

Office. The Office will issue a deposit account statement at the end of each month. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit. An amount sufficient to cover all fees, copies, or services requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted. A service charge (§ 2.6(b)(11)) will be assessed for each month that the balance at the end of the month is below \$1,000.

\* \* \* \* \*

#### **PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS**

■ 5. The authority citation for 37 CFR Part 7 continues to read as follows:

**Authority:** 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 6. Revise § 7.6 to read as follows:

#### **§ 7.6 Schedule of U.S. process fees.**

(a) The Office requires the following process fees:

(1) Certification of international application based on single application or registration.

(i) For certifying an international application based on a single basic application or registration, filed on paper, per class—\$200.00

(ii) For certifying an international application based on a single basic application or registration, filed through TEAS, per class—\$100.00

(2) Certification of international application based on more than one application or registration.

(i) For certifying an international application based on more than one basic application or registration filed on paper, per class—\$250.00

(ii) For certifying an international application based on more than one basic application or registration filed through TEAS, per class—\$150.00

(3) Transmission of subsequent designation.

(i) For transmitting a subsequent designation under § 7.21, filed on paper—\$200.00

(ii) For transmitting a subsequent designation under § 7.21, filed through TEAS—\$100.00

(4) Transmission of request to record an assignment or restriction.

(i) For transmitting a request to record an assignment or restriction, or

release of a restriction, under § 7.23 or § 7.24 filed on paper—\$200.00

(ii) For transmitting a request to record an assignment or restriction, or release of a restriction, under § 7.23 or § 7.24 filed through TEAS—\$100.00

(5) Notice of replacement.

(i) For filing a notice of replacement under § 7.28 on paper, per class—\$200.00

(ii) For filing a notice of replacement under § 7.28 through TEAS, per class—\$100.00

(6) Affidavit under section 71.

(i) For filing an affidavit under section 71 of the Act on paper, per class—\$225.00

(ii) For filing an affidavit under section 71 of the Act through TEAS, per class—\$125.00

(7) Filing affidavit under section 71 during grace period.

(i) Surcharge for filing an affidavit under section 71 of the Act during the grace period on paper, per class—\$200.00

(ii) Surcharge for filing an affidavit under section 71 of the Act during the grace period through TEAS, per class—\$100.00

(8) Correcting deficiency in section 71 affidavit.

(i) For correcting a deficiency in a section 71 affidavit filed on paper—\$200.00

(ii) For correcting a deficiency in a section 71 affidavit filed through TEAS—\$100.00

(b) The fees required in paragraph (a) of this section must be paid in U.S. dollars at the time of submission of the requested action. *See* § 2.207 of this chapter for acceptable forms of payment and § 2.208 of this chapter for payments using a deposit account established in the Office.

Dated: October 17, 2016.

**Michelle K. Lee,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2016–25506 Filed 10–20–16; 8:45 am]

**BILLING CODE 3510–16–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA–R03–OAR–2016–0335; FRL–9954–29–Region 3]

### **Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving three state implementation plan (SIP) revisions submitted by the Commonwealth of Virginia (Virginia). These revisions include amendments to the Virginia Department of Environmental Quality's (VADEQ) regulations and address the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's Control Techniques Guidelines (CTG) standards for the following categories: Offset lithographic printing and letterpress printing, industrial solvent cleaning operations, miscellaneous industrial adhesives, and miscellaneous metal and plastic parts coatings. EPA is approving these revisions to the Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on November 21, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2016–0335. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the "For Further Information Contact" section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Leslie Jones Doherty, (215) 814–3409, or by email at [jones.leslie@epa.gov](mailto:jones.leslie@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On August 23, 2016 (87 FR 57531), EPA published a notice of proposed

rulemaking (NPR) for the Commonwealth of Virginia. In the NPR, EPA proposed approval of three revisions to the Virginia SIP concerning the adoption of EPA CTGs for offset lithographic printing and letterpress printing, industrial solvent cleaning operations, miscellaneous industrial adhesives, and miscellaneous metal and plastic parts coatings sources in the specific portion of Virginia known as the Northern Virginia Volatile Organic Compound Emissions Control Area.<sup>1</sup> The formal SIP revision was submitted by Virginia, through VADEQ, on February 1, 2016.

