

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R04-OAR-2017-0388; FRL-9969-31-Region 4]

**Air Plan Approval: South Carolina; Standards for Volatile Organic Compounds and Oxides of Nitrogen****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 a portion of the August 16, 2017, direct final rule that approves changes to South Carolina's state implementation plan (SIP) related to the regulation of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>). EPA will address the comment in a separate final action based upon the proposed rulemaking action, also published on August 16, 2017. EPA will not institute a second comment period on this action.

**DATES:** The amendment to 40 CFR 52.2120(c) at Regulation 62.5, Standard No. 5.2 (amendatory instruction 2.b) published at 82 FR 38828, on August 16, 2017, is withdrawn, effective October 13, 2017.

**FOR FURTHER INFORMATION CONTACT:**

D. Brad Akers, 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. Mr. Akers can be reached via telephone at (404) 562-9089 or via electronic mail at [akers.brad@epa.gov](mailto:akers.brad@epa.gov).

**SUPPLEMENTARY INFORMATION:** On August 16, 2017 (82 FR 38825), EPA published a direct final rule approving portions of several SIP revisions submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control, on October 1, 2007, June 17, 2013, and January 20, 2016. EPA took a direct final action to approve portions of the October 1, 2007, June 17, 2013, and January 20, 2016, submissions that made changes to Regulation 61-62.5, Standard No. 5—"Volatile Organic Compounds," and Regulation 61-62.5, Standard No. 5.2—"Control of Oxides of Nitrogen (NO<sub>x</sub>)."

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 revisions 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. EPA specified, however, that if a comment were received on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. 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 portion of the direct final rule that made changes to Regulation 61-62.5, Standard No. 5.2 only. As a result of the comment received, EPA is withdrawing only the portion of the direct final rule approving changes to the South Carolina SIP at Regulation 61-62.5, Standard No. 5.2, as submitted in the October 1, 2007, SIP revision. The EPA will address the comment in a separate final action based on the proposed action also published on August 16, 2017 (82 FR 38865). 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, Nitrogen dioxide, Volatile organic compounds.

Dated: September 29, 2017.

**Onis "Trey" Glenn, III,**

*Regional Administrator, Region 4.*

■ Accordingly, the amendments to 40 CFR 52.2120(c) at Regulation 62.5, Standard No. 5.2 (amendatory instruction 2.b) published on August 16, 2017 (82 FR 38825), which were to become effective October 16, 2017, are withdrawn.

[FR Doc. 2017-22122 Filed 10-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R04-OAR-2007-0085; FRL-9969-33-Region 4]

**Air Plan Approval; North Carolina; Air Curtain Burners****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the August 17, 2017, direct final rule that approves portions of North Carolina State Implementation Plan (SIP) revisions related to changes to an air curtain burner regulation. EPA stated in the direct final rules that if EPA received adverse comments by the close of the public comment period, the rules would be withdrawn and not take effect. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on August 17, 2017.

**DATES:** The direct final rule published August 17, 2017 at 82 FR 39027 is withdrawn, effective October 13, 2017.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** On August 17, 2017 (82 FR 39027), EPA published a direct final rulemaking approving portions of SIP revisions submitted by State of North Carolina through the North Carolina Department of Environmental Quality (formerly the North Carolina Department of Environment and Natural Resources), Division of Air Quality. Specifically, EPA took direct final action to approve portions of North Carolina's October 14, 2004, March 24, 2006, and January 31, 2008 submissions that make changes to Regulation 15A NCAC Subchapter 2D—Air Pollution Control Requirements, Section .1904, *Air Curtain Burners*. These SIP revisions were submitted to make changes to the requirements for permits obtained for air curtain burners as defined by 40 CFR 60.2245 through 60.2265, permanent burning sites or materials transported from burning site to burning site; make clarifications to