ENFORCEMENT OF EACH NAAQS
NORTH CAROLINA’S SUBMISSION AND THE RATIONALE FOR EPA’S ACTIONS FOR THIS FINAL RULEMAKING ARE EXPLAINED IN THE JULY 20, 2016, PROPOSED RULEMAKING. COMMENTS ON THE PROPOSED RULEMAKING WERE DUE ON OR BEFORE AUGUST 19, 2016. EPA RECEIVED NO ADVERSE COMMENTS ON THE PROPOSED ACTION.

II. FINAL ACTION

WITH THE EXCEPTION OF THE ELEMENTS RELATED TO STATE BOARDS OF SECTION 110(a)(2)(E)(ii), THE PSD PERMITTING REQUIREMENTS FOR MAJOR SOURCES OF SECTIONS 110(a)(2)(C), AND (J), AND THE INTERSTATE REQUIREMENTS OF 110(a)(2)(D)(i)(II) AND (III) (PRONGS 1 THROUGH 4), EPA IS TAKING FINAL ACTION TO APPROVE NORTH CAROLINA’S INFRASTRUCTURE SIP SUBMISSION FOR THE 2010 1-HOUR NO2 NAAQS SUBMITTED ON AUGUST 23, 2013. EPA IS TAKING FINAL ACTION TO APPROVE NORTH CAROLINA’S INFRASTRUCTURE SIP SUBMISSION FOR THE 2010 1-HOUR NO2 NAAQS BECAUSE THE SUBMISSION IS CONSISTENT WITH SECTION 110 OF THE CAA.

III. 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). THEREFORE, IN REVIEWING SIP SUBMISSIONS, EPA’S ROLE IS TO APPROVE STATE CHOICES, PROVIDED THAT THEY MEET THE CRITERIA OF THE CAA. 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 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 19885, April 23, 1997); 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where 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 as specified by Executive Order 13175 (65 FR 67240, November 9, 2000), nor will it 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 rule 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 December 13, 2016. 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Heather McTeer Toney
Regional Administrator, Region 4.

40 CFR part 52 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 II—North Carolina

2. Section 52.1770(e), is amended by adding an entry for “110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO2 NAAQS” at the end of the table to read as follows:

<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 the 2010 1-hour NO2 NAAQS.</td>
<td>August 23, 2013</td>
<td>10/14/16</td>
<td>[Insert citation of publication]</td>
<td>With the exception of sections: 110(a)(2)(E)(ii) concerning state boards; 110(a)(2)(C) and (J) concerning PSD permitting requirements; and 110(a)(2)(D)(ii)(I) and (II) (prongs 1 through 4) concerning interstate transport requirements.</td>
</tr>
</tbody>
</table>
Isofetamid; Pesticide Tolerances for Emergency Exemptions

SUMMARY: This regulation establishes time-limited tolerances for residues of the fungicide isofetamid, N-[1,1-dimethyl-2-[2-methyl-4-(1-methylethoxy)phenyl]-2-oxoethyl]-3-methyl-2-thiophene carboxamide, in or on caneberry subgroup 13–07A and bushberry subgroup 13–07B. This action is in response to EPA’s granting of an emergency exemption, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing the use of the pesticide on caneberry subgroup 13–07A and bushberry subgroup 13–07B. This regulation establishes maximum permissible levels for residues of isofetamid in or on these commodities. The time-limited tolerances expire on December 31, 2019.

DATES: This regulation is effective October 14, 2016. Objections and requests for hearings must be received on or before December 13, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0429, is available at http://www.regulations.gov or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at http://www.epa.gov/dockets.

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7000; email address: RDFRNotices@epa.gov.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for the fungicide, isofetamid, N-[1,1-dimethyl-2-[2-methyl-4-(1-methylethoxy)phenyl]-2-oxoethyl]-3-methyl-2-thiophene carboxamide, in or on caneberry subgroup 13–07A at 5.0 ppm and bushberry subgroup 13–07B at 4.0 parts per million (ppm) and bushberry subgroup 13–07B at 5.0 ppm. These time-limited tolerances expire on December 31, 2019.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions.

Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.”