

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
116.721	Amendments and Alterations	July 15, 2020	10/14/2020, [Insert <b>Federal Register</b> citation].	

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 [FR Doc. 2020-20391 Filed 10-13-20; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R01-OAR-2020-0284; FRL-10014-81-Region 1]

**Air Plan Approval; Maine; Midcoast Area and Portland Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Maine. On February 18, 2020, the State submitted its 1997 ozone national ambient air quality standards (NAAQS) Limited Maintenance Plans (LMPs) for the Portland and Midcoast areas. EPA is approving the Portland and Midcoast LMPs because they provide for the maintenance of the 1997 ozone NAAQS through the end of the second 10-year portion of the maintenance period. The effect of this action will be to make certain commitments related to maintenance of the 1997 ozone NAAQS in the Portland and Midcoast maintenance areas part of the Maine SIP and therefore federally enforceable.

**DATES:** This rule is effective on November 13, 2020.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2020-0284. 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 Region 1 Regional Office, Air and Radiation Division, 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 and facility closures due to COVID-19.

**FOR FURTHER INFORMATION CONTACT:** Eric Rackauskas, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05-2), Boston, MA 02109-3912, tel. 617-918-1628, email [rackauskas.eric@epa.gov](mailto:rackauskas.eric@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**

Under the CAA, EPA is approving Limited Maintenance Plans (LMPs) for the Portland and Midcoast maintenance areas for the 1997 ozone NAAQS submitted as a revision to the Maine State Implementation Plan (SIP) on February 18, 2020. The Portland area under the 1997 ozone NAAQS is comprised of 57 cities and towns in York, Cumberland and Sagadahoc Counties along with Durham, Maine in Androscoggin County. The Midcoast area is made up of 55 coastal towns and islands in Hancock, Knox, Lincoln and Waldo counties. On June 15, 2004, the Portland and Midcoast areas were designated as nonattainment areas under the 1997 ozone NAAQS. On January 10, 2007, the areas were redesignated to attainment under that standard.

The Portland and Midcoast areas’ LMPs for the 1997 ozone NAAQS submitted by Maine are designed to maintain the 1997 ozone NAAQS within these areas through the end of the second ten-year period of the maintenance period. We are approving the plans because they meet all applicable requirements under CAA sections 110 and 175A.

Other specific requirements of the LMPs and the rationale for EPA’s proposed action are explained in the notice of proposed rulemaking and will not be restated here. EPA received two public comments during the comment period for the notice of proposed rulemaking. One comment supported the action. The second comment was not germane to the rulemaking notice, did not indicate any technical or legal reason why EPA should not approve the SIP revision, and did not propose any changes to the SIP revision.

**II. Final Action**

EPA is approving, and incorporating into the Maine SIP, the 1997 ozone national ambient air quality standards LMPs for the Portland and Midcoast areas. EPA is approving the LMPs because the plans are consistent with the requirements of the CAA.

**III. 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 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 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).

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 December 14, 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 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: September 14, 2020.

**Dennis Deziel,**

*Regional Administrator, EPA Region 1.*

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 U—Maine**

- 2. In § 52.1020(e), amend the table by adding the entries “Portland Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS” and “Midcoast Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS”, at the end of the table, to read as follows:

**§ 52.1020 Identification of plan.**

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(e) \* \* \*

**MAINE NON REGULATORY**

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date <sup>3</sup>	Explanations
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Portland Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS.	Portland Area .....	2/18/2020	10/14/2020 [Insert <b>Federal Register</b> citation].	2nd maintenance plan for 1997 ozone standard.
Midcoast Area Second 10-Year Limited Maintenance Plans for 1997 Ozone NAAQS.	Midcoast area .....	2/18/2020	10/14/2020 [Insert <b>Federal Register</b> citation].	2nd maintenance plan for 1997 ozone standard.

<sup>3</sup> In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2020-20831 Filed 10-13-20; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 64****[CG Docket Nos. 03-123, 13-24, 10-51; FCC 20-132; FRS 17133]****Internet Protocol Captioned Telephone Service Compensation****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (FCC or Commission) adopts a compensation methodology and determines a per-minute compensation rate for providers of Internet Protocol Captioned Telephone Service (IP CTS) supported by the Telecommunications Relay Services (TRS) Fund.

**DATES:** *Effective Date:* This compensation methodology and per-minute rate of compensation applicable to IP CTS providers is effective December 1, 2020.