The ozone transport region (OTR) was established under section 184(a) of the CAA to address interstate transport of ozone and includes the northern portion of Virginia that is part of the Metropolitan Statistical Area of the District Columbia, which Virginia refers to as the “Northern Virginia Volatile Organic Compound Emissions Control Area.” Pursuant to section 184(b)(1)(B) of the CAA, all areas in the OTR must implement RACT with respect to sources of volatile organic compounds (VOCs) in the state covered by CTGs. Thus, Virginia must implement RACT with respect to sources of VOCs covered by CTGs in the Northern Virginia Volatile Organic Compound Emissions Control Area. CAA section 184(b)(1)(B) and (2). States can follow the CTGs and adopt state regulations to implement the recommendations contained therein, or they can adopt alternative approaches. In either case, states must submit their RACT rules to EPA for review and approval as part of the SIP process.

In 2006 and 2008, EPA published new CTGs entitled *Control Techniques Guidelines for Offset Lithographic and Letterpress Printing* (Publication No. EPA 453/R-06-002; September 2006); *Control Techniques Guidelines for Industrial Cleaning Solvents* (Publication No. EPA 453/R-06-001; September 2006); *Control Techniques Guidelines for Miscellaneous Industrial Adhesives* (Publication No. EPA 453/R-08-005; September 2008); and *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (Publication No. EPA 453/R-08-003; September 2008). EPA developed new CTGs for these industries after reviewing existing state and local VOC emission reduction approaches, new source performance standards (NSPS), previously issued CTGs, and national emission standards

for hazardous air pollutants (NESHAP) for these source categories.

## II. Summary of SIP Revision

On February 1, 2016, Virginia, through VADEQ, submitted amended and new regulations for inclusion in the Virginia SIP concerning the adoption of the EPA CTGs for offset lithographic printing and letterpress printing, industrial solvent cleaning operations, miscellaneous industrial adhesives, and miscellaneous metal and plastic parts coatings in the Northern Virginia Volatile Organic Compound Emissions Control Area. Virginia has adopted EPA’s CTG standards for these industries by amending regulation 9VAC5, chapter 40, Existing Stationary Sources, articles 34 and 53 and adding articles 56, 56.1, 57, 58, and 59 to 9VAC5, chapter 40. Additionally, Virginia has amended supporting definitions in 9VAC5, chapter 20, General Provisions, which relate to the new CTG standards. The Virginia regulations adopt the equivalent of the specific EPA CTG recommendations and address CAA requirements for RACT (for sources covered by CTGs) in sections 172 and 182 as referenced by section 184. Other specific requirements and the rationale for EPA’s proposed action are explained in the NPR and technical support document (TSD) and will not be restated here. No public comments were received on the NPR.

## III. Final Action

EPA is approving VADEQ’s February 1, 2016 SIP submittal as a revision to the Virginia SIP. The SIP submittal being approved consists of amendments to regulation 9VAC5 chapter 40, Existing Stationary Sources, and 9VAC5 chapter 20, General Provisions, and addresses the requirement to adopt RACT for sources located in the Northern Virginia VOC Emissions Control Area covered by EPA’s CTG standards in accordance with CAA requirements in sections 172, 182 and 184 for the following categories: Offset lithographic printing and letterpress printing, industrial cleaning solvent operations, miscellaneous industrial adhesives, and miscellaneous metal and plastic parts coatings.

## IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) “privilege” for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either

asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia’s legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia’s Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information “required by law,” including documents and information “required by federal law to maintain program delegation, authorization or approval,” since Virginia must “enforce federally authorized environmental programs in a manner that is no less stringent than their federal counterparts. . . .” The opinion concludes that “[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by federal law to maintain program delegation, authorization or approval.”

Virginia’s Immunity law, Va. Code Sec. 10.1–1199, provides that “[t]o the extent consistent with requirements imposed by federal law,” any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General’s January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since “no immunity could be

<sup>1</sup> The northern portion of Virginia is defined as the Northern Virginia Volatile Organic Compound Emissions Control Area in 9VAC5–20–206 (General Provisions).

afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia’s Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

#### V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the VADEQ regulations regarding control of VOC emissions from offset lithographic printing and letterpress printing, industrial solvent cleaning operations, miscellaneous industrial adhesives, and miscellaneous metal and plastic parts coatings in the Northern Virginia Volatile Organic Compound Emissions Control Area as well as related definitions as described in section II of this rulemaking action. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.<sup>2</sup> EPA has made, and will continue to make, these materials generally available through <http://www.regulations.gov> and/or at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### VI. Statutory and Executive Order Reviews

##### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 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 (Public Law 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 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 as defined in 18 U.S.C. 1151 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

##### B. Submission to Congress and the Comptroller General

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).

##### C. Petitions for Judicial Review

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 20, 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 approving RACT rules for sources in northern Virginia 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 29, 2016.

**Shawn M. Garvin,**

*Regional Administrator, Region III.*

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.*

<sup>2</sup> 62 FR 27968 (May 22, 1997).

**Subpart VV—Virginia**

■ 2. In § 52.2420:

■ a. In the table in paragraph (c):

■ i. Revise the entries “5-40-4760” and “5-40-7800”.

■ ii. Add the heading “Article 56, Emission Standards for Letterpress Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-56)” and the entries “5-40-8380”; “5-40-8382”; “5-40-8384”; “5-40-8386”; “5-40-8388”; “5-40-8396”; “5-40-8398”; “5-40-8400”; “5-40-8410”; “5-40-8412”; “5-40-8414”; and “5-40-8418”; the heading “Article 56.1 Emission Standards for Offset Lithographic Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-56.1)” and the entries “5-40-8420”; “5-

40-8422”; “5-40-8424”; “5-40-8426”; “5-40-8428”; “5-40-8434”; “5-40-8436”; “5-40-8438”; “5-40-8440”; “5-40-8450”; “5-40-8460”; the heading “Article 57 Emission Standards for Industrial Solvent Cleaning Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-57)” and the entries “5-40-8510”; “5-40-8520”; “5-40-8530”; “5-40-8540”; “5-40-8550”; “5-40-8580”; “5-40-8590”; “5-40-8600”; “5-40-8610”; “5-40-8620”; “5-40-8630”; “5-40-8650”; the heading “Article 58 Emission Standards for Miscellaneous Industrial Adhesive Application Processes in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-58)” and the entries “5-40-8660”; “5-40-8670”; “5-40-8680”; “5-40-8690”; “5-40-8700”; “5-40-8730”; “5-40-8740”; “5-

40-8750”; “5-40-8760”; “5-40-8770”; “5-40-8780”; “5-40-8800”; the heading “Article 59 Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-58)” and the entries “5-40-8810”; “5-40-8820”; “5-40-8830”; “5-40-8840”; “5-40-8850”; “5-40-8880”; “5-40-8890”; “5-40-8900”; “5-40-8910”; “5-40-8920”; “5-40-8930”; and “5-40-8950”.

■ b. In the table in paragraph (e), add the entry “Documents incorporated by reference”.

