to be consistent with EPA’s final rule
revoking the 1997 ozone NAAQS and
implementing the 2008 ozone national
ambient air quality standards (NAAQS).
See 80 FR 12264 (March 6, 2015). In the
Final Rules section of this Federal
Register, EPA is approving the State’s
SIP submittal as a direct final rule
without prior proposal because the
Agency views this as a noncontroversial
submittal and anticipates no adverse
comments. A detailed rationale for the
approval is set forth in the direct final
rule. If no adverse comments are
received in response to this action, no
further activity is contemplated. If EPA
receives adverse comments, the direct
final rule will be withdrawn and all
public comments received will be
addressed in a subsequent final rule
based on this proposed rule. EPA will
not institute a second comment period.
Any parties interested in commenting
on this action should do so at this time.

DATES: Comments must be received in
writing by September 18, 2017.

ADDRESSES: Submit your comments,
identified by Docket ID No. EPA–R03–
OAR–2017–0382 at http://www.regulations.gov,
or via email to stohl.cynthia@epa.gov. For
comments submitted at Regulations.gov, follow
the online instructions for submitting
comments. Once submitted, comments
cannot be edited or removed from
Regulations.gov. For either manner of
submission, the EPA may publish any
comment received to its public docket.
Do not submit electronically any
information you consider to be
confidential business information (CBI)
or other information whose disclosure is
restricted by statute. Multimedia
submissions (audio, video, etc.) must be
accompanied by a written comment.
The written comment is considered the
official comment and should include
discussion of all points you wish to
make. EPA will generally not consider
comments or comment contents located
outside of the primary submission (i.e.,
on the web, cloud, or other file sharing
system). For additional submission
methods, please contact the person
identified in the FOR FURTHER
INFORMATION CONTACT section. For the
full EPA public comment policy,
information about CBI or multimedia
submissions, and general guidance on
making effective comments, please visit
http://www2.epa.gov/dockets/
commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT: Sara
Calcinore, (215) 814 2043, or by email
at calcinore.sara@epa.gov.

SUPPLEMENTARY INFORMATION: For
further information, please see the
information provided in the direct final
ENVIRONMENTAL PROTECTION
AGENCY
40 CFR Part 80
OAR]
Relaxation of the Federal Reid Vapor
Pressure (RVP) Gasoline Volatility
Standard for Shelby County
(Memphis), Tennessee
AGENCY: Environmental Protection
Agency (EPA).
ACTION: Proposed rule.
SUMMARY: The Environmental Protection
Agency (EPA) is proposing to approve a
request from Tennessee for EPA to relax
the Federal Reid Vapor Pressure (RVP)
standard applicable to gasoline
introduced into commerce from June 1
to September 15 of each year for Shelby
County, Tennessee (Memphis or Area).
Specifically, EPA is proposing to amend
the regulations to allow the RVP
standard for Shelby County to change
from 7.8 pounds per square inch (psi) to
9.0 psi for gasoline. EPA has
preliminarily determined that this
change to the Federal RVP regulation is
consistent with the applicable
provisions of the Clean Air Act (CAA).
DATES: Written comments must be
received on or before September 18,
2017 unless a public hearing is
requested by Tennessee for EPA to relax
the Federal Reid Vapor Pressure (RVP)
standard applicable to gasoline
introduced into commerce from June 1
to September 15 of each year for Shelby
County, Tennessee (Memphis or Area).
Specifically, EPA is proposing to amend
the regulations to allow the RVP
standard for Shelby County to change
from 7.8 pounds per square inch (psi) to
9.0 psi for gasoline. EPA has
preliminarily determined that this
change to the Federal RVP regulation is
consistent with the applicable
provisions of the Clean Air Act (CAA).
DATES: Written comments must be
received on or before September 18,
2017 unless a public hearing is
requested by September 1, 2017. If EPA
receives such a request, we will publish
information related to the timing and
location of the hearing and a new
deadline for public comment.
ADDRESSES: Submit your comments,
identified by Docket ID No. EPA–HQ–
OAR–2017–0146, to the Federal
Follow the online instructions for submitting
comments. Once submitted, comments cannot
be edited or withdrawn. EPA may publish
any comment received to its public
docket. Do not submit electronically any
information you consider to be
Confidential Business Information (CBI)
or other information disclosure of which
is restricted by statute. If you need to
include CBI as part of your comment,
please visit https://www.epa.gov/
dockets/commenting-epa-dockets for
instructions. Multimedia submissions
(audio, video, etc.) must be
accompanied by a written comment.
The written comment is considered the
official comment and should include
discussion of all points you wish to
make.

