

Dated: March 25, 2020.

**Gregory Sopkin,**

Regional Administrator, Region 8.

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 G—Colorado**

■ 2. Section 52.353 is amended by adding paragraph (e) to read as follows:

**§ 52.353 Section 110(a)(2) infrastructure requirements.**

\* \* \* \* \*

(e) The Colorado Department of Environmental Quality submitted certification of Colorado's infrastructure SIP for the 2015 O<sub>3</sub> NAAQS on September 17, 2018. Colorado's infrastructure certification demonstrates how the State, where applicable, has plans in place that meet the

requirements of section 110 for the 2015 O<sub>3</sub> NAAQS. The State's Infrastructure SIP for 2015 O<sub>3</sub> NAAQS is approved with respect to CAA section 110(a)(1) and (2).

**Subpart JJ—North Dakota**

■ 3. In § 52.1820, the table in paragraph (c) is amended by revising the entry “33.1–15–15–01.2” to read as follows:

**§ 52.1820 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
*	*	*	*	*	*
<b>33.1–15–15. Prevention of Significant Deterioration of Air Quality</b>					
*	*	*	*	*	*
33.1–15–15–01.2 .....	Scope .....	1/1/2019	5/11/2020	[insert <b>Federal Register</b> citation], 4/10/2020.	Originally approved as 33–15–15–01 on 10/21/2016, 81 FR 72718.
*	*	*	*	*	*

\* \* \* \* \*

■ 4. Section 52.1833 is amended by adding paragraph (i) to read as follows:

**§ 52.1833 Section 110(a)(2) infrastructure requirements.**

\* \* \* \* \*

(i) The North Dakota Department of Environmental Quality submitted certification of North Dakota's infrastructure SIP for the 2015 O<sub>3</sub> NAAQS on November 6, 2018. North Dakota's infrastructure certification demonstrates how the State, where applicable, has plans in place that meet the requirements of section 110 for (A), (B), (C), (D)(i)(I) (Prongs 1 and 2), (D)(i)(II) (Prong 3), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). The EPA is disapproving (D)(i)(II) (Prong 4).

[FR Doc. 2020–06685 Filed 4–9–20; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R06–OAR–2018–0208; FRL–10006–28–Region 6]**

**Air Plan Approval; Oklahoma; Updates to the General SIP and New Source Review Permitting Requirements**

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving identified portions of revisions to the State Implementation Plan (SIP) for Oklahoma submitted by the State of Oklahoma designee by letters dated May 16, 1994; July 26, 2010; January 8, 2018; May 16, 2018; and December 19, 2018, and as clarified by letter dated May 16, 2018. This action addresses submitted revisions to the Oklahoma SIP pertaining to the incorporation by reference of federal requirements, updates to the general SIP provisions, and updates to the New Source Review (NSR) permit programs to address public notice and modeling requirements, including certain statutory provisions.

**DATES:** This rule is effective on May 11, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2018–0208. 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, *e.g.*, Confidential Business Information 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 either electronically through <https://www.regulations.gov> or in hard copy at the EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

**FOR FURTHER INFORMATION CONTACT:**

Adina Wiley, EPA Region 6 Office, Air Permits Section, 1201 Elm Street, Suite 500, Dallas, TX 75270, 214–665–2115, [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov). To inspect the hard copy materials, please schedule an appointment with Ms. Adina Wiley or Mr. Bill Deese at 214–665–7253.

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

## I. Background

The background for this action is discussed in detail in our December 3, 2019 proposal (84 FR 66103). In that document we proposed to approve revisions to the Oklahoma SIP submitted on May 16, 1994; July 26, 2010; January 8, 2018; May 16, 2018; and December 19, 2018, and as clarified by letter dated May 16, 2018. The revisions include the incorporation by reference dates for federal requirements and updates to the NSR Prevention of Significant Deterioration (PSD) and Nonattainment NSR permitting programs to maintain consistency with federal requirements. Our proposal included an analysis of these provisions and made a preliminary determination that the revisions were developed in accordance with the CAA and EPA's regulations, policy, and guidance for SIP development and NSR permitting.

We received one relevant comment on our proposed approval; the comment and our response are presented below.

