

NAAQS” at the end of the table to read as follows: **\$ 52.50 Identification of plan.** (e) \* \* \*

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/effective date	EPA approval date	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual PM <sub>2.5</sub> NAAQS.	Alabama .....	12/9/2015	9/18/2017, [insert <b>Federal Register</b> citation].	With the exception of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2 and 4) and the state board requirements of section 110(a)(2)(E)(ii).

[FR Doc. 2017-19699 Filed 9-15-17; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R04-OAR-2017-0014; FRL-9967-83-Region 4]

**Air Plan Approval; KY; Removal of Stage II Gasoline Vapor Recovery Program**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving changes to the Kentucky State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky, through the Kentucky Energy and Environmental Cabinet, on November 10, 2016, for the Louisville Metro Air Pollution Control District (District). This SIP revision removes Stage II vapor control requirements for new and upgraded gasoline dispensing facilities, and allows for the decommissioning of existing Stage II equipment in Jefferson County, Kentucky. EPA determined that Kentucky’s November 10, 2016, SIP revision is approvable because it is consistent with the Clean Air Act (CAA or Act).

**DATES:** This rule will be effective October 18, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2017-0014. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information may not be publicly available, *i.e.*, 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Ms. Sheckler’s telephone number is (404) 562-9222. She can also be reached via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On March 4, 1993, the Commonwealth of Kentucky submitted a SIP revision to address the Stage II requirements<sup>1</sup> for Jefferson County, Kentucky.<sup>2</sup> EPA approved that SIP

<sup>1</sup> Stage II is a system designed to capture displaced vapors that emerge from inside a vehicle’s fuel tank, when gasoline is dispensed into the tank. There are two basic types of Stage II systems, the balance type and the vacuum assist type.

<sup>2</sup> On November 6, 1991, EPA designated and classified Jefferson County in Kentucky as a moderate nonattainment area for the 1-hour ozone NAAQS. *See* 56 FR 56694. The “moderate” classification triggered various statutory requirements for the Area, including the requirement pursuant to section 182(b)(3) of the CAA to require all owners and operators of gasoline dispensing systems to install and operate Stage II. EPA redesignated the Louisville portion of the Area to attainment for the 1-hour ozone NAAQS, effective July 31, 2002. *See* 67 FR 49600.

revision, which contained changes to the Jefferson County portion of Kentucky SIP at Regulation 6.40, *Standards of Performance for Gasoline Transfer to Motor Vehicle (Stage II Vapor Recovery and Control Systems)*, in a document published on March 6, 1996 (61 FR 8873). On November 10, 2016, the Commonwealth of Kentucky submitted a SIP revision for Regulation 6.40, *Standards of Performance for Gasoline Transfer to Motor Vehicle (Stage II Vapor Recovery and Control Systems)*. In this action, EPA is approving Louisville’s request to revise the Stage II requirements in the Louisville Kentucky Area. Specifically, it seeks to remove the Stage II requirements in Jefferson County, Kentucky, and to add requirements for decommissioning the stations. EPA published a proposed rulemaking on July 3, 2017, to approve this SIP revision. The details of Kentucky’s submittal and the rationale for EPA’s action are explained in the proposed rulemaking. *See* 82 FR 30809. The comment period for this proposed rulemaking closed on August 2, 2017. EPA did not receive any comments, adverse or otherwise, during the public comment period.

**II. 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 Jefferson County portion of Kentucky, regulation 6.40, *Standards of Performance for Gasoline Transfer to Motor Vehicle (Stage II Vapor Recovery and Control Systems)*, effective November 10, 2016, which removes Stage II vapor control requirements for new and upgraded gasoline dispensing facilities in Jefferson County, Kentucky. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and/or at the EPA Region 4 Office

(please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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>3</sup>

**III. Final Action**

EPA is taking final action to approve the November 10, 2016, revision to the Jefferson County portion of the Kentucky SIP, Regulation 6.40, *Standards of Performance for Gasoline Transfer to Motor Vehicle (Stage II Vapor Recovery and Control Systems)*, submitted by the Commonwealth of Kentucky. This action removes Stage II vapor control requirements for new and upgraded gasoline dispensing facilities, and allows for the decommissioning of existing Stage II equipment. EPA has determined that Kentucky’s November 10, 2016, SIP revision related to the Louisville’s Stage II rules is consistent with the CAA and EPA’s regulations and guidance related to removal of Stage II requirements from the SIP and that these changes will not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA, and therefore satisfy section 110(l).

**IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). 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 Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 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).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 17, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 7, 2017.

**Onis “Trey” Glenn, III,**  
*Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

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

**Subpart S—Kentucky**

- 2. Section 52.920(c), Table 2, is amended under “Reg 6—Standards of Performance for Existing Affected Facilities” by revising the entry for “6.40” to read as follows:

**§ 52.920 Identification of plan.**

*	*	*	*	*
(c)	*	*	*	

<sup>3</sup> 62 FR 27968 (May 22, 1997).

TABLE 2—EPA APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	Federal Register notice	District effective date	Explanation
*	*	*	*	*	*
<b>Reg 6—Standards of Performance for Existing Affected Facilities</b>					
6.40	Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control System).	9/18/2017	[Insert citation of publication].	11/10/2016	
*	*	*	*	*	*

\* \* \* \* \*  
 [FR Doc. 2017–19697 Filed 9–15–17; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 55**

[OAR–2004–0091; FRL–9962–56–Region 9]

**Outer Continental Shelf Air Regulations; Consistency Update for California**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing the updates of the Outer Continental Shelf (“OCS”) Air Regulations proposed in the **Federal Register** on June 17, 2016 and December 12, 2016. Requirements applying to OCS sources located within 25 miles of States’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (“COA”), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 (“the Act”). The portions of the OCS air regulations that are being updated pertain to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (“Santa Barbara County APCD”) and Ventura County Air Pollution Control District (“Ventura County APCD”) are the designated COA. The intended effect of approving the OCS requirements for the Santa Barbara County APCD and Ventura County APCD is to regulate emissions from OCS sources in accordance with the requirements onshore. The changes to the existing requirements discussed in this document will be incorporated by reference into the Code of Federal

Regulations and listed in the appendix to the OCS air regulations.

**DATES:** This rule is effective on October 18, 2017. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of October 18, 2017.

**ADDRESSES:** EPA has established docket number OAR–2004–0091 for this action. The index to the docket is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4125, [vineyard.christine@epa.gov](mailto:vineyard.christine@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, the terms “we,” “us,” or “our” refer to U.S. EPA.

Organization of this document: The following outline is provided to aid in locating information in this preamble.

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Proposed Action**

On June 17, 2016 (81 FR 39607) and December 12, 2016 (81 FR 39607), EPA proposed to incorporate various Santa Barbara County APCD and Ventura County APCD air pollution control requirements into the OCS Air Regulations at 40 CFR part 55. We are incorporating these requirements in

response to the submittal of these rules by the Districts. EPA has evaluated the proposed requirements to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or Part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e).

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states’ seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA’s flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA’s state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

**II. Public Comments and EPA Responses**

EPA’s proposed actions provided 30-day public comment periods. During these periods, we received no comments on the proposed actions.