

reference. These revised Legislative Rules are entitled 45 CSR 34—“Emission Standards for Hazardous Air Pollutants,” and 45 CSR 16—“Standards of Performance for New Stationary Sources.” These revised Rules have an effective date of July 1, 2016.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA’s previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia has adopted by reference in West Virginia’s revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on July 1, 2016.

Please note that on December 19, 2008 in *Sierra Club vs. EPA*,<sup>1</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR part 63, § 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR part 63, § 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR part 63. Because West Virginia incorporated 40 CFR part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court’s ruling in *Sierra Club vs. EPA*.

EPA appreciates West Virginia’s continuing NESHAP and NSPS enforcement efforts, and also West Virginia’s decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

If you have any questions, please contact me or Mr. David Campbell, Associate Director, Office of Permits and State Programs, at 215–814–2196.

Sincerely,  
Cristina Fernandez, Director  
Air Protection Division

This notice acknowledges the update of West Virginia’s delegation of authority to implement and enforce NESHAP and NSPS.

Dated: January 18, 2017.

**Cristina Fernandez,**  
Director, Air Protection Division, Region III.

[FR Doc. 2017–04773 Filed 3–9–17; 8:45 am]

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<sup>1</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

## ENVIRONMENTAL PROTECTION AGENCY

[19956–73–OEI]

### Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Montana

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA’s approval of the State of Montana’s request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

**DATES:** EPA’s approval is effective April 10, 2017 for the State of Montana’s National Primary Drinking Water Regulations Implementation program, if no timely request for a public hearing is received and accepted by the Agency.

**FOR FURTHER INFORMATION CONTACT:** Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, [seeh.karen@epa.gov](mailto:seeh.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:** On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic

reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On December 22, 2016, the Montana Department of Environmental Quality (MT DEQ) submitted an application titled “Compliance Monitoring Data Portal” for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed MT DEQ’s request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA’s decision to approve Montana’s request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

MT DEQ was notified of EPA’s determination to approve its application with respect to the authorized program listed above.

Also, in today’s notice, EPA is informing interested persons that they may request a public hearing on EPA’s action to approve the State of Montana’s request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today’s **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person’s interest in EPA’s determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today’s determination or

rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Montana's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

**Matthew Leopard,**  
 Director, Office of Information Management.  
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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-R04-OAR-2016-0782; FRL-9959-77-Region 4]

**Adequacy Status of the Knoxville, TN 2006 24-Hour PM<sub>2.5</sub> Maintenance Plan Motor Vehicle Emission Budgets for Transportation Conformity Purposes**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) contained in the State Implementation Plan (SIP) revision pertaining to the Knoxville, Tennessee 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) nonattainment area adequate for transportation conformity purposes. This SIP revision was submitted to EPA on December 20, 2016, by the Tennessee Department of Environment and Conservation (TDEC) and requests that EPA redesignate the area to attainment for the 2006 24-hour PM<sub>2.5</sub> national ambient air quality standards (NAAQS), and that EPA approve a maintenance plan for the continued attainment of the Area. Knoxville's 2006 24-hour PM<sub>2.5</sub> nonattainment area (hereafter referred to as "the Knoxville Area"), for which MVEBs are established in this notice, is comprised of the entire counties of Anderson, Blount, Knox, and Loudon, as well as a portion of Roane County. On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) ruled that submitted SIPs cannot be used for transportation conformity determinations until EPA has affirmatively found that the MVEBs are adequate. As a result of EPA's finding, the Knoxville Area must use the MVEBs for future conformity determinations for 2006 24-hour PM<sub>2.5</sub> NAAQS.

**DATES:** These MVEBs are effective March 27, 2017.  
**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, U.S. Environmental Protection Agency, Region 4, Air Regulatory Management Section, 61 Forsyth Street SW., Atlanta, Georgia 30303. Ms. Sheckler can also be reached by telephone at (404) 562-9222, or via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov). The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/currstips.htm>.

**SUPPLEMENTARY INFORMATION:** This notice is simply an announcement of a finding that EPA has already made. EPA, Region 4, sent a letter to TDEC on February 15, 2017, stating that the MVEBs identified for Knoxville in Tennessee's maintenance SIP revision, submitted on December 20, 2016, are adequate and must be used for transportation conformity determinations in the Knoxville Area.

EPA posted the availability of the Knoxville Area MVEBs on EPA's Web site on December 22, 2016, as part of the adequacy process, for the purpose of soliciting comments. The adequacy comment period ran until January 23, 2017. During EPA's adequacy comment period, no comments were received on the Knoxville Area MVEBs. Through this notice, EPA is informing the public that these MVEBs are adequate for transportation conformity. This finding has also been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/paststips.htm>. The adequate MVEBs are provided in Table 1 below:

TABLE 1—KNOXVILLE, TENNESSEE  
 2006 24-HOUR PM<sub>2.5</sub> MVEBS  
 [Tons per day or tpd]

	2014	2028
PM <sub>2.5</sub> .....	1.22	* 0.67
NO <sub>x</sub> .....	42.73	* 19.65

\* This includes the available safety margin of 0.03 tpd for PM<sub>2.5</sub> and 7.16 for NO<sub>x</sub> in 2028.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for

transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have also described the process for determining the adequacy of submitted SIP budgets in our July 1, 2004 (69 FR 40004), final rulemaking entitled, "Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes." Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of Tennessee's 2006 24-hour PM<sub>2.5</sub> SIP revision for the Knoxville Area. Even if EPA finds a budget adequate, the SIP revision could later be disapproved.

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new MVEBs, if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

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

Dated: February 15, 2017.

**Kenneth R. Lapierre,**  
 Acting Regional Administrator, Region 4.  
 [FR Doc. 2017-04684 Filed 3-9-17; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

[MB Docket No. 16-306, GN Docket No. 12-268; DA 17-43]

**OET Announcement of Release of Version 2.1 of TVSTUDY for Processing Construction Permit Applications Filed With the Media Bureau Implementing the Results of the Repacking Process**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Office of Engineering and Technology (OET) announces the release of a version of the *TVStudy* software (Version 2.1) that will be used by the Media Bureau to process broadcast station construction permit applications during the 39-month post-incentive auction period to transition reassigned broadcast stations to their new channel assignments. The new version is available on the Commission's Web site and is intended to facilitate application processing. It includes an updated "TV Interference Check" mode, new map output types