## II. Response to Comments

**Comment:** The commenter stated that the EPA needs to be clearer when it is approving regulations into the SIP, especially when acting on multiple SIP submittals at once. As an example, the commenter noted that the EPA appears to be trying to approve the January 8, 2018, and December 19, 2018 versions of Oklahoma Administrative Code (OAC) 252:100, Subchapter 2 and Appendix Q, both of which incorporate by reference federal rules as of a date certain. The commenter maintained that the EPA cannot approve both versions simultaneously, because the SIP can only incorporate by reference one version of the federal rules at a time. The commenter asserted that the EPA must find all instances of overlapping rules in all the SIP submissions and only approve one. Once the EPA decides which of the overlapping rules should be approved (*i.e.*, which submission is more recent), the commenter stated that the EPA must then disapprove the older versions of the rule as moot. The commenter concluded that the EPA approval of multiple overlapping SIPs would simply confuse the public.

**Response:** We agree with the commenter that action on multiple SIP submittals in a single rulemaking can present unique challenges; however, we present the following discussion in order to clarify our action and ensure the commenter, as well as the public, that we are approving only one version of each State regulation addressed by this action, as identified in the

amendatory language included below. The Technical Support Document (TSD) associated with this rulemaking identifies each time the State regulatory section has been revised and submitted by Oklahoma as a proposed SIP revision. For each submission, our TSD provides a line-by-line evaluation of whether the submitted revision is approvable under federal requirements. Where a section has been revised multiple times, our TSD will show these multiple submissions side-by-side with a corresponding evaluation as to the approvability of the revisions. The amendatory language included in this final rule revises the Oklahoma SIP at 40 CFR 52.1920 based on the analysis presented in our TSD and the December 3, 2019 proposal. For example, the table at 40 CFR 52.1920(c) titled "EPA Approved Oklahoma Regulations" identifies each component of the Oklahoma SIP by the state citation, name of the section, state effective date, date and citation of EPA's final approval, and any comments pertinent to that section. Finally, the commenter is incorrect in stating that the EPA must disapprove older versions of the submitted rules as moot. As demonstrated in the TSD, the sequential Oklahoma regulations build on the earlier revisions. To disapprove older submittals as moot would be contrary to the State's intended rulemaking. No changes have been made as a result of this comment.

## III. Final Action

We are approving the following as revisions to the Oklahoma SIP:

