

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 these actions 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**. These actions are 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 these

actions must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of these actions 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. These actions 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, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 29, 2017.  
**Onis “Trey” Glenn, III,**  
*Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

**EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS**

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
* 110(a)(1) and (2) Infrastructure Requirements for the 2010. 1-hour NO <sub>2</sub> NAAQS	* Alabama	* 12/9/2015	* 10/12/2017, [Insert <b>Register</b> citation].	* Addressing Prong 4 of Section 110(a)(2)(D)(i)(I) only.
* 110(a)(1) and (2) Infrastructure Requirements for the 2010. 1-hour SO <sub>2</sub> NAAQS	* Alabama	* 4/23/2013	* 10/12/2017, [Insert <b>Register</b> citation].	* Addressing Prong 4 of Section 110(a)(2)(D)(i)(I) only.
* 110(a)(1) and (2) Infrastructure Requirements for the 2012. Annual PM <sub>2.5</sub> NAAQS	* Alabama	* 12/9/2015	* 10/12/2017, [Insert <b>Register</b> citation].	* Addressing Prong 4 of Section 110(a)(2)(D)(i)(I) only.
* Regional Haze Plan Revision	* Alabama	* 10/26/2015	* 10/12/2017, [Insert <b>Register</b> citation].	* <b>Federal</b>

■ 3. Section 52.53 is amended by removing and reserving paragraph (e) to read as follows:

**§ 52.53 Approval status.**

\* \* \* \* \*

(e) [Reserved]

**§ 52.61 [Removed and reserved]**

■ 4. Section 52.61 is removed and reserved.

[FR Doc. 2017-21954 Filed 10-11-17; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R07-OAR-2017-0143; FRL-9969-14-Region 7]

**Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa; Withdrawal of Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, the Environmental Protection Agency

**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 B—Alabama**

■ 2. Section 52.50(e) is amended by adding new entries for “110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO<sub>2</sub> NAAQS”, “110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO<sub>2</sub> NAAQS”, “110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual PM<sub>2.5</sub> NAAQS” and “Regional Haze Plan Revision” at the end of the table to read as follows:

**§ 52.50 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

(EPA) is withdrawing the direct final rule for “Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa,” published in the **Federal Register** on August 25, 2017.

**DATES:** The direct final rule published at 82 FR 40491, August 25, 2017, is withdrawn effective October 12, 2017.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913-551-7039, or by email at [Hamilton.heather@epa.gov](mailto:Hamilton.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:** Due to an adverse comment, EPA is withdrawing the direct final rule to approve a SIP revision submitted by the State of Iowa pertaining to an amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa. In the direct final rule published in the **Federal Register** on August 25, 2017, (82 FR 40491), we stated that if we received adverse comment by September 25, 2017, the rule would be withdrawn and not take effect. EPA received an adverse comment. We will address those comments in a proposed rulemaking.

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

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: September 27, 2017.

**Cathy Stepp,**

*Acting Regional Administrator, Region 7.*

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

■ Accordingly, the amendment to 40 CFR 52.820 published in the **Federal Register** on August 25, 2017 (82 FR 40491) on page 40493 is withdrawn effective October 12, 2017.

[FR Doc. 2017-21929 Filed 10-11-17; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R04-OAR-2017-0174; FRL-9969-25—Region 4]

#### Air Plan Approval: Alabama; Transportation Conformity

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the August 17, 2017, direct final rule that approves an Alabama state implementation plan (SIP) revision related to transportation conformity requirements. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on August 17, 2017. EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published at 82 FR 30935, on August 17, 2017, is withdrawn effective October 12, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Kelly Sheckler, 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. The telephone number is (404) 562-9222. Ms. Sheckler can also be reached via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov).

**SUPPLEMENTARY INFORMATION:** On August 17, 2017 (82 FR 39035), EPA published a direct final rule approving a SIP revision submitted by the State of Alabama, through the Alabama Department of Environmental Management. EPA took a direct final action to approve the portions of the May 8, 2013, submission that removes specific provisions of Alabama Administrative Code section 335-3-17-.01, “*Transportation Conformity*,” from the SIP that are no longer required.

In the direct final rule, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rule would be effective generally 30 days after the close of the public comment period, without further notice unless the Agency received adverse comment by the close of the public comment period. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on this action.

EPA received one adverse comment from a single Commenter on the aforementioned rule. As a result of the comment received, EPA is withdrawing the direct final rule approving the aforementioned changes to the Alabama SIPs. EPA will address the comment in a separate final action based on the proposed action also published on August 17, 2017 (82 FR 39078). EPA

will not open a second comment period for this action.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 29, 2017.

**Onis “Trey” Glen, III**

*Regional Administrator, Region 4.*

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

■ Accordingly, the amendment to 40 CFR 52.50(c) published on August 17, 2017 (82 FR 39035), is withdrawn effective October 12, 2017.

[FR Doc. 2017-21931 Filed 10-11-17; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R04-OAR-2017-0371; FRL-9969-22—Region 4]

#### Air Plan Approval; Alabama: PSD Replacement Units

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to the receipt of adverse comments, the Environmental Protection Agency (EPA) is withdrawing the August 24, 2017, direct final rule that approves an Alabama state implementation plan (SIP) revision related to the Prevention of Significant Deterioration (PSD) permitting regulations. EPA will address the comments in a subsequent final action based upon the proposed rulemaking action, also published on August 24, 2017. EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published at 82 FR 40072, on August 24, 2017, is withdrawn, effective October 12, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Andres Febres, 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. The telephone number is (404) 562-8966. Ms. Sheckler can also be reached via electronic mail at [febres-martinez.andres@epa.gov](mailto:febres-martinez.andres@epa.gov).