

[www.environment.fhwa.dot.gov/4f/4fnationwideevals.asp](http://www.environment.fhwa.dot.gov/4f/4fnationwideevals.asp).

■ 21. Amend § 774.13 by revising paragraph (a) to read as follows:

**§ 774.13 Exceptions.**

(a) The use of historic transportation facilities in certain circumstances:

(1) Common post-1945 concrete or steel bridges and culverts that are exempt from individual review under 54 U.S.C. 306108.

(2) Improvement of railroad or rail transit lines that are in use or were historically used for the transportation of goods or passengers, including, but not limited to, maintenance, preservation, rehabilitation, operation, modernization, reconstruction, and replacement of elements of such railroad or rail transit lines except for:

- (i) Stations;
- (ii) Bridges or tunnels on railroad lines that have been abandoned or transit lines not in use over which regular service has never operated, and that have not been railbanked or otherwise reserved for the transportation of goods or passengers; and
- (iii) Historic sites unrelated to the railroad or rail transit lines.

(3) Restoration, rehabilitation, or maintenance of other types of historic transportation facilities, if the Administration concludes, as a result of the consultation under 36 CFR 800.5, that:

- (i) Such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register; and
- (ii) The official(s) with jurisdiction over the Section 4(f) resource have not objected to the Administration conclusion in paragraph (a)(3)(i) of this section.

■ 22. Amend § 774.15 by revising paragraph (f)(2) to read as follows:

**§ 774.15 Constructive use determinations.**

(f) \* \* \*

(2) For projected noise levels:

(i) The impact of projected traffic noise levels of the proposed highway project on a noise-sensitive activity do not exceed the FHWA noise abatement criteria as contained in Table 1 in part 772 of this chapter; or

(ii) The projected operational noise levels of the proposed transit or railroad project do not exceed the noise impact criteria for a Section 4(f) activity in the FTA guidelines for transit noise and vibration impact assessment or the

moderate impact criteria in the FRA guidelines for high-speed transportation noise and vibration impact assessment;

■ 23. Amend § 774.17 by revising the definitions for “Administration” and “CE” to read as follows:

**§ 774.17 Definitions.**

**Administration.** The FHWA, FRA, or FTA, whichever is approving the transportation program or project at issue. A reference herein to the Administration means the State when the State is functioning as the FHWA, FRA, or FTA in carrying out responsibilities delegated or assigned to the State in accordance with 23 U.S.C. 325, 326, 327, or other applicable law.

**CE.** Refers to a Categorical Exclusion, which is an action with no individual or cumulative significant environmental effect pursuant to 40 CFR 1508.4 and § 771.116, § 771.117, or § 771.118 of this chapter; unusual circumstances are taken into account in making categorical exclusion determinations.

**Title 49—Transportation**

**PART 264—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**

■ 24. Revise the authority citation for part 264 to read as follows:

**Authority:** 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303; 23 U.S.C. 139; 40 CFR parts 1500 through 1508; 49 CFR 1.81; Pub. L. 112–141, 126 Stat. 405, Section 1319; and Pub. L. 114–94, 129 Stat. 1312, Sections 1432 and 11502.

■ 25. Revise the heading for part 264 to read as set forth above.

■ 26. Revise § 264.101 to read as follows:

**§ 264.101 Procedures for complying with the surface transportation project delivery program application requirements and termination.**

The procedures for complying with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and related statutes, regulations, and orders are set forth in part 771 of title 23 of the Code of Federal Regulations. The procedures for complying with the procedures for complying with the surface transportation project delivery program application requirements and termination are set forth in part 773 of title 23 of the Code of Federal Regulations.

**PART 622—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**

■ 27. Revise authority citation for part 622 to read as follows:

**Authority:** 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303 and 5323(q); 23 U.S.C. 139 and 326; Pub. L. 109–59, 119 Stat. 1144, Sections 6002 and 6010; 40 CFR parts 1500–1508; 49 CFR 1.81; Pub. L. 112–141, 126 Stat. 405, Sections 1315, 1316, 1317, 1318, and 1319; and Pub. L. 114–94, 129 Stat. 1312, Sections 1314 and 1432.

[FR Doc. 2017–20565 Filed 9–27–17; 11:15 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R03–OAR–2017–0398; FRL–9968–50–Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone Standard**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve the state implementation plan (SIP) revision submitted by the Maryland Department of the Environment (MDE) on behalf of the State of Maryland in response to EPA’s February 3, 2017 Findings of Failure to Submit for various requirements relating to the 2008 8-hour ozone national ambient air quality standards (NAAQS). This SIP revision is specific to nonattainment new source review (NNSR) requirements. 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 description of the state submittal and EPA’s evaluation is included in a technical support document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document or is also available electronically within the Docket for this rulemaking action. 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 October 30, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0398 at <http://www.regulations.gov>, or via email to [aquino.marcos@epa.gov](mailto:aquino.marcos@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:** Mrs. Amy Johansen, (215) 814-2156, or by email at [johansen.amy@epa.gov](mailto:johansen.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, 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 **Federal Register** publication.

Dated: September 14, 2017.

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*  
[FR Doc. 2017-20837 Filed 9-28-17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2017-0383; FRL-9968-31-Region 9]

### Approval of California Air Plan Revisions; Anti-Idling Regulations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM) from the idling of diesel-powered trucks. We are proposing to approve portions of a state rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by October 30, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2017-0383 at <https://www.regulations.gov>, or via email to Jeffrey Buss, Rulemaking Office at [Buss.Jeffrey@epa.gov](mailto:Buss.Jeffrey@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited 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. The 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 <https://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Buss, EPA Region IX, (415) 947-4152, [buss.jeffrey@epa.gov](mailto:buss.jeffrey@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to the EPA.

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### I. The State’s Submittal

#### A. What rule did the State submit?

This proposal addresses subsections (c)(1)(A) and (c)(1)(B) of Title 13 California Code of Regulations (CCR) Section 2485, “Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling” (collectively, “Idling Restrictions”). The California Air Resources Board (CARB) adopted Section 2485 on September 1, 2006, and submitted the Idling Restrictions and other portions of Section 2485 to the EPA on December 9, 2011. On May 9, 2012, this submittal was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

#### B. Are there other versions of this rule?

There are no previous versions of the Idling Restrictions. However, other portions of 13 CCR 2485 were subject to a CAA section 209 waiver requirement,<sup>1</sup> and were previously approved into the California SIP.<sup>2</sup>

#### C. What is the purpose of the submitted rule?

The Idling Restrictions were adopted to reduce emissions of NO<sub>x</sub>, reactive organic gases<sup>3</sup> (ROG) and PM.<sup>4</sup> NO<sub>x</sub> and VOCs help produce ground-level ozone, smog and PM, which harm

<sup>1</sup> See 77 FR 9239 (February 16, 2012).

<sup>2</sup> See 81 FR 39423, 39443 (June 16, 2016).

<sup>3</sup> CARB uses the term ROG to refer to a class of VOCs that are sufficiently reactive with sources of oxygen molecules such as NO<sub>x</sub> and carbon monoxide (CO) in the atmosphere in the presence of sunlight. In contrast, the EPA uses the term VOCs, but exempts certain VOCs that are non-reactive or of negligible reactivity in our regulations. See 40 CFR 51.100(s).

<sup>4</sup> See California Air Resources Board, Staff Report, “Initial Statement of Reasons: Notice of Public Hearing to Consider Requirements to Reduce Idling Emissions from New and In-Use Trucks, Beginning in 2008,” September 1, 2005, at page 7.