

received, the duty amount will be determined without regard to any potential claims for relief from duty assessment (see paragraph (h) of this section). Each Application for Relief must include copies of:

* * * * *

Alejandro N. Mayorkas,
Secretary of Homeland Security.

[FR Doc. 2022–16233 Filed 7–28–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0627]

Safety Zone; Oswego Harbor Fest Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Oswego Harbor Fest Fireworks. This safety zone is necessary for the safety of life on navigable waterways during this display. Our regulation for limited access areas within the Captain of the Port Buffalo Zone identifies the regulated area for this event in Oswego, NY. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Safety Zone Coordinator or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation listed in 33 CFR 165.939 Table 165.939 (b)(28) will be enforced from 9 p.m. through 10 p.m. on July 30, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, contact LTJG William Kelley, Chief of Waterways Management, Sector Buffalo, U.S. Coast Guard; telephone 716–843–9301, email D09-SMB-SECBuffalo-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Oswego Harbor Fest Fireworks Safety Zone in 33 CFR 165.939 listed in the Table 165.939 (b)(28). The safety zone will be enforced on all waters of Oswego Harbor, Oswego, NY contained within a 700-foot radius of position 43°27'54.9" N, 076°31'20.48" W along with a 350-foot radius of the break wall between positions 43°27'86.0" N, 076°31'44.3" W then Northeast to 43°28'01.4" N, 076°31'44.6" W, from 9 p.m. through 10 p.m. on July 30, 2022.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port (COTP) Buffalo or his designated representative; designation need not be in writing. Those seeking permission to enter these safety zones may request permission from the COTP Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the COTP Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement periods via Broadcast Notice to Mariners or other suitable means. If the COTP Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone. This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: July 25, 2022.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2022–16265 Filed 7–28–22; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3040

[Docket No. RM2020–8]

Update to Product Lists

AGENCY: Postal Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Commission is announcing an update to the Market Dominant and Competitive product lists. This action reflects a publication policy adopted by Commission rules. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The Market Dominant and Competitive product lists, which are re-published in their entirety, include these updates.

DATES: This rule is effective September 12, 2022, without further action, unless adverse comment is received by August 29, 2022. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: For additional information, this document can be accessed electronically through the Commission's website at <https://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Commission Process
- III. Authorization
- IV. Modifications
- V. Ordering Paragraphs

I. Introduction

Pursuant to 39 U.S.C. 3642(d)(2) and 39 CFR 3040.103, the Commission provides a Notice of Update to Product Lists by listing all necessary modifications to both the Market Dominant and Competitive product lists between April 1, 2022 and June 30, 2022.

II. Commission Process

Pursuant to 39 CFR part 3040, the Commission maintains a Mail Classification Schedule (MCS) that includes rates, fees, and product descriptions for each Market Dominant and Competitive product, as well as product lists that categorize Postal Service products as either Market Dominant or Competitive. *See generally* 39 CFR part 3040. The product lists are published in the Code of Federal Regulations as 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List and Appendix B to Subpart A of Part 3040—Competitive Product List pursuant to 39 U.S.C. 3642(d)(2). *See* 39 U.S.C. 3642(d)(2). Both the MCS and its product lists are updated by the Commission on its website on a quarterly basis.¹ In addition, these quarterly updates to the product lists are also published in the **Federal Register** pursuant to 39 CFR 3040.103. *See* 39 CFR 3040.103.

III. Authorization

Pursuant to 39 CFR 3040.103(d)(1), this Notice of Update to Product Lists identifies any modifications made to the Market Dominant or Competitive product list, including product additions, removals, and transfers.² Pursuant to 39 CFR 3040.103(d)(2), the modifications identified in this document result from the Commission's most recent MCS update posted on the

¹ *See* <https://www.prc.gov/mail-classification-schedule> in the Current MCS section.

² 39 CFR 3040.103(d)(1). More detailed information (e.g., Docket Nos., Order Nos., effective dates, and extensions) for each Market Dominant and Competitive product can be found in the MCS, including the "Revision History" section. *See, e.g.,* file "MCSRedline01092022.docx," available at <https://www.prc.gov/mail-classification-schedule>.

Commission's website on June 30, 2022, and supersede all previous product lists.³

IV. Modifications

The following list of products is being added to 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. Parcel Select Contract 49
2. Priority Mail Contract 738
3. Priority Mail Contract 739
4. Priority Mail Contract 740
5. Priority Mail Contract 741
6. Priority Mail Contract 742
7. Priority Mail Contract 743
8. Priority Mail Contract 744
9. Priority Mail Contract 745
10. Priority Mail Contract 746
11. Priority Mail Contract 747
12. Priority Mail Contract 748
13. Priority Mail Contract 749
14. Priority Mail Contract 750
15. Priority Mail Express Contract 94
16. Priority Mail & First-Class Package Service Contract 216
17. Priority Mail & First-Class Package Service Contract 217
18. Priority Mail Express & Priority Mail Contract 131
19. Priority Mail Express & Priority Mail Contract 132
20. Priority Mail Express & Priority Mail Contract 133
21. Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 4
22. Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 5

The following list of products is being removed from 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List:

1. Extended Mail Forwarding
2. Commercial PO Box Redirect Service

The following list of products is being removed from 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. Parcel Return Service Contract 14
2. Priority Mail Contract 479
3. Priority Mail Contract 505
4. Priority Mail Contract 507
5. Priority Mail Contract 509
6. Priority Mail Contract 523
7. Priority Mail Contract 529
8. Priority Mail Contract 531
9. Priority Mail Contract 533
10. Priority Mail Contract 661
11. Priority Mail Contract 664

³Previous versions of the MCS and its product lists can be found on the Commission's website, available at <https://www.prc.gov/mail-classification-schedule> in the MCS Archives section.