- Removal of Regulation 3.8, adopted on March 30, 1994, submitted May 16, 1994;
- New OAC 252:100-8-36.1, Public Participation, adopted on April 28, 2006, effective on June 15, 2006, submitted July 16, 2010;
  - Submitted on January 8, 2018;
  - Revisions to OAC 252:100-1-3, Definitions, adopted on June 13, 2017 and effective September 15, 2017;
  - Revisions to OAC 252:100-2-3 and Appendix Q for Incorporation by Reference, adopted on June 13, 2017 and effective September 15, 2017;
  - Revisions to OAC 252:100-8-31, Definitions, adopted on June 13, 2017 and effective September 15, 2017;
  - Revisions to OAC 252:100-8-33, Exemptions, adopted on June 13, 2017 and effective September 15, 2017;
  - Revisions to OAC 252:100-8-35, Air quality impact evaluation, adopted on June 13, 2017 and effective September 15, 2017; and
  - Revisions to OAC 252:100-8-51.1, Emissions reductions and offsets,
- Revisions to OAC 252:4-1-2, Definitions, adopted on June 9, 2016, effective September 15, 2016;
  - Revisions to OAC 252:4-1-3, Organization, adopted on April 25, 2013, effective July 1, 2013, and revisions adopted on June 9, 2016, effective September 15, 2016;
  - Revisions to OAC 252:4-1-5, Availability of a record, adopted on May 6, 2005, effective June 15, 2005, and revisions adopted on April 25, 2013, effective July 1, 2013;
  - Revisions to OAC 252:4-1-6, Administrative fees, adopted on May 6, 2005, effective June 15, 2005;
  - Revisions to OAC 252:4-3-1, Meetings, adopted on March 27, 2007, effective June 15, 2007;
  - Revisions to OAC 252:4-7-5, Fees and fee refunds, adopted on June 13, 2017, effective September 15, 2017;
  - Revisions to OAC 252:4-7-13, Notices, adopted on March 25, 2003, effective June 1, 2003, except for OAC 252:4-7-13(g)(4); and revisions adopted June 13, 2017, effective September 15, 2017;
  - Revisions to OAC 252:4-7-15, Permit issuance or denial, adopted on May 28, 2002, effective June 1, 2002, and revisions adopted April 25, 2013, effective July 1, 2013;
  - Revisions to OAC 252:4-7-18, Pre-issuance permit review and correction, adopted April 25, 2013, effective July 1, 2013;
  - New OAC 252:4-7-20, Agency review of final permit decision, adopted April 25, 2013, effective July 1, 2013;
  - Revisions to OAC 252:4-7-32, Air quality applications—Tier I, adopted March 25, 2003, effective June 1, 2003;
  - Revisions to OAC 252:4-7-33, Air quality applications—Tier II, adopted March 25, 2003, effective June 1, 2003, except for OAC 252:4-7-33(c)(4);
  - Revisions to OAC 252:4-9-32, Individual proceedings filed by others, as adopted on May 1, 2009, effective July 1, 2009 and revisions adopted April 25, 2013, effective July 1, 2013;
  - Revisions to OAC 252:4-9-51, In general, adopted on March 24, 2004, effective June 1, 2004;
  - Revisions to OAC 252:4-9-52, Individual proceedings, adopted on March 24, 2004, effective June 1, 2004;
  - New OAC 252:4-17, Electronic Reporting, sections OAC 252:4-17-1—OAC 252:4-17-7, adopted April 27, 2007, effective June 15, 2017;
  - Revisions to OAC 252:4-17-2, Definitions, adopted June 9, 2016, effective September 15, 2016;
  - Revisions to OAC 252:4-17-4, Electronic signature agreement, adopted

June 9, 2016, effective September 15, 2016;

- Letter to Ms. Anne Idsal, Regional Administrator, EPA Region 6, dated May 16, 2018 regarding “Clarification of PSD Public Participation Procedures under 2017 Revisions to the Oklahoma State Implementation Plan (SIP)”;
- Definitions of “Process Meeting” and “Response to Comments” at 27A Oklahoma Statutes (O.S.) 2–14–103 added July 1, 1994, and last modified and effective November 1, 2015;
- The provisions for notification to an affected state at 27A O.S. 2–5–112(E) added May 15, 1992, and last modified and effective June 3, 2004;
- 27A O.S. 2–14–301, 2–14–302, and 2–14–303 added and in effect July 1, 1996;
- 27A O.S. 2–14–304 added July 1, 1996, and last modified and effective May 9, 2002;
- Definition of “Record” at 51 O.S. 24A.3, added November 1, 1985, and last modified and effective November 1, 2014;
- The requirement to maintain, and the description of the contents of the rulemaking record at 75 O.S. 302(B) promulgated in 1963 and last modified and effective November 1, 1998;
- The process for adoption, amendment or revocation of a rule at 75 O.S. 303 promulgated in 1963 and last modified and effective November 1, 2013; and
- Definition of “Meeting” at 25 O.S. 304(2) added October 1, 1977, and last modified and effective in 2010.
- Submitted December 19, 2018:
- Revisions to OAC 252:100–2–3 and Appendix Q adopted on June 18, 2018 and effective September 15, 2018; and
- Revisions to OAC 252:100–8–35, Air quality impact evaluation, adopted on June 18, 2018 and effective September 15, 2018.

The EPA finds that the provisions in OAC 252:4–1–1, 4–1–2, 4–1–3, 4–1–4, 4–1–5, 4–1–6, 4–1–7, 4–1–8, and 4–1–9, and OAC 252:100–5–1, 5–1.1 and 5–2.2 are applicable to the entirety of the Oklahoma SIP and the amendatory language table at 40 CFR 52.1920(c) is modified to reflect this finding. Additionally, the EPA is removing the disapprovals listed in 40 CFR 52.1922(b)(2), (b)(3), (b)(4), and (c), because the state has submitted appropriate revisions to the SIP to correct the disapprovals.

#### IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the

incorporation by reference the revisions to the Oklahoma regulations as described in the Final Action section above. The 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 6 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.

#### V. 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, the EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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, 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 CAA; and
- Does not provide the 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 the 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 June 9, 2020. 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 CAA section 307(b)(2).)

#### 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: March 19, 2020.

**Kenley McQueen,**  
Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 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 LL—Oklahoma

- 2. In § 52.1920:

- a. In paragraph (c), amend the table titled ‘EPA Approved Oklahoma Regulations’ by:
  - i. Removing the entries for Regulation “3.8”, “3.8(a)”, “3.8(b)”, and “3.8(c)”;
  - ii. Adding entries for “52:4–7–20”, “252:4–17–1”, “252:4–17–2”, “252:4–17–3”, “252:4–17–4”, “252:4–17–5”, “252:4–17–6”, “252:4–17–7”, “252:100–8–36.1”; and
  - iii. Revising the entries for “252:4–1–1”; “252:4–1–2”; “252:4–1–3”; “252:4–1–4”; “252:4–1–5”; “252:4–1–6”; “252:4–1–7”; “252:4–1–8”; “252:4–1–9”; “252:4–3–1”; “252:4–7–5”; “252:4–7–13”; “252:4–7–15”; “252:4–7–18”; “252:4–7–32”; “252:4–7–33”; “252:4–9–32”; “252:4–9–51”; “252:4–9–52”; “252:100–1–3”; “252:100–2–3”; “252:100–5–1”; “252:100–5–1.1”; “252:100–5–2.2”; “252:100–8–31”; “252:100–8–33”; “252:100–8–35”; “252:100–8–51.1”; and “252:100, Appendix Q”.
- b. In paragraph (e),

- i. Amend the table titled “EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Oklahoma SIP” by adding an entry for: “Letter to Ms. Anne Idsal, Regional Administrator, EPA Region 6, dated May 16, 2018 regarding ‘Clarification of PSD Public Participation Procedures under 2017 Revisions to the Oklahoma State Implementation Plan’.”

- ii. Amend the second table titled “EPA Approved Statutes in the Oklahoma SIP” by adding entries for “25 O.S. 304(2)”, “27A O.S. 2–5–112(E)”, “2–14–103, O.S. 2–14–301”, “2–14–302”, “2–14–303”, “2–14–304”; “51 O.S. 24A.3”, “75 O.S. 302(B)”, and “75 O.S. 303”.

The additions and revisions read as follows:

### § 52.1920 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

## EPA APPROVED OKLAHOMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*

### OKLAHOMA ADMINISTRATIVE CODE, TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Chapter 4 (OAC 252:4). Rules of Practice and Procedure

##### Subchapter 1. General Provisions

252:4–1–1 .....	Purpose and authority .....	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–2 .....	Definitions .....	9/15/2016	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–3 .....	Organization .....	9/15/2016	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–4 .....	Office location and hours; communications.	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–5 .....	Availability of a record .....	7/1/2013	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–6 .....	Administrative fees .....	6/15/2005	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–7 .....	Fee credits for regulatory fees.	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–8 .....	Board and councils .....	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4–1–9 .....	Severability .....	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].

##### Subchapter 3. Meetings and Public Forums

252:4–3–1 .....	Meetings .....	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].
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##### Subchapter 7. Environmental Permit Process

###### Part 1. The Process

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
252:4-7-5 .....	Fees and fee refunds .....	9/15/2017	4/10/2020, [Insert <b>Federal Register</b> citation].	Applicable to minor NSR permitting under OAC 252:100-7 and major NSR permitting under OAC 252:100-8.
*	*	*	*	*
252:4-7-13 .....	Notices .....	9/15/2017	4/10/2020, [Insert <b>Federal Register</b> citation].	The SIP does NOT include (e), (f), or (g)(4). Applicable to minor NSR permitting under OAC 252:100-7 and major NSR permitting under OAC 252:100-8.
*	*	*	*	*
252:4-7-15 .....	Permit issuance or denial	7/1/2013	4/10/2020, [Insert <b>Federal Register</b> citation].	Applicable to minor NSR permitting under OAC 252:100-7 and major NSR permitting under OAC 252:100-8.
*	*	*	*	*
252:4-7-18 .....	Pre-issuance permit review and correction.	7/1/2013	4/10/2020, [Insert <b>Federal Register</b> citation].	Applicable to minor NSR permitting under OAC 252:100-7 and major NSR permitting under OAC 252:100-8.
*	*	*	*	*
252:4-7-20 .....	Agency review of final permit decision.	7/1/2013	4/10/2020, [Insert <b>Federal Register</b> citation].	
*	*	*	*	*

