

from the date of the State VR agency's appeal. The decision by the Commissioner will be final and conclusive upon the State VR agency unless the State VR agency appeals that decision in writing in accordance with 45 CFR part 16 to the Department of Health and Human Services' Departmental Appeals Board within 30 days after receiving the Commissioner's decision.

\* \* \* \* \*

(c) *Disputes on determinations made by the Commissioner which affect a disabled or blind beneficiary's rights to benefits.* Determinations made by the Commissioner which affect an individual's right to benefits (e.g., determinations that disability or blindness benefits should be terminated, denied, suspended, continued or begun at a different date than alleged) cannot be appealed by a State VR agency. Because these determinations are an integral part of the disability or blindness benefits claims process, they can only be appealed by the beneficiary or applicant whose rights are affected or by his or her authorized representative. However, if an appeal of an unfavorable determination is made by the individual and is successful, the new determination would also apply for purposes of this subpart. While a VR agency cannot appeal a determination made by the Commissioner which affects a beneficiary's or applicant's rights, the VR agency can furnish any evidence it may have which would support a revision of a determination.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 721

[EPA-HQ-OPPT-2018-0627; FRL-9986-74]

RIN 2070-AB27

### Significant New Use Rules on Certain Chemical Substances; Withdrawal

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

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

**SUMMARY:** EPA is withdrawing significant new use rules (SNURs) promulgated under the Toxic Substances Control Act (TSCA) for 26 chemical substances, which were the subject of premanufacture notices (PMNs). EPA published these SNURs using direct final rulemaking procedures, which requires EPA to take certain actions if an adverse comment is

received. EPA received adverse comments regarding the SNURs identified in the direct final rule. Therefore, the Agency is withdrawing the direct final rule SNURs identified in this document, as required under the direct final rulemaking procedures.

**DATES:** The direct final rule published at 83 FR 49806 on October 3, 2018 (FRL-9983-82) is withdrawn effective December 3, 2018.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2018-0627, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-9232; email address: [moss.kenneth@epa.gov](mailto:moss.kenneth@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this action apply to me?**

A list of potentially affected entities is provided in the **Federal Register** of October 3, 2018 (83 FR 49806) (FRL-9983-82). If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**II. What direct final SNURs are being withdrawn?**

In the **Federal Register** of October 3, 2018 (83 FR 49806) (FRL-9983-82), EPA issued direct final SNURs for 26 chemical substances that are identified in the document. Because the Agency received adverse comments regarding the SNURs identified in the document, EPA is withdrawing the direct final

SNURs issued for these 26 chemical substances, which were the subject of PMNs. In addition to the Direct Final SNURs, elsewhere in the same issue of the **Federal Register** of October 3, 2018 (83 FR 49903) (FRL-9983-81), EPA issued proposed SNURs covering these 26 chemical substances. EPA will address all adverse public comments in a subsequent final rule, based on the proposed rule.

**III. Good Cause Finding**

EPA determined that this document is not subject to the 30-day delay of effective date generally required by the Administrative Procedure Act (APA) (5 U.S.C. 553(d)) because of the time limitations for publication in the **Federal Register**. This document must publish on or before the effective date of the direct final rule containing the direct final SNURs being withdrawn.

**IV. Statutory and Executive Order Reviews**

This action withdraws regulatory requirements that have not gone into effect and which contain no new or amended requirements and reopens a comment period. As such, the Agency has determined that this action will not have any adverse impacts, economic or otherwise. The statutory and Executive Order review requirements applicable to the direct final rules were discussed in the October 3, 2018 **Federal Register** (83 FR 49806). Those review requirements do not apply to this action because it is a withdrawal and does not contain any new or amended requirements.

**V. Congressional Review Act (CRA)**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). Section 808 of the CRA allows the issuing agency to make a rule effective sooner than otherwise provided by CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. As required by 5 U.S.C. 808(2), this determination is supported by a brief statement in Unit III.

**List of Subjects**

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

## 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 19, 2018.

**Lance Wormell,**

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

■ Accordingly, the amendments to 40 CFR parts 9 and 721 published on October 3, 2018 (83 FR 49806), are withdrawn effective December 3, 2018.