For additional submission methods,
the full EPA public comment policy,
and general guidance on making
effective comments, please visit https://
www.epa.gov/dockets/commenting-epa-
dockets.

FOR FURTHER INFORMATION CONTACT:
David Dickinson, Office of
Transportation and Air Quality,
Environmental Protection Agency, 1200
Pennsylvania Avenue, Washington, DC
20460; telephone number: (202) 343–
9256; fax number: (202) 343–2804;
email address: dickinson.david@epa.gov.
You may also contact Rudolph
Kapichak, Office of Transportation and
Air Quality, Environmental Protection
Agency, 2000 Traverwood Drive, Ann
Arbor, Michigan 48105; telephone
number: (734) 214–4574; fax number: (734)
214–4052; email address:
kapichak.rudolph@epa.gov.

SUPPLEMENTARY INFORMATION: The
contents of this preamble are listed in the
following outline:
I. General Information
II. Public Participation
III. Background and Proposal
IV. Statutory and Executive Order Reviews
V. Legal Authority

I. General Information
A. Does this action apply to me?
Entities potentially affected by this
proposed rule are fuel producers and
distributors involved in the supplying
of gasoline to Shelby County, TN.

Examples of potentially
regulated entities

<table>
<thead>
<tr>
<th>Industry Classification System</th>
<th>NAICS ¹ codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petroleum refineries</td>
<td>324110</td>
</tr>
<tr>
<td>Gasoline Marketers and Distribs</td>
<td>424710</td>
</tr>
<tr>
<td>Gasoline Retail Stations</td>
<td>447110</td>
</tr>
<tr>
<td>Gasoline Transporters</td>
<td>484220</td>
</tr>
<tr>
<td></td>
<td>484230</td>
</tr>
</tbody>
</table>

¹ North American Industry Classification System.

The above table is not intended to be
exhaustive, but rather provides a guide
for readers regarding entities likely to be
regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this proposed rule. Other types of entities not listed on the table could also be affected. To determine whether your organization could be affected by this proposed rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the FOR FURTHER INFORMATION CONTACT section of this preamble.

B. What is the Agency’s authority for taking this action?

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the CAA, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Public Participation

EPA will not hold a public hearing on this matter unless a request is received by the person identified in the FOR FURTHER INFORMATION CONTACT section of this preamble by September 1, 2017. If EPA receives such a request, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

III. Background and Proposal

A. Summary of the Proposal

EPA is proposing to approve a request from Tennessee to change the summertime Federal RVP standard for Shelby County from 7.8 psi to 9.0 psi by amending EPA’s regulations at 40 CFR 80.27(a)(2). In a separate rulemaking, noted below, EPA has already approved a CAA section 110(l) non-interference demonstration which concludes that relaxing the Federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in Shelby County would not interfere with maintenance of any NAAQS, including the 2008 and 2015 ozone NAAQS, or any other applicable CAA requirement, under CAA section 110(l). Therefore, by a subsequent rulemaking, EPA approved Tennessee’s non-interference demonstration for its already approved maintenance plan for the 2008 ozone NAAQS.2

The preamble for this rulemaking is organized as follows: Section III.B. provides the history of the Federal gasoline volatility regulation. Section III.C. describes the policy regarding relaxation of gasoline volatility standards in ozone nonattainment areas that are redesignated as attainment areas. Section III.D. provides information specific to Tennessee’s request for Shelby County.

B. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOC), are precursors to the formation of tropospheric ozone and contribute to the nation’s ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease. The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in that final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season.

On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area’s initial ozone attainment designation with respect to the 1-hour ozone NAAQS).

The 1990 CAA Amendments established new CAA section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA’s policy for approving such changes is described below in Section III.C.

C. Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated to Attainment

As stated in the preamble for EPA’s amended Phase II volatility standards (56 FR 64706), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the former 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to...
attainment, until a separate rulemaking is completed that relaxes the Federal gasoline RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area’s circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the area is capable of relaxing the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for ten years without the need for the more stringent volatility standard. Similarly, a maintenance plan may be revised to relax the gasoline volatility standard if the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for the duration of the maintenance plan.

D. Tennessee’s Request To Relax the Federal Gasoline RVP Requirement for Shelby County

On April 12, 2017, Tennessee, through the Tennessee Department of Environment and Conservation (TDEC or State), submitted a request to relax the Federal gasoline RVP requirement in Shelby County. The State also submitted a CAA section 110(l) non-interference demonstration for approval by EPA. The non-interference demonstration shows that the relaxation would not interfere with maintenance of the 2008 ozone NAAQS or any other applicable CAA requirement including the 2015 ozone NAAQS. Tennessee did not request relaxation of the Federal RVP standard from 7.8 psi to 9.0 psi when TDEC originally submitted the CAA section 175A maintenance plan for the 2008 ozone NAAQS that was approved on June 23, 2016 (81 FR 40816).