**FOR FURTHER INFORMATION CONTACT:** Michael Scott, Consumer and Governmental Affairs Bureau, at (202) 418-1264, or email [Michael.Scott@fcc.gov](mailto:Michael.Scott@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order and Order on Reconsideration, document FCC 20-132, adopted on September 30, 2020, released on October 2, 2020, in CG Docket Nos. 13-24 and 03-123. The Commission previously sought comment on the issue addressed in the Report and Order in a Further Notice of Proposed Rulemaking (*2018 Further Notice*), published at 83 FR 33899, July 18, 2018. The full text of this document will be available for public inspection and copying at <https://docs.fcc.gov/public/attachments/FCC-20-132A1.pdf> and via the Commission's Electronic Comment Filing System (ECFS). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov), or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

**Congressional Review Act**

The Commission sent a copy of document FCC 20-132 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

**Final Paperwork Reduction Act of 1995 Analysis**

Document FCC 20-132 does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

**Synopsis**

1. Under section 225 of the Communications Act of 1934, as amended, 47 U.S.C. 225, the Commission must ensure that telecommunications relay services (TRS) are "functionally equivalent" to voice service and are made available to eligible users to the extent possible and in the most efficient manner. One form of TRS, Internet Protocol Captioned Telephone Service (IP CTS), delivers captions for ongoing telephone conversations to individuals with hearing loss, so that they can use the captions and their residual hearing to understand what the other party is saying. Like other forms of TRS, IP CTS is paid for by telecommunications and voice over Internet Protocol (VoIP) service providers' contributions to the Commission-administered TRS Fund.

2. In its June 2018 Report and Order (*2018 Order*), document 18-79, 83 FR 30082, June 27, 2018, the Commission determined that TRS Fund payments to the companies providing IP CTS were greatly in excess of actual costs and that the gap between TRS Fund payments and provider costs was becoming wider. The Commission terminated use of the Multistate Average Rate Structure (MARS) methodology, which set the TRS Fund IP CTS per minute compensation rate based on non-Internet captioned telephone service provided through state TRS programs. The Commission also set interim compensation rates for IP CTS providers for the 2018-19 and 2019-20 TRS Fund Years, pending adoption of a replacement compensation methodology. In the *2018 Further Notice*, the Commission sought comment on establishing a new TRS Fund compensation methodology for IP CTS and setting provider compensation for the period after June 30, 2020. On May 29, 2020, after the onset of the COVID-19 pandemic, the Consumer and Governmental Affairs Bureau (Bureau) granted a *sua sponte* waiver of the June 30, 2020, expiration of the 2019-20 TRS Fund Year \$1.58 per minute rate,

extending its application through September 30, 2020.

3. In document FCC 20-132, the Commission sets IP CTS compensation through June 30, 2022, completing the adjustment of IP CTS compensation to the level of current reasonable costs. Continuing the approximately 10% annual rate reductions initiated in 2018, the Commission reduces the rate from \$1.58 to \$1.42 per minute for the remainder of the 2020-21 Fund Year and reaches the average cost plus operating margin, \$1.30 per minute, in the 2021-22 Fund Year.

4. The Commission applies these compensation rates on a technologically neutral basis to all forms of IP CTS and all IP CTS providers. The Commission concludes that a tiered rate structure is unsuited to the current IP CTS environment, and the Commission defers consideration of whether and how to set a separate compensation rate for fully automatic IP CTS. The Commission also defers consideration of alternatives to cost-based compensation rates, such as a reverse-auction approach, until it becomes clearer how the introduction of fully automatic captioning methods will affect provider cost structures. For similar reasons, the Commission defers consideration of whether to apply price-cap-like adjustments to the compensation rate (other than for reimbursement of exogenous costs).

5. *Average Cost Methodology.* The Commission has broad discretion in choosing compensation methodologies and setting compensation rates within the parameters established by section 225 of the Communications Act. To determine a cost-based level of IP CTS compensation for the next rate period, the Commission employs the same methodology used in 2018 to set interim IP CTS rates—setting a rate based on the weighted average of all providers' projected and historical costs, as reported for the current and immediately preceding calendar years, respectively. Continued use of this cost-based methodology in the near term will advance the efficiency mandate of section 225 and permit service quality improvements in functionally equivalent service to users without unduly burdening providers.

6. *First*, through more than 25 years of experience using an average-cost methodology to set TRS compensation, the Commission has developed a consistent approach to determining the reasonable costs for TRS, which can be applied without imposing undue administrative burdens on either providers or the Commission. Although any ratemaking method is subject to