lo, Las, Los  
French: L', Le, La, Les, Un, Une  
German: Der, Die, Das, Einer, Eine, Ein

(2) *Second column: Title.* The title of the work, not including any leading article;

(3) *Third column: Authorship Information.* The word "By" followed by the author or authors of the work. Where applicable, include designations such as "performer known as" or "also known as," or the abbreviated form of such designations. Abbreviated designations must omit any punctuation between letters, for example "pka" (not "p/k/a"); and

(4) *Fourth column: Registration Number(s).* The copyright registration number or numbers. This field is optional; if registration numbers are not being supplied for any title in the submission, this column should still be included, but left blank. Regardless of how they appear in the paper document, registration numbers included in the electronic list must be twelve characters long, must include a two- or three-letter prefix, and must not include spaces or hyphens. If a given registration number consists of fewer than twelve characters in the original, the remitting party should add leading zeroes to the numeric portion of the registration number before adding it to the list. For example, a published work with the registration number "SR-320-918" should be transcribed into the electronic list as "sr0000320918," and an unpublished work with the registration number "VAu-598-764" should be transcribed into the electronic list as "vau000598764."

(iii) *Remitters to bear consequences of inaccurate electronic title lists.* The Office will rely on the electronic list of titles for purposes of indexing recorded documents in the Public Catalog and the remitter will bear the consequences of any inaccuracies in the electronic list in relation to the recorded document, including with respect to whether there is effective constructive notice or priority under 17 U.S.C. 205(c). For example, omission of a title from the electronic list such that the title is not properly indexed may affect the ability to claim that the public had constructive notice with respect to that title, even if the title appears in the paper document. If a title appears in the electronic list but is not included in the paper document that is actually recorded, the paper document will control.

(iv) *Treatment of improperly prepared electronic title lists.* The Office reserves the right to reject an electronic title list from any party that is shown to have submitted an improperly prepared file.

\* \* \* \* \*

(f) *Return Receipt.* If, with a document submitted for recordation, a remitter includes two copies of a properly completed Recordation Document Cover Sheet (Form DCS) indicating that a return receipt is requested, as well as a self-addressed, postage-paid envelope, the remitter will receive a date-stamped return receipt acknowledging the Copyright Office's receipt of the enclosed submission. The completed copies of Form DCS and self-addressed, postage-paid envelope must be included in the same package as the submitted document. A return receipt confirms the Office's receipt of the submission as of the date indicated, but does not establish eligibility for, or the date of, recordation.

Dated: July 10, 2014.

**Jacqueline C. Charlesworth,**  
*General Counsel and Associate Register of Copyrights.*

[FR Doc. 2014-16726 Filed 7-15-14; 8:45 am]

**BILLING CODE 1410-30-P**

---

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2014-0173; FRL-9913-71-Region 8]

#### Approval and Promulgation of Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules

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

**ACTION:** Proposed rule.

---

**SUMMARY:** EPA is proposing to approve changes to North Dakota's State Implementation Plan (SIP). On January 23, 2013, the Governor of North Dakota submitted to EPA revisions to several chapters of the North Dakota SIP. These revisions included the removal of subsections 33-15-03-04.4 and 33-15-05-01.2.a(l) of the North Dakota Administrative Code (NDAC). In this action, EPA is proposing to approve the removal of these subsections from the SIP because such removal is consistent with Clean Air Act (CAA) requirements. The removal will correct certain deficiencies related to the correct treatment of excess emissions from sources. EPA will address the remaining

revisions from North Dakota's January 23, 2013 submission in other actions.

**DATES:** Comments must be received on or before August 15, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2014-0173, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- Email: [clark.adam@epa.gov](mailto:clark.adam@epa.gov).
- Fax: (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

- Hand Delivery: Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R08-OAR-2014-0173 EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Program, U.S. Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Adam Clark, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-7104, [clark.adam@epa.gov](mailto:clark.adam@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Definitions**

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NDAC* mean or refer to the North Dakota Administrative Code.

(iv) The initials *SIP* mean or refer to state implementation plan.

(v) The initials *SSM* mean or refer to startup, shutdown, and malfunction.

(vi) The words *State* or *North Dakota* mean the State of North Dakota, unless the context indicates otherwise.

#### **I. General Information**

*What should I consider as I prepare my comments for EPA?*

1. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or email. Clearly

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

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

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

#### **II. Background**

In accordance with the requirements of CAA section 110(a)(2)(A), SIPs must contain enforceable emission limitations and, in accordance with the definition of "emission limitations" in CAA section 302(k), such emission limitations must be continuous. In addition, under CAA section 304(a), any person may bring a civil action against any person alleged to have violated (if there is evidence that the alleged violation has been repeated) or to be in violation of an "emission standard or limitation" under the CAA. For the purposes of section 304, "emission standard or limitation" is defined in section 304(f) and includes SIP emission limitations. Thus, SIP emission limitations can be enforced in a section 304 action and so must be capable of enforcement. SIP provisions that create exemptions such that excess emissions

during startup, shutdown, malfunctions (SSM) and other conditions are not violations of the applicable emission limitations are inconsistent with these fundamental requirements of the CAA with respect to emission limitations in SIPs.

NDAC 33–15–03–04.4 created exemptions from a number of cross-referenced opacity limits “where the limits specified in this article cannot be met because of operations and processes such as, but not limited to, oil field service and drilling operations, but only so long as it is not technically feasible to meet said specifications.” NDAC 33–15–05–01.2.a(1) created an implicit exemption from particulate matter emissions limits for “temporary operational breakdowns or cleaning of air pollution equipment” if the source met certain conditions. Because these provisions contemplated outright exemptions from the otherwise applicable SIP emission limits, they were inconsistent with CAA requirements. In addition, NDAC 33–15–03–04.4 had inherent ambiguities that called into question its basic enforceability.