## Part 3. Air Quality Division Tiers and Time Lines

*	*	*	*	*	*	*	*
252:4-7-32 .....	Air quality applications— Tier I.	6/1/2003	4/10/2020, [Insert <b>Federal Register</b> citation].	Applicable to minor NSR permitting under OAC 252:100-7. The SIP does NOT include (a), (b), or (c)(1).			
252:4-7-33 .....	Air quality applications— Tier II.	6/1/2003	4/10/2020, [Insert <b>Federal Register</b> citation].	The SIP does NOT include (c)(4).			
*	*	*	*	*	*	*	*

## Subchapter 9. Administrative Proceedings

*	*	*	*	*	*	*	*
252:4-9-32 .....	Individual proceedings filed by others.	7/1/2013	4/10/2020, [Insert <b>Federal Register</b> citation].				
*	*	*	*	*	*	*	*

## Part 5. Air Quality Advisory Council Hearings

252:4-9-51 .....	In general .....	6/1/2004	4/10/2020, [Insert <b>Federal Register</b> citation].
252:4-9-52 .....	Individual proceedings .....	6/1/2004	4/10/2020, [Insert <b>Federal Register</b> citation].
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## Subchapter 17. Electronic Reporting

252:4-17-1 .....	Purpose, authority and applicability.	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].
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## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:4-17-2 .....	Definitions .....	9/15/2016	4/10/2020, [Insert <b>Federal Register</b> citation].	*
252:4-17-3 .....	Use of electronic document receiving system.	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].	*
252:4-17-4 .....	Electronic signature agreement.	9/15/2016	4/10/2020, [Insert <b>Federal Register</b> citation].	*
252:4-17-5 .....	Valid electronic signature	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].	*
252:4-17-6 .....	Effect of electronic signature.	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].	*
252:4-17-7 .....	Enforcement .....	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].	*

## Chapter 100 (OAC 252:100). Air Pollution Control

## Subchapter 1. General Provisions

*	*	*	*	*	*	*	*
252:100-1-3 .....	Definitions .....	9/15/2017	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
*	*	*	*	*	*	*	*

## Subchapter 2. Incorporation by Reference

*	*	*	*	*	*	*	*
252:100-2-3 .....	Incorporation by reference	9/15/2018	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
*	*	*	*	*	*	*	*

## Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

*	*	*	*	*	*	*	*
252:100-5-1 .....	Purpose .....	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
252:100-5-1.1 .....	Definitions .....	6/15/2007	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
*	*	*	*	*	*	*	*
252:100-5-2.2 .....	Annual operating fees .....	6/11/2001	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
*	*	*	*	*	*	*	*

## Subchapter 8. Permits for Part 70 Sources

*	*	*	*	*	*	*	*
252:100-8-31 .....	Definitions .....	9/15/2017	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*

*	*	*	*	*	*	*	*
252:100-8-33 .....	Exemptions .....	9/15/2017	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
*	*	*	*	*	*	*	*
252:100-8-35 .....	Air quality impact evaluation.	9/15/2018	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*
*	*	*	*	*	*	*	*
252:100-8-36.1 .....	Public participation .....	6/15/2006	4/10/2020, [Insert <b>Federal Register</b> citation].	*	*	*	*

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
<b>Part 9. Major Sources Affecting Nonattainment Areas</b>				
252:100-8-51.1 .....	Emission reductions and offsets.	9/15/2017	4/10/2020, [Insert <b>Federal Register</b> citation].	
*	*	*	*	*
<b>Appendices for OAC 252: Chapter 100</b>				
252:100, Appendix Q .....	Incorporation by reference	9/15/2018	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes specified portions of 40 CFR parts 50, 51, and 98, as referenced in 252:100, Appendix Q.
*	*	*	*	*

