

of any of those regulations, EPA will take appropriate actions to conduct such a review, including, but not limited to, issuing a document in the **Federal Register** addressing any further delay of the effective date of such regulation. If Agency officials decide not to conduct a substantive review of a regulation listed in the table below, it will become effective on May 22, 2017.

The Agency's implementation of this action without opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(B). (The good cause exception is also referenced in section 307(d) of the Clean Air Act (CAA).) The Agency has determined that seeking public comment is impracticable, unnecessary and contrary to the public interest. The further temporary delay in effective date until May 22, 2017, is necessary to give Agency officials the opportunity to decide whether they would like to

conduct a substantive review of the five regulations, consistent with the January 20 Memo. The intent of the January 20 Memo was to delay the effective dates of rules that had recently been promulgated to give the new Administration time to review them. When that delay was implemented through the January 26 Document, the EPA believed 60 days would be sufficient time for incoming Agency officials to review rules recently promulgated by the EPA. However, given the length of the confirmation process for the EPA Administrator and the fact that the Agency lacks Senate-confirmed officials elsewhere, the new Administration has not had the time contemplated by the January 20 Memo for this review. Thus, the EPA is deferring the effective date for the five regulations listed in the table below for another 62 days to allow Agency officials to conduct this review. Given

the imminence of the effective date, seeking prior public comment on this further temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. Specifically, the Agency has been faced with circumstances beyond its control; as was the case on January 26, it is difficult to predict when the appropriate officials might assume their responsibilities. Indeed, as noted above, even today the EPA has only one Senate-confirmed official in place. Furthermore, allowing these regulations to go into effect without first deciding whether to undertake a substantive review may create public confusion. In addition, to the extent this extension is a procedural rule, it is exempt from notice and comment under 5 U.S.C. 553(b)(A), which is also referenced in CAA section 307(d).

Federal Register citation	Title	Publication date	Original effective date	New effective date
82 FR 2760	Addition of a Subsurface Intrusion Component to the Hazard Ranking System.	1/9/17	2/8/2017	5/22/2017
81 FR 89674	Formaldehyde Emission Standards for Composite Wood Products.	12/12/16	2/10/2017	5/22/2017
82 FR 5182	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter.	1/17/17	2/16/2017	5/22/2017
82 FR 952	Pesticides; Certification of Pesticide Applicators	1/4/17	3/6/2017	5/22/2017
82 FR 2230	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits; Procedures for Decisionmaking.	1/9/17	3/10/2017	5/22/2017

For the foregoing reasons, the EPA relies on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3) to make today's action effective on March 21, 2017.

Dated: March 14, 2017.

E. Scott Pruitt,
Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[EPA-HQ-OAR-2016-0408; FRL-9958-29-OAR]

RIN 2060-AS89

Technical Correction to the National Ambient Air Quality Standards for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to make a technical correction to equation 2 in appendix N to part 50, section 4.4(b) of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter. Equation 2 in appendix N describes an intermediate step in the calculation of the design value for the annual PM_{2.5} (particles

with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) NAAQS. This action corrects Equation 2 to properly account for cases where a site has quarters without daily values and passes the minimum quarterly value data substitution test. This change accurately reflects the intended calculation of the annual PM_{2.5} design value and is consistent with the text of section 4.1 in appendix N to part 50.

DATES: This final rule is effective on May 19, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2016-0408. 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 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 electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Brett Gantt, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Air Quality Analysis Group (Mail Code: C304-04), Environmental Protection Agency, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541-5274; email address: gantt.brett@epa.gov.

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I. General Information

A. Background

On December 14, 2012, the EPA revised the NAAQS for Particulate Matter (78 FR 3086). As part of that action, the EPA also made corresponding revisions in appendix N to 40 CFR part 50, which describes the data handling conventions and computations necessary for determining when the NAAQS for PM_{2.5} are met. Section 4.4 of appendix N describes the annual PM_{2.5} design value calculations, with equations 1, 2, and 3 used to calculate the quarterly, annual, and 3-year average concentrations. Equation 2 erroneously describes the annual mean as the average of the four quarterly values despite the availability of a minimum quarterly value data substitution test that is applicable to

cases with quarters that do not have any daily values.

The minimum quarterly value data substitution test described in section 4.1(c)(i) allows for a valid annual PM_{2.5} design value to be calculated when a test design value is greater than the level of the standard. This test design value is calculated by substituting quarter-specific minimum values for quarters not meeting data completeness requirements. If the minimum quarterly value data substitution test is passed, the annual PM_{2.5} design value is calculated from annual means of the quarters with at least one daily value, which can range in number from one to four quarters for a specific year.