The additions and revisions read as follows:

**§ 52.2420 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES**

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
<b>9 VAC 5, Chapter 40 Existing Stationary Sources [Part IV]</b>				
*	*	*	*	*
<b>Part II Emission Standards</b>				
*	*	*	*	*
<b>Article 34 Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems (Rule 4-34)</b>				
5-40-4760 .....	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Amended to refer Northern VA VOC emission control area to Article 59.
*	*	*	*	*
<b>Article 53 Emission Standards for Lithographic Printing Processes (Rule 4-53) [Formerly Article 45]</b>				
5-40-7800 .....	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Amended to refer Northern VA VOC emission control area to Article 56.1.
*	*	*	*	*
<b>Article 56, Emission Standards for Letterpress Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-56)</b>				
5-40-8380 .....	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8382 .....	Definitions .....	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8384 .....	Standard for volatile organic compounds.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8386 .....	Standard for visible emissions ....	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.

## EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5-40-8388	Standard for fugitive/dust emissions.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8396	Compliance	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8398	Compliance schedule	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8400	Test methods and procedures	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8410	Monitoring	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8412	Notification, records, and reporting.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8414	Registration	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8418	Permits	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
<b>Article 56.1 Emission Standards for Offset Lithographic Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-56.1)</b>				
5-40-8420	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8422	Definitions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8424	Standard for volatile organic compounds.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8426	Standard for visible emissions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8428	Standard for fugitive/dust emissions.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8434	Compliance	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8436	Compliance schedule	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8438	Test methods and procedures	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8440	Monitoring	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8450	Notification, records, and reporting.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8460	Registration	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8480	Permits	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
<b>Article 57 Emission Standards for Industrial Solvent Cleaning Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-57)</b>				
5-40-8510	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8520	Definitions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8530	Standard for volatile organic compounds.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8540	Standard for visible emissions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8550	Standard for fugitive/dust emissions.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8580	Compliance	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8590	Compliance schedule	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8600	Test methods and procedures	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8610	Monitoring	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8620	Notification, records, and reporting.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8630	Registration	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
5-40-8650	Permits	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
<b>Article 58 Emission Standards for Miscellaneous Industrial Adhesive Application Processes in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-58)</b>				
5-40-8660	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8670	Definitions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8680	Standard for volatile organic compounds.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8690	Standard for visible emissions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8700	Standard for fugitive/dust emissions.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8730	Compliance	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8740	Compliance schedule	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8750	Test methods and procedures	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8760	Monitoring	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8770	Notification, records, and reporting.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8780	Registration	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8800	Permits	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
<b>Article 59 Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-58)</b>				
5-40-8810	Applicability and Designation of Affected Facility.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8820	Definitions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8830	Standard for volatile organic compounds.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8840	Standard for visible emissions	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8850	Standard for fugitive/dust emissions.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8880	Compliance	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8890	Compliance schedule	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8900	Test methods and procedures	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8910	Monitoring	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8920	Notification, records, and reporting.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8930	Registration	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.
5-40-8950	Permits	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Added.

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\* \* \* \* \* (e) \* \* \*

Name of nonregulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Documents incorporated by reference.	Northern Virginia VOC emissions control area.	02/01/16	10/21/16, [Insert <b>Federal Register</b> citation].	Section 15 added

[FR Doc. 2016-25441 Filed 10-20-16; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2013-0004; FRL-9954-32-Region 10]

### Partial Approval and Partial Disapproval of Attainment Plan for Oakridge, Oregon PM<sub>2.5</sub> Nonattainment Area

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

**ACTION:** Final rule.

**SUMMARY:** On December 12, 2012, the Oregon Department of Environmental Quality (ODEQ) submitted, on behalf of the Governor of Oregon, a State Implementation Plan (SIP) submission to address violations of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers (PM<sub>2.5</sub>) for the Oakridge PM<sub>2.5</sub> nonattainment area (2012 SIP submission). The Lane Regional Air Protection Agency (LRAPA), in coordination with the ODEQ, developed the 2012 SIP submission for purposes of attaining the 2006 24-hour PM<sub>2.5</sub> NAAQS. On February 22, 2016, the ODEQ withdrew certain provisions of the 2012 SIP submission (2016 SIP withdrawal). The Environmental Protection Agency (EPA) has evaluated whether the remaining portions of the 2012 SIP submission meet the applicable Clean Air Act (CAA) requirements. Based on this evaluation, the EPA is finalizing partial approval and partial disapproval of the remaining portions of the 2012 SIP submission.