\* \* \* \* \* (e) \* \* \*

## EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
Letter to Ms. Anne Idsal, Regional Administrator, EPA Region 6, dated May 16, 2018 regarding “Clarification of PSD Public Participation Procedures under 2017 Revisions to the Oklahoma State Implementation Plan”.	Statewide .....	05/16/2018	4/10/2020, [Insert <b>Federal Register</b> citation].	
*	*	*	*	*

## \* \* \* \* \* EPA APPROVED STATUTES IN THE OKLAHOMA SIP

State citation	Title/subject	State effective date	EPA approval date	Explanation
25 O.S. 304(2) .....	Oklahoma Open Meetings Act ....	8/27/2010	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes the definition of “Meeting”.
27A O.S. 2-5-112(E).	Oklahoma Clean Air Act; Implementation of Comprehensive Permitting Program.	6/3/2004	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes the provisions for notification to an affected state.
27A O.S. 2-14-103	Uniform Environmental Permitting Act; Definitions.	11/1/2015	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes definitions of “Process Meeting” and “Response to Comments”.
27A O.S. 2-14-301	Uniform Environmental Permitting Act; Notice.	7/1/1996	4/10/2020, [Insert <b>Federal Register</b> citation].	
27A O.S. 2-14-302	Uniform Environmental Permitting Act; Preparation of Draft Denial or Permit.	7/1/1996	4/10/2020, [Insert <b>Federal Register</b> citation].	
27A O.S. 2-14-303	Uniform Environmental Permitting Act; Formal Public Meeting.	7/1/1996	4/10/2020, [Insert <b>Federal Register</b> citation].	
27A O.S. 2-14-304	Uniform Environmental Permitting Act; Draft Permits or Denials for Tier Applications.	5/9/2002	4/10/2020, [Insert <b>Federal Register</b> citation].	

## EPA APPROVED STATUTES IN THE OKLAHOMA SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
51 O.S. 24A.3 .....	Oklahoma Open Records Act; Definitions.	11/1/2014	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes the definition of "Record".
75 O.S. 302(B) .....	Administrative Procedures Act; Promulgation of certain rules—Public inspection of rules, orders, decision and opinions—Rulemaking record—Prohibited actions—Violations.	11/1/1998	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes the requirement to maintain, and the description of the contents of the rulemaking record.
75 O.S. 303 .....	Administrative Procedures Act; Adoption, amendment or revocation of rule.	11/1/2013	4/10/2020, [Insert <b>Federal Register</b> citation].	SIP only includes the process for adoption, amendment or revocation of a rule.
*	*	*	*	*

\* \* \* \* \*

■ 3. In § 52.1922 revise paragraph (b) and remove paragraph (c).

The revision reads as follows:

**§ 52.1922 Approval status.**

\* \* \* \* \*

(b) The EPA is disapproving the following severable portions of the February 6, 2012, Oklahoma SIP submittal:

(1) Revisions establishing Minor New Source Review Greenhouse Gas (GHG) permitting requirements at OAC 252:100-7-2.1 as submitted on February 6, 2012.

(2) [Reserved].

\* \* \* \* \*

[FR Doc. 2020-06160 Filed 4-9-20; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2019-0266; FRL-10005-93]

**Autographa californica Multiple Nucleopolyhedrovirus Strain R3; Exemption From the Requirement of a Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of *Autographa californica* multiple nucleopolyhedrovirus strain R3 in or on all food commodities when used in accordance with label directions and good agricultural practices. AgBiTech Pty Ltd. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the

need to establish a maximum permissible level for residues of *Autographa californica* multiple nucleopolyhedrovirus strain R3 in or on all food commodities under FFDCA.

**DATES:** This regulation is effective April 10, 2020. Objections and requests for hearings must be received on or before June 9, 2020 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2019-0266, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. 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 OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [BPPDFFRNotices@epa.gov](mailto:BPPDFFRNotices@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or

pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

*B. How can I get electronic access to other related information?*

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

*C. How can I file an objection or hearing request?*

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2019-0266 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before June 9, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please