

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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 16, 2018. 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* Clean Air Act section 307(b)(2).)

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: August 8, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

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 YY—Wisconsin

■ 2. Section 52.2570 is amended by revising paragraphs (c)(121) introductory text and (c)(121)(i)(B), adding paragraph (c)(121)(i)(C), revising paragraph (c)(121)(ii)(B), and adding paragraph (c)(121)(ii)(C) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(121) On September 11, 2009, the Wisconsin Department of Natural Resources (WDNR) submitted a State Implementation Plan (SIP) revision request. The State’s ambient air quality standards were revised by adding fine particulate matter, PM_{2.5}, standards and revising the coarse particulate matter, PM₁₀, standards. Wisconsin added annual and 24-hour PM_{2.5} standards. It also revoked the annual PM₁₀ ambient air quality standard while retaining the 24-hour PM₁₀ standard. On January 4, 2018, the WDNR submitted a SIP revision request updating its ambient air quality standards for fine particulate matter to be consistent with EPA’s 2012 revisions to the fine particulate matter national ambient air quality standards. Wisconsin also revised its incorporation by reference rule to update references to the EPA monitoring methods.

(i) * * *

(B) NR 404.04 Ambient Air Quality Standards. NR 404.04(8) “PM₁₀: PRIMARY AND SECONDARY STANDARDS.” as published in the Wisconsin Administrative Register, September 2009, No. 645, effective October 1, 2009.

(C) NR 404.04 Ambient Air Quality Standards. NR 404.04(9) “PM_{2.5}.” as published in the Wisconsin Administrative Register, December 2017, No. 744, effective January 1, 2018.

(ii) * * *

(B) NR 484.04 Code of federal regulations appendices. NR 484.04(6) in Table 2, as published in the Wisconsin Administrative Register, September 2009, No. 645, effective October 1, 2009.

(C) NR 484.04 Code of federal regulations appendices. NR 484.04(6g) and NR 484.04(6r) in Table 2, as published in the Wisconsin Administrative Register, December 2017, No. 744, effective January 1, 2018.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 228

[Docket No. FRA–2012–0101]

RIN 2130–AC41

Hours of Service Recordkeeping; Automated Recordkeeping; Correction

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Correcting amendment.

SUMMARY: On August 29, 2018, FRA published a final rule to reduce the paperwork burden associated with compliance with Federal hours of service laws and regulations. In preparing that final rule for publication, a technical error was made as described in the Supplementary Information. FRA is correcting this minor error so that the final rule clearly conforms to FRA’s intent.

DATES: Effective on September 17, 2018.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: In the final rule, FRA failed to include an instruction amending 49 CFR 228.201 to include new paragraph (c). *See* 83 FR 43988. Paragraph (c) was discussed in the section-by-section analysis and properly published as new rule text, but was not properly included in an amendatory instruction. This correction remedies that oversight to ensure that the codified text of the section matches the text FRA intended.

List of Subjects in 49 CFR Part 228

Administrative practice and procedures, Buildings and facilities, Hazardous materials transportation, Noise control, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

The Rule

For the reasons discussed in the preamble, FRA amends part 228 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 228—PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Pub. L. 110–432, 122 Stat. 4860–4866, 4893–4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 U.S.C. 103; and 49 CFR 1.89.

■ 2. In § 228.201, add new paragraph (c) to read as follows:

§ 228.201 Electronic recordkeeping system and automated recordkeeping system; general.

* * * * *

(c) If a railroad, or a contractor or subcontractor to the railroad, is no longer eligible to use an automated recordkeeping system to record data subpart B of this part requires, the entity must begin keeping manual or

electronic records and must retain its automated records as required under § 228.9(c) unless the entity requests, and FRA grants, a waiver under § 211.41 of this chapter.

Juan D. Reyes III,
*Chief Counsel, Federal Railroad
Administration.*

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