As currently written, Equation 2 is not appropriate for use in cases where the data completeness requirements of section 4.1(b) of appendix N have not been met, and where the minimum quarterly value data substitution test has been used in lieu of meeting those requirements for quarters without any daily values. Specifically, Equation 2 assumes there are four quarters with data and does not accurately reflect the intended calculation of the annual mean PM_{2.5} concentration using only quarters with at least one daily value.

On August 11, 2016, the EPA issued a direct final action (81 FR 53006), along with a parallel proposal (81 FR 53097), to correct Equation 2. We received an adverse comment to the direct final rule suggesting a change in the definition of one of the parameters in the updated equation. Specifically, the commenter suggested that the variable $n_{Q,3}$, which represents the number of quarters used in the calculation of the annual mean, be changed from defining Q as a complete quarter to a quarter containing at least one valid 24-hour value. On September 29, 2016, we withdrew the direct final action and indicated our intent to address the comment in a final action based on the parallel proposal. We agree with the commenter and are incorporating the suggested definition in this final action.

B. What action is the Agency taking?

This action generalizes Equation 2 to account for cases where a site has quarters without daily values, but passes the minimum quarterly value data substitution test. This technical correction to Equation 2 is currently used by the EPA in the calculation of the annual PM_{2.5} design value, is consistent with the text of section 4.1 within appendix N to part 50, and does not affect the EPA's calculation of annual mean PM_{2.5} concentrations when four complete quarters of data are available. The annual PM_{2.5} design

values calculated by the EPA and available at <https://www.epa.gov/air-trends/air-quality-design-values> are, therefore, not affected by this revision.

C. Does this action apply to me?

This action applies to you if you are calculating the annual PM_{2.5} design value for a site which has quarters without daily values for a specific year and passes the minimum quarterly value data substitution test. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action clarifies the calculation of the annual PM_{2.5} NAAQS design values and does not impose additional regulatory requirements on organizations monitoring air quality.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action corrects the calculation of annual mean PM_{2.5} concentrations and does not impose additional regulatory requirements on sources.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments, or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. This regulatory action corrects the calculation of annual mean PM_{2.5} concentrations and imposes no requirements on tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This regulatory action is a technical correction to a previously promulgated regulatory action and does not have any impact on human health or the environment.

K. Congressional Review Act

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 50

Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: March 14, 2017.

E. Scott Pruitt,
Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

■ 1. The authority citation for part 50 continues to read as follows:

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

■ 2. In appendix N to part 50, in section 4.4, paragraph (b), Equation 2 is revised to read as follows:

Appendix N to Part 50—Interpretation of the National Ambient Air Quality Standards for PM_{2.5}

* * * * *

4.4 Equations for the Annual PM_{2.5} NAAQS

* * * * *

(b) * * *

Equation 2

$$\bar{X}_y = \frac{1}{n_{Q,y}} \sum_{q=1}^{n_{Q,y}} \bar{X}_{q,y}$$

Where:

\bar{X}_y = the annual mean concentration for year y ($y = 1, 2, \text{ or } 3$);

$n_{Q,y}$ = the number of quarters Q in year y with at least one daily value; and

$\bar{X}_{q,y}$ = the mean for quarter q of year y (result of equation 1).

* * * * *

[FR Doc. 2017–05474 Filed 3–17–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2016–0497; FRL–9959–14–Region 4]

Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Alabama has applied to the United States Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has

determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State’s changes through this direct final rule. In the “Proposed Rules” section of today’s **Federal Register**, EPA is also publishing a separate document that serves as the proposal to authorize these changes. EPA believes this action is not controversial and does not expect comments that oppose it. Unless EPA receives written comments that oppose this authorization during the comment period, the decision to authorize Alabama’s changes to its hazardous waste program will take effect. If EPA receives comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing today’s direct final rule before it takes effect, and the separate document published in today’s “Proposed Rules” section of this **Federal Register** will serve as the proposal to authorize the changes.

DATES: This final authorization will become effective on May 19, 2017 unless EPA receives adverse written comment by April 19, 2017. If EPA receives such comment, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2016–0497, by one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the on-line instructions for submitting comments.

- **Email:** baker.audrey@epa.gov.

- **Fax:** (404) 562–9964 (prior to faxing, please notify the EPA contact listed below).

- **Mail:** Send written comments to Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

- **Hand Delivery or Courier:** Deliver your comments to Audrey Baker, RCRA Programs and Materials Management Section, Materials and Waste Management Branch, Resource Conservation and Restoration Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office’s normal hours of operation, and special