[FR Doc. 2018–26358 Filed 12–3–18; 8:45 am]

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

[EPA–R01–OAR–2017–0344; FRL–9986–82–Region 1]

**Air Plan Approval; New Hampshire; Infrastructure State Implementation Plan Requirements for the 2012 PM<sub>2.5</sub> NAAQS**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving two State Implementation Plan (SIP) submissions from New Hampshire that address the infrastructure SIP requirements, including the interstate transport requirements, of the Clean Air Act (CAA or Act) for the 2012 fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS). The approval does not address CAA section 110(a)(2)(K) (regarding air quality modeling and data), which EPA will address in a later rulemaking. The infrastructure SIP requirements are designed to ensure that the structural components of each state’s air quality management program are adequate to meet the state’s responsibilities with respect to this NAAQS under the CAA, including the obligations related to transport. The EPA is taking this action under the Clean Air Act.

**DATES:** This rule is effective on January 3, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2017–0344. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI 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 at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square–Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alison C. Simcox, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square–Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, tel. (617) 918–1684; [simcox.alison@epa.gov](mailto:simcox.alison@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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**I. Background and Purpose**

On April 10, 2018 (83 FR 15343), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Hampshire. The NPRM proposed approval of two SIP submissions from the New Hampshire Department of Environmental Services (NHDES), which included an infrastructure SIP submission for the 2012 fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) submitted by the state on December 22, 2015, and a separate SIP submission addressing the “Good Neighbor” (or “transport”) provisions for the 2012 PM<sub>2.5</sub> NAAQS (Section 110(a)(2)(D)(i)(I) of the CAA) submitted by the state on June 8, 2016.

This rulemaking does not cover three substantive areas that are not integral to acting on a state’s infrastructure SIP submission: (i) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction at sources (“SSM” emissions) that may be contrary to the CAA and EPA’s policies addressing such excess emissions; (ii) existing provisions related to “director’s

variance” or “director’s discretion” that purport to permit revisions to SIP-approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (“director’s discretion”); and, (iii) existing provisions for Prevention of Significant Deterioration (PSD) programs that may be inconsistent with current requirements of EPA’s “Final New Source Review (NSR) Improvement Rule,” 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (“NSR Reform”). Instead, EPA has the authority to address each of these substantive areas separately. A detailed history, interpretation, and rationale for EPA’s approach to infrastructure SIP requirements can be found in EPA’s May 13, 2014, proposed rule entitled, “Infrastructure SIP Requirements for the 2008 Lead NAAQS” in the section, “What is the scope of this rulemaking?” See 79 FR 27241 at 27242–45.

The rationale for EPA’s proposed action is explained in the NPRM and will not be restated here.

**II. Response to Comments**

EPA received six sets of comments during the comment period. Only one set includes significant, adverse comment, and it relates solely to section 110(a)(2)(K) of the Act (regarding air quality modeling and data). In the NPRM, EPA proposed to approve NHDES’ submissions for the 2012 PM<sub>2.5</sub> NAAQS for the infrastructure requirements of Section 110(a)(2)(A) through (M), including (K). In this rulemaking, EPA is finalizing the approval of New Hampshire’s submissions for the infrastructure requirements of section 110(a)(2)(A) through (M), *except* (K). EPA will take separate action at a later date addressing these comments and the section 110(a)(2)(K) requirements for New Hampshire’s infrastructure SIP submissions for the 2012 PM<sub>2.5</sub> NAAQS.

The other five sets of comments we received all discuss subjects outside the scope of an infrastructure SIP action, do not explain (or provide a legal basis for) how the proposed action should differ in any way, and, indeed, make no specific mention of the proposed action. Consequently, those five sets of comments are not germane to this rulemaking and require no further response.

**III. Final Action**

EPA is approving New Hampshire’s December 2015 and June 2016 infrastructure SIP submissions for the 2012 PM<sub>2.5</sub> NAAQS, except for Section

<sup>1</sup> PM<sub>2.5</sub> refers to particulate matter of 2.5 microns or less in diameter, often referred to as “fine” particles.