On June 30, 2011, the Sierra Club filed with the EPA Administrator a petition for rulemaking concerning states’ treatment of excess emissions from sources during SSM events (the Petition).<sup>1</sup> In the Petition, the Sierra Club identified existing SIP provisions in 39 states that the Sierra Club considered inconsistent with the CAA, including provisions in the North Dakota SIP. Specifically, the Sierra Club argued that NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1) were contrary to the CAA because these provisions did not consider each instance of excess emissions a violation of the applicable standard, and because these provisions could be construed to preclude EPA and citizen enforcement.

On February 22, 2013, EPA published a proposed rulemaking in which (among other things) we proposed to grant the Petition as it pertained to NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1). 78 FR 12460, 12531–12532. We concurred with Sierra Club’s assertion that both provisions are inconsistent with the requirements of the CAA. In our proposed rulemaking, we also proposed to find that NDAC 33–15–03–04.3 was inconsistent with the requirements of the CAA. We proposed to find that all three of these provisions (NDAC 33–15–03–04.3, NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1)) are substantially inadequate to meet

CAA requirements, and concurrently proposed to issue a SIP call for all three provisions.

On January 23, 2013, the Governor of North Dakota submitted to EPA SIP revisions that included the removal of both NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1), as well as additional revisions to the North Dakota SIP. We will act on the remaining revisions from the January 23, 2013 submittal (aside from NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1)) in separate rulemakings. The January 23, 2013 submittal did not revise NDAC 33–15–03–04.3.

### III. North Dakota Revisions and EPA Analysis

Under CAA section 107, states have the primary authority and responsibility to develop and implement SIPs that provide for attainment, maintenance, and enforcement of the National Ambient Air Quality Standards and meet other CAA requirements. Under CAA section 110(k), EPA has the authority and responsibility to review state SIP submissions to assure that they meet all applicable requirements. CAA section 110(l) prohibits EPA from approving a SIP revision that (among other things) would interfere with any applicable requirement of the CAA.

In this instance, the State has elected to revise its existing SIP by removing two previously approved provisions that created exemptions from otherwise applicable emission limits in the SIP. As noted, the State removed both NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1) from the North Dakota SIP in its January 23, 2013 submission.

We consider the removal of these provisions sufficient to correct the inadequacies contained within them and to be consistent with the requirements of the CAA.<sup>2</sup> As a result of their removal from the SIP, the improper exemptions from emissions limits contained within these provisions will no longer be available to sources. EPA’s proposed approval of these two revisions is also consistent with CAA section 110(l) because approval will not interfere with any applicable requirement of the CAA. Specifically, removal of the exemptions will not relax the existing emission limitations in the SIP and will in fact be more protective. Furthermore, these revisions will render the revised emission limitations consistent with the requirements of the CAA for SIP provisions by making them

continuously applicable and more enforceable. Therefore, we are proposing to approve the removal of these provisions from the SIP.<sup>3</sup>

### IV. EPA’s Proposed Action

We are proposing to approve the removal of NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1) from the North Dakota SIP, as reflected in the January 23, 2013 SIP submission.

### V. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. 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 Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 USC 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 USC 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 USC 272 note) because application of those requirements would be inconsistent with the CAA; and,

<sup>2</sup> For a more in-depth discussion on the inadequacies of NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(1), see our proposed SIP call at 78 FR 12531–12532, February 22, 2013.

<sup>3</sup> We note that if we finalize our proposed approval of the removal of these provisions from the SIP, it will have the effect of mooted our proposed SIP call regarding these provisions.

<sup>1</sup> The Petition is available in the docket for this action.

• 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).

In addition, this proposed 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.

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

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

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

Dated: June 24, 2014.

**Shaun L. McGrath,**  
Regional Administrator.

[FR Doc. 2014-16739 Filed 7-15-14; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2014-0271; FRL-9913-77-Region 7]

#### Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2008 Lead National Ambient Air Quality Standard

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Lead (Pb), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as “infrastructure” SIPs. The infrastructure requirements are designed

to ensure that the structural components of each state’s air quality management program are adequate to meet the state’s responsibilities under the CAA.

**DATES:** Comments must be received on or before August 15, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2014-0271, by one of the following methods:

1. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. *Email:* [kemp.lachala@epa.gov](mailto:kemp.lachala@epa.gov).

3. *Mail:* Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

4. *Hand Delivery or Courier:* Deliver your comments to Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

*Instructions:* Direct your comments to Docket ID No. EPA-R07-OAR-2014-0271. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or email information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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 should be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551-7214; *fax number:* (913) 551-7065; *email address:* [kemp.lachala@epa.gov](mailto:kemp.lachala@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we refer to EPA. This section provides additional information by addressing the following questions:

- I. What is a Section 110(a)(1) and (2) infrastructure SIP?
- II. What are the applicable elements under Sections 110(a)(1) and (2)?
- III. What is EPA’s approach to the review of infrastructure SIP Submissions?
- IV. What is EPA’s evaluation of how the state addressed the Relevant elements of Sections 110(a)(1) and (2)?
- V. What action is EPA proposing?
- VI. Statutory and Executive Order Review

#### I. What is a Section 110(a)(1) and (2) infrastructure SIP?

Section 110(a)(1) of the CAA requires, in part, that states make a SIP submission to EPA to implement, maintain and enforce each of the NAAQS promulgated by EPA after reasonable notice and public hearings. Section 110(a)(2) includes a list of specific elements that such infrastructure SIP submissions must address. SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS. These SIP submissions are commonly referred to as “infrastructure” SIPs.