On July 7, 2017, EPA approved Tennessee’s April 12, 2017 request for approval of CAA section 110(l) non-interference demonstration. In that rulemaking, EPA included an evaluation of Tennessee’s CAA section 110(l) non-interference demonstration for Shelby County. In this action, EPA is proposing to approve Tennessee’s request to relax the summertime ozone season gasoline RVP standard for Shelby County from 7.8 psi to 9.0 psi. Specifically, EPA is proposing to amend the applicable gasoline RVP standard to allow the gasoline RVP requirements at 40 CFR 80.27(a)(2) for Shelby County to change from 7.8 psi to 9.0 psi. This proposal is based on EPA’s separate approval of Tennessee’s April 12, 2017 request for a non-interference demonstration approval and EPA’s June 23, 2016 approval of the redesignation request and maintenance plan for the 2008 ozone NAAQS as described above.

IV. 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” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and therefore was not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and therefore is not subject to these requirements.

D. 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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refineries, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Tennessee, and gasoline distributors and retail stations in Tennessee. This action, if finalized, would relax the Federal RVP standard for gasoline sold in Shelby County, Tennessee during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold in this county to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. Therefore, this action would have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This proposed rule does not contain an 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. The action would implement mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It would 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.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This proposed rule would affect only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Shelby County and gasoline distributors and retail stations in the Area. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the
Executive Order. EPA has no reason to believe that this action may disproportionately affect children since Tennessee has provided evidence that a relaxation of the gasoline RVP will not interfere with its attainment of the ozone NAAQS for Shelby County, or any other applicable CAA requirement. By separate action, EPA has approved Tennessee’s non-interference demonstration regarding its maintenance plan for the 2008 ozone NAAQS, and that Tennessee’s relaxation of the gasoline RVP standard in Shelby County to 9.0 RVP will not interfere with any other NAAQS or CAA requirement.

I. 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.

J. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

EPA believes the human health or environmental risk addressed by this action would not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule would relax the applicable volatility standard of gasoline during the summer, possibly resulting in slightly higher mobile source emissions. However, Tennessee has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in Shelby County for the 2008 ozone NAAQS, or with any other applicable requirement of the CAA. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA’s proposed and final rules for Tennessee’s non-interference demonstration. A copy of Tennessee’s April 12, 2017 letter requesting that EPA relax the gasoline RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP would not interfere with continued maintenance of the 2008 ozone NAAQS in Shelby County, or with any other applicable CAA requirement, has been placed in the public docket for this action.

V. Legal Authority

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: August 11, 2017.

E. Scott Pruitt,
Administrator.

[FR Doc. 2017–17420 Filed 8–16–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372
[60 FR 80742, Dec 20, 1995, 40 CFR Part 74]

Community Right-To-Know; Adopting 2017 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2017 NAICS code revision. As a result of this proposal, facilities would be required to use 2017 NAICS codes when reporting to TRI beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. EPA is also modifying the list of exceptions and limitations associated with NAICS codes in the CFR for TRI reporting purposes by deleting the descriptive text. EPA believes that the proposed amendments are non-controversial and does not expect to receive any adverse comments. Therefore, in addition to this Notice of Proposed Rulemaking, in the “Rules and Regulations” section of today’s Federal Register, EPA is promulgating the 2017 NAICS code update as a direct final rule. For more information on this proposal, please refer to the direct final rule.

DATES: Comments must be received on or before September 18, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2007–0197, by one of the following methods:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.


• Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at http://www.epa.gov/dockets/contacts.html.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at http://www.epa.gov/dockets.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Stephanie Griffin, Toxics Release Inventory Program Division, Mailcode 7410M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–1463; email address: griffin.stephanie@epa.gov.

For general information contact: The Emergency Planning and Community Right-to-Know Information Center; telephone number: (800) 424–9346, TDD (800) 553–7672; Web site: https://www.epa.gov/home/epa-hotlines.

SUPPLEMENTARY INFORMATION: For further information about the proposed update to TRI’s covered NAICS codes, please see the information provided in the direct final action, with the same title, that is located in the “Rules and Regulations” section of this issue of the Federal Register. To comment on this proposed rule, and by extension the direct final rule, you must reference docket ID No. EPA–HQ–OPPT–2007–0197 in one of the manners described above in the ADDRESSES section.