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 July 26, 2021. 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, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Debra H. Thomas,
Acting Regional Administrator, Region 8.
40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority for citation for part 52 continues to read as follows:
Authority:  42 U.S.C. 7401 et seq.

Subpart TT—Utah

2. In §52.2320, amend the table in paragraph (c) by revising the entry “R307–401–10” under the heading entitled “R307–401. Permit: New and Modified Sources” to read as follows:

§52.2320 Identification of plan.
(c) * * * *

<table>
<thead>
<tr>
<th>Rule No.</th>
<th>Rule title</th>
<th>State effective date</th>
<th>Final rule citation, date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>R307–401</td>
<td>Permit: New and Modified Sources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R307–401–10</td>
<td>Source Category Exemptions</td>
<td>08/02/2018</td>
<td>[insert Federal Register citation], 5/27/2021</td>
<td>*</td>
</tr>
</tbody>
</table>
TAC 114.622 and 114.629 adopted on June 10, 2020 and submitted on August 13, 2020. The revisions: (1) Lowered the required minimum usage for grant-funded vehicles and equipment in the eligible area from 75% to 55% and (2) removed Victoria County from the list of counties eligible for program grants.

We received a comment on the proposal. The original comment is in the docket to this rulemaking action. Our response to the comment is discussed below.

II. Response to Comments

Comment: A comment was received that supports the market based economic incentive strategy to reduce diesel emissions as a step in the right direction, towards transitioning to clean, renewable energy, and ultimately mitigating climate change. The commenter also asked what would incentivize the people of Victoria County to continue reducing their diesel emissions if they are not eligible for grants under the State program, even though the County is meeting current emission standards.

Response: We appreciate the support for the Diesel Emissions Reduction Incentive Program (DERIP) that is administered by the State of Texas. As we noted in our proposal, DERIP is a voluntary incentive program. It is not a requirement of the CAA. Its inclusion in the SIP is discretionary and revisions can be made as long as they do not contribute to nonattainment or interfere with maintenance of the NAAQS. We also note that Victoria County is in attainment of all the ozone NAAQS and the State may elect which counties participate in this voluntary program. Similar to the Texas program, the EPA administers the Diesel Emission Reduction Act (DERA) Program. This national program offers funding for projects that reduce diesel emissions from existing engines. The people of Victoria County are eligible for grants from this program. More information on the DERA program is available at: https://www.epa.gov/dera.

III. Final Action

We are approving the revisions to TAC 114.622 and 114.629 adopted on June 10, 2020 and submitted on August 13, 2020.

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 of the revisions to the Texas 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 (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 EPA for inclusion in the SIP, have been incorporated by reference by 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 submittals, 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);
• 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 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 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 July 26, 2021. 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 this 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


David Gray,
Acting 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 SS—Texas

2. In § 52.2270(c), amend the table titled “EPA Approved Regulations in the Texas SIP” by revising the entries for “Section 114.622” and “Section 114.629” to read as follows:

§ 52.2270 Identification of plan.

(c) * * * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval/submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 114 (Reg 4)—Control of Air Pollution From Motor Vehicles</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subchapter K—Mobile Source Incentive Programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 114.622</td>
<td>Incentive Program Requirements</td>
<td>6/10/2020</td>
<td>5/27/2021, [Insert Federal Register citation].</td>
<td>Federal Register citation</td>
</tr>
<tr>
<td>Section 114.629</td>
<td>Affected Counties and Implementation Schedule</td>
<td>6/10/2020</td>
<td>5/27/2021, [Insert Federal Register citation].</td>
<td>Federal Register citation</td>
</tr>
</tbody>
</table>

VerDate Sep<11>2014 16:14 May 26, 2021 Jkt 253001 PO 00000 Frm 00028 Fmt 4700 Sfmt 4700 E:\FR\FQR\27MYR1.SGM 27MYR1jbell on DSKJLSW7X2PROD with RULES