

In the above table, the key is as follows:

|          |                                     |
|----------|-------------------------------------|
| A .....  | Approve.                            |
| NA ..... | Not applicable.                     |
| FS ..... | Finding of failure to submit.       |
| + .....  | Not germane to infrastructure SIPs. |

EPA also is proposing to approve the transport provisions (Element (D)1 in Table 1) for the 1997 and 2006 PM<sub>2.5</sub> NAAQS, as well as the Visibility Protection requirements (Element (D)3 in Table 1) for the 2006 PM<sub>2.5</sub> NAAQS.

We are also proposing to convert to full approval previous conditional approvals for elements A and E(ii) for the 1997 and 2006 PM<sub>2.5</sub> NAAQS and previous conditional approvals for element A for the 1997 ozone, 2008 lead, 2008 ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide NAAQS. For the 1997 and 2006 PM<sub>2.5</sub> NAAQS, we are also proposing approvals for prong 4 of section 110(a)(2)(D)(i)(II) and for the section 115-related requirements of section 110(a)(2)(D)(ii).

As shown in Table 1, we are proposing to issue a finding of failure to submit for the PSD-related requirements of (C)2, (D)2, (D)4, (J)1, and (J)3. However, as noted above, Massachusetts is already subject to a FIP for PSD, and so EPA will have no additional FIP obligations under section 110(c) of the Act if this action is finalized as proposed. Furthermore, this action will not subject the Commonwealth to mandatory sanctions.

EPA is also proposing to approve, and incorporate into the Massachusetts SIP, definitions of *National Ambient Air Quality Standards (NAAQS) or Federal Ambient Air Quality Standards, PM<sub>10</sub> or Particulate Matter 10, PM<sub>10</sub> Emissions, PM<sub>2.5</sub> or Particulate Matter 2.5, and PM<sub>2.5</sub> Emissions* in 310 CMR 7.00 that Massachusetts included in a submittal to EPA dated May 14, 2018.

Finally, EPA is proposing to approve, and incorporate into the Massachusetts SIP, Massachusetts Executive Order 145, *Consultation with Cities & Towns on Administrative Mandates*, effective November 20, 1978, which Massachusetts included for approval in its infrastructure SIP submittal for the 2012 PM<sub>2.5</sub> NAAQS.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the

**ADDRESSES** section of this **Federal Register**.

#### V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Executive Order 145 and the part of 310 CMR 7.00 referenced in Section IV above. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer

and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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).

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 11, 2019.

**Deborah Szaro,**

*Acting Regional Administrator, EPA Region 1.*

[FR Doc. 2019-02658 Filed 2-19-19; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 70

[EPA-R07-OAR-2018-0852; FRL-9989-07-Region 7]

#### Air Plan Approval and Approval of Operating Permits Program; Nebraska; Adoption of the 2015 Ozone Standard and Revisions to Definitions

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing approval of revisions to the State Implementation Plan (SIP), and Operating Permits Program for the State of Nebraska as submitted on August 22, 2018. This action proposes to adopt the 2015 primary and secondary National Ambient Air Quality Standards for Ozone, published in the **Federal Register** on October 26, 2015. The EPA is also proposing to approve revisions which are administrative in nature. These revisions include updating a reference to EPA's regulation used in the definition of "Global Warming

Potentials”, removing “Greenhouse Gases” from the definition of “Regulated Air Pollutant”, and updating a reference to EPA’s regulations used in the definition of “Volatile Organic Compound”. Other typographical and reformatting revisions are also being made. Approval of these revisions will not impact air quality, ensures consistency between the State and Federally-approved rules, and ensures Federal enforceability of the State’s rules.

**DATES:** Comments must be received on or before March 22, 2019.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA–R07–OAR–2018–0852 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Written Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Greg Crable, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7391; email address [crable.gregory@epa.gov](mailto:crable.gregory@epa.gov).

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

## Table of Contents

- I. Written Comments
- II. What is being addressed in this document?
- III. Have the requirements for approval of a SIP revision been met?
- IV. What action is EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

### I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2018–0852, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

### II. What is being addressed in this document?

The EPA is proposing to approve revisions to the State Implementation Plan (SIP) and the Operating Permit Program submitted on August 22, 2018, by the State of Nebraska. Nebraska’s August 22, 2018, submittal included revisions to chapters 1, 4, 20, 28 and 34 of title 129. In this action, EPA is only addressing revisions to title 129 of the Nebraska Administrative Code, chapter 1 “Definitions”; chapter 4 “Ambient Air Quality Standards”; chapter 20 “Particulate Emissions; Limitations and Standards”; and chapter 34 “Emission Sources; Testing; Monitoring”. The EPA is not acting on chapter 28 “Hazardous Air Pollutant; Emissions and Standards”, although included in the state’s submission, because the chapter is not approved in the Nebraska SIP.