**DATES:** This final rule is effective November 21, 2016.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2013-0004. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air Planning Unit, Office of Air and

Waste, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The 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, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Christi Duboiski at (360) 753-9081, [duboiski.christi@epa.gov](mailto:duboiski.christi@epa.gov) or by using the above EPA, Region 10 address.

#### SUPPLEMENTARY INFORMATION:

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- I. Background Information
- II. Final Action
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- IV. Incorporation by Reference
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#### I. Background Information

On July 28, 2016, the EPA proposed to partially approve and partially disapprove the attainment plan submitted by the ODEQ on December 12, 2012 (81 FR 49592). An explanation of the CAA attainment planning requirements, a detailed analysis of the submittal, and the EPA's reasons for proposing partial approval and partial disapproval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for the proposed rule ended on August 29, 2016. The EPA received no comments on the proposal.

#### II. Final Action

The EPA is finalizing approval of the following elements of the 2012 SIP submission:

- Description of the Oakridge PM<sub>2.5</sub> nonattainment area and listing of the area as nonattainment, and
- The base year 2008 emission inventory submitted to meet the CAA section 172(c)(3) requirement for emissions inventories.

The EPA is finalizing disapproval of the following elements of the 2012 SIP submission:

- The attainment year emission inventory submitted to meet the CAA section 172(c)(3) requirement for emissions inventories,
- the reasonably available control measures (RACM), including reasonably available control technology (RACT), submitted to meet the CAA sections 172(c)(1) and 189(a)(1)(C) requirements for control measures for moderate nonattainment areas,
- the attainment demonstration submitted to meet the CAA section 189(a)(1)(B) requirement for a demonstration that the plan will

provide for attainment by the applicable attainment date,

- the motor vehicle emissions budget (MVEB) submitted to meet CAA section 176 requirement for transportation conformity,
- the demonstration of reasonable further progress (RFP) and quantitative milestones submitted to meet section 172(c)(2) and 189(c) requirements for RFP and quantitative milestones, and
- the contingency measures submitted to meet the section 172(c)(9) requirement for the implementation of measures to be undertaken, without further action by the state or EPA, if the area fails to make RFP or attain the NAAQS by the applicable attainment date.

#### III. Consequences of a Disapproved SIP

This section explains the consequences of a disapproved SIP submission required under the CAA. The Act provides for the imposition of sanctions and the promulgation of a federal implementation plan (FIP) if a state fails to submit, and the EPA approve, a plan revision that corrects the deficiencies identified by the EPA in its disapproval.

##### *The Act's Provisions for Sanctions*

Once the EPA finalizes disapproval of a required SIP submission, such as an attainment plan submission, or a portion thereof, CAA section 179(a) provides for the imposition of sanctions, unless the deficiency is corrected within 18 months of the final rulemaking of disapproval. The first sanction would apply 18 months after the EPA disapproves the SIP submission, or portion thereof. Under the EPA's sanctions regulations at 40 CFR 52.31, the first sanction imposed would be 2:1 offsets for sources subject to the new source review requirements under section 173 of the CAA. If the state has still failed to submit a SIP submission to correct the identified deficiencies for which the EPA proposes full or conditional approval 6 months after the first sanction is imposed, the second sanction will apply. The second sanction is a prohibition on the approval or funding certain highway projects.<sup>1</sup>

<sup>1</sup> On April 1, 1996 the US Department of Transportation published a notice in the **Federal Register** describing the criteria to be used to determine which highway projects can be funded or approved during the time that the highway sanction is imposed in an area. (See 61 FR 14363)