The EPA is proposing revisions to the Nebraska SIP and Operating Permits Program for title 129, chapter 1 “Definitions”. The revision to title 129, chapter 1, section 064, updates the reference for “Table A–1—Global Warming Potentials”, and the effective date of the reference. The revision to section 109 of chapter 1 corrects a typographical error clarifying the meaning of “person”, ensuring consistency with the Federal definition. Nebraska Department of Environmental Quality (NDEQ) is removing section 130.05, “Greenhouse gases” and section 130.05A from the definition of “Regulated Air Pollutant”, as a result of the Supreme Court’s invalidation of portions of the Greenhouse Gas Tailoring Rule. Finally, the revision to chapter 1, section 160, “Volatile Organic Compounds”, updates the reference to the appropriate sections of the Federal regulation pertaining to these rules and the effective date of the reference.

The following are proposed revisions to the Nebraska SIP. Title 129, chapter 4, section 005, is proposed for revision by adopting the 2015 primary and secondary National Ambient Air Quality Standards for Ozone, (80 FR 65292, October 26, 2015), and by revising the

reference to include appendix U to 40 CFR part 50 to be consistent with Federal regulations, and by updating the effective date of the reference.

Chapter 20, of title 129, is proposed for revision to correct references to and re-number tables 20–1 and 20–2 by moving the tables under the correct sections of the chapter for consistency. Text presently found in section 007 is being moved to section 001 and renumbered as new subsection 001.01. Section 007 is marked “Reserved”.

Finally, chapter 34, of title 129 is proposed for revision by correcting the typographical error in section 002.02 in the effective date of 40 CFR part 60 appendices. This revision clarifies the effective date by replacing the date July 12, 2002 with July 1, 2002.

### III. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The revised chapters were placed on public notice on May 1, 2017, and a public hearing was held by the State of Nebraska on June 13, 2017, where no comments were received. In addition, as explained above, the revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

### IV. What action is EPA taking?

The EPA is proposing to approve into the SIP and as applicable, into the Operating Permits Program, revisions to title 129, chapters 1, 4, 20 and 34 as submitted by NDEQ on August 22, 2018. We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

### V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Nebraska Regulations described in the proposed amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

**VI. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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).

**List of Subjects**

*40 CFR Part 52*

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

*40 CFR Part 70*

Environmental protection, Air pollution control, Incorporation by reference, Administrative practice and procedure, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: February 8, 2019.

**James B. Gulliford,**

*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR parts 52 and 70 as set forth below:

**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—CC Nebraska**

- 2. In § 52.1420, paragraph (c), the table is amended by revising entries “129–1 Definitions”, “129–4 Ambient Air Quality Standards”, “129–20 Particulate Emissions; Limitations and Standards”, and “129–34 Emission Sources; Testing; Monitoring” to read as follows:

**§ 52.1420 Identification of Plan.**

\* \* \* \* \*

(c) \* \* \*

**EPA-APPROVED NEBRASKA REGULATIONS**

| Nebraska citation                                 | Title   | State effective date | EPA approval date   | Explanation |
|---|---|----------------------|---|-------------|
| <b>State of Nebraska</b>                          |   |                      |   |             |
| <b>Department of Environmental Quality</b>        |   |                      |   |             |
| <b>Title 129—Nebraska Air Quality Regulations</b> |   |                      |   |             |
| 129–1 .....                                       | Definitions .....                                 | 7/15/2018            | [Date of publication of the final rule in the <b>Federal Register</b> ], [ <b>Federal Register</b> citation of the final rule]. |             |
| *   | *   | *                    | *   | *           |
| 129–4 .....                                       | Ambient Air Quality Standards.                    | 7/15/2018            | [Date of publication of the final rule in the <b>Federal Register</b> ], [ <b>Federal Register</b> citation of the final rule]. |             |
| *   | *   | *                    | *   | *           |
| 129–20 .....                                      | Particulate Emissions: Limitations and Standards. | 7/15/2018            | [Date of publication of the final rule in the <b>Federal Register</b> ], [ <b>Federal Register</b> citation of the final rule]. |             |
| *   | *   | *                    | *   | *           |
| 129–34 .....                                      | Emission Sources; Testing; Monitoring.            | 7/15/2018            | [Date of publication of the final rule in the <b>Federal Register</b> ], [ <b>Federal Register</b> citation of the final rule]. |             |

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

| Nebraska citation | Title   | State effective date | EPA approval date | Explanation |
|-------------------|---|----------------------|-------------------|-------------|
| * * * * *         |   |                      |                   |             |
|                   | <b>PART 70—STATE OPERATING PERMIT PROGRAMS</b>  |                      |                   |             |
| ■ 3.              | The authority citation for part 70 continues to read as follows:  |                      |                   |             |
|                   | <b>Authority:</b> 42 U.S.C. 7401 <i>et seq.</i>   |                      |                   |             |
| ■ 4.              | Amend appendix A to part 70 by adding new paragraph (p) under “Nebraska; City of Omaha; Lincoln-Lancaster County Health Department” to read as follows:   |                      |                   |             |
|                   | <b>Appendix A to Part 70 Approval Status of State and Local Operating Permits Programs</b>  |                      |                   |             |
|                   | <i>Nebraska; City of Omaha; Lincoln-Lancaster County Health Department</i>  |                      |                   |             |
|                   | (p) The Nebraska Department of Environmental Quality submitted revisions to The Nebraska Administrative Code, title 129, chapter 1, “Definitions” on August 22, 2018. The state effective date is July 15, 2018. This revision is effective [date 60 days after date of publication of the final rule in the <b>Federal Register</b> ].   |                      |                   |             |
|                   | [FR Doc. 2019–02832 Filed 2–19–19; 8:45 am]   |                      |                   |             |
|                   | <b>BILLING CODE 6560–50–P</b>   |                      |                   |             |
|                   | <b>DEPARTMENT OF COMMERCE</b>   |                      |                   |             |
|                   | <b>National Oceanic and Atmospheric Administration</b>  |                      |                   |             |
|                   | <b>50 CFR Part 648</b>  |                      |                   |             |
|                   | [Docket No.: 181210999–9067–01]   |                      |                   |             |
|                   | <b>RIN 0648–BI66</b>  |                      |                   |             |
|                   | <b>Fisheries of the Northeastern United States; Framework Adjustment 30 to the Atlantic Sea Scallop Fishery Management Plan</b>   |                      |                   |             |
|                   | <b>AGENCY:</b> National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.  |                      |                   |             |
|                   | <b>ACTION:</b> Proposed rule; request for comments.   |                      |                   |             |
|                   | <b>SUMMARY:</b> NMFS proposes to approve and implement the measures of Framework Adjustment 30 to the Atlantic Sea Scallop Fishery Management Plan that establishes   |                      |                   |             |
|                   | scallop specifications and other measures for fishing years 2019 and 2020. This action is necessary to prevent overfishing and improve both yield-per-recruit and the overall management of the Atlantic sea scallop resource. The intended effect of this rule is to notify the public of these proposed measures and to solicit comment on the potential scallop fishery management changes.  |                      |                   |             |
|                   | <b>DATES:</b> Comments must be received by March 7, 2019.   |                      |                   |             |
|                   | <b>ADDRESSES:</b> The New England Fishery Management Council has prepared a draft environmental assessment (EA) for this action that describes the proposed measures in Framework Adjustment 30 and other considered alternatives and analyzes the impacts of the proposed measures and alternatives. The Council submitted a decision draft of Framework 30 to NMFS that includes the draft EA, a description of the Council’s preferred alternatives, the Council’s rationale for selecting each alternative, and an Initial Regulatory Flexibility Analysis (IRFA). Copies of the draft of Framework 30, the draft EA, the IRFA, and information on the economic impacts of this proposed rulemaking are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950 and accessible via the internet in documents available at: <a href="https://www.nefmc.org/library/framework-30-1">https://www.nefmc.org/library/framework-30-1</a> .   |                      |                   |             |
|                   | You may submit comments on this document, identified by NOAA–NMFS–2019–0002, by either of the following methods:  |                      |                   |             |
|                   | • <b>Electronic Submission:</b> Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <a href="http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0002">www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0002</a> , click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.   |                      |                   |             |
|                   | • <b>Mail:</b> Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, “Comments on Framework 30.”   |                      |                   |             |
|                   | <b>Instructions:</b> Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments  |                      |                   |             |
|                   | received are a part of the public record and will generally be posted for public viewing on <a href="http://www.regulations.gov">www.regulations.gov</a> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).   |                      |                   |             |
|                   | <b>FOR FURTHER INFORMATION CONTACT:</b> Travis Ford, Fishery Policy Analyst, 978–281–9233.  |                      |                   |             |
|                   | <b>SUPPLEMENTARY INFORMATION:</b>   |                      |                   |             |
|                   | <b>Background</b>   |                      |                   |             |
|                   | The scallop fishery’s management unit ranges from the shorelines of Maine through North Carolina to the outer boundary of the Exclusive Economic Zone. The Atlantic Sea Scallop Fishery Management Plan (FMP), established in 1982, includes a number of amendments and framework adjustments that have revised and refined the fishery’s management. The New England Fishery Management Council sets scallop fishery catch limits and other management measures through specification or framework adjustments that occur annually or biennially. The Council adopted Framework 30 to the Atlantic Sea Scallop FMP on December 5, 2018. The Council submitted a decision draft of the framework, including a draft EA, for NMFS review and approval on December 19, 2018. This action proposes to approve and implement Framework 30, which establishes scallop specifications and other measures for fishing years 2019 and 2020, includes changes to the catch, effort, and quota allocations and adjustments to the rotational area management program for fishing year 2019, and default specifications for fishing year 2020. |                      |                   |             |
|                   | NMFS will implement these measures of Framework 30, if approved, as close as possible to the April 1 of fishing year 2019. If NMFS implements these Framework 30 measures after the start of the fishing year, 2019 default allocation measures will go into place on April 1, 2019. The Council has reviewed the proposed regulations in this rule as drafted by NMFS and deemed them to be necessary and appropriate as   |                      |                   |             |