12. Priority Mail Contract 691
13. Priority Mail Contract 713
14. Priority Mail Contract 717
15. Priority Mail Contract 719
16. Priority Mail & First-Class Package Service Contract 110
17. Priority Mail & First-Class Package Service Contract 115
18. Priority Mail & First-Class Package Service Contract 185
19. Priority Mail Express Contract 74
20. Priority Mail Express & Priority Mail Contract 84
21. Priority Mail Express & Priority Mail Contract 92
22. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 4
23. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 5
24. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 6
25. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 7

The above-referenced changes to the Market Dominant product list and the Competitive product list are incorporated into 39 CFR Appendix A and B to Subpart A of Part 3040.

V. Ordering Paragraphs

It is ordered:

1. Part 3040 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Notice, effective 45 days after the date of publication of the Notice in the **Federal Register** without further action, unless adverse comments are received.

2. The Secretary shall arrange for publication of the Notice in the **Federal Register**.

3. Interested persons may submit adverse comments no later than 30 days from the date of the publication of this Notice in the **Federal Register**.

4. If adverse comments are received, the Secretary will publish a timely withdrawal of the Notice in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

List of Subjects in 39 CFR Part 3040

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3040—PRODUCT LISTS

■ 1. The authority citation for part 3040 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3040 to read as follows:

Appendix A to Subpart A of Part 3040—Market Dominant Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

FIRST-CLASS MAIL *
Single-Piece Letters/Postcards
Presorted Letters/Postcards
Flats
Outbound Single-Piece First-Class Mail International
Inbound Letter Post
USPS MARKETING MAIL (COMMERCIAL AND NONPROFIT) *
High Density and Saturation Letters
High Density and Saturation Flats/Parcels
Carrier Route
Letters
Flats
Parcels
Every Door Direct Mail—Retail
PERIODICALS *
In-County Periodicals
Outside County Periodicals
PACKAGE SERVICES *
Alaska Bypass Service
Bound Printed Matter Flats
Bound Printed Matter Parcels
Media Mail/Library Mail
SPECIAL SERVICES *
Ancillary Services
International Ancillary Services
Address Management Services
Caller Service
Credit Card Authentication
International Reply Coupon Service
International Business Reply Mail Service
Money Orders
Post Office Box Service
Stamp Fulfillment Services
NEGOTIATED SERVICE AGREEMENTS *
Domestic *
International *
Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators
NONPOSTAL SERVICES *
Alliances with the Private Sector to Defray Cost of Key Postal Functions
Philatelic Sales
MARKET TESTS *
USPS Connect Local Mail

■ 3. Revise Appendix B to Subpart A of Part 3040 to read as follows:

Appendix B to Subpart A of Part 3040—Competitive Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

DOMESTIC PRODUCTS *
Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service

USPS Retail Ground	Priority Mail Contract 669	Priority Mail Express & Priority Mail Contract 118
INTERNATIONAL PRODUCTS *	Priority Mail Contract 671	Priority Mail Express & Priority Mail Contract 120
Outbound International Expedited Services	Priority Mail Contract 672	Priority Mail Express & Priority Mail Contract 121
Inbound Parcel Post (at UPU rates)	Priority Mail Contract 682	Priority Mail Express & Priority Mail Contract 122
Outbound Priority Mail International	Priority Mail Contract 685	Priority Mail Express & Priority Mail Contract 123
International Priority Airmail (IPA)	Priority Mail Contract 686	Priority Mail Express & Priority Mail Contract 126
International Surface Air Lift (ISAL)	Priority Mail Contract 687	Priority Mail Express & Priority Mail Contract 127
International Direct Sacks—M-Bags	Priority Mail Contract 690	Priority Mail Express & Priority Mail Contract 128
Outbound Single-Piece First-Class Package International Service	Priority Mail Contract 692	Priority Mail Express & Priority Mail Contract 129
Inbound Letter Post Small Packets and Bulky Letters	Priority Mail Contract 693	Priority Mail Express & Priority Mail Contract 130
NEGOTIATED SERVICE AGREEMENTS *	Priority Mail Contract 694	Priority Mail Express & Priority Mail Contract 131
Domestic *	Priority Mail Contract 695	Priority Mail Express & Priority Mail Contract 132
Priority Mail Express Contract 77	Priority Mail Contract 699	Priority Mail Express & Priority Mail Contract 133
Priority Mail Express Contract 81	Priority Mail Contract 700	Parcel Select & Parcel Return Service Contract 7
Priority Mail Express Contract 83	Priority Mail Contract 701	Parcel Select & Parcel Return Service Contract 9
Priority Mail Express Contract 87	Priority Mail Contract 702	Parcel Select & Parcel Return Service Contract 10
Priority Mail Express Contract 88	Priority Mail Contract 704	Parcel Select & Parcel Return Service Contract 11
Priority Mail Express Contract 91	Priority Mail Contract 705	Parcel Select & Parcel Return Service Contract 13
Priority Mail Express Contract 92	Priority Mail Contract 707	Parcel Select & Parcel Return Service Contract 14
Priority Mail Express Contract 93	Priority Mail Contract 708	Parcel Select Contract 34
Priority Mail Express Contract 94	Priority Mail Contract 709	Parcel Select Contract 35
Parcel Return Service Contract 17	Priority Mail Contract 710	Parcel Select Contract 37
Parcel Return Service Contract 18	Priority Mail Contract 711	Parcel Select Contract 38
Priority Mail Contract 80	Priority Mail Contract 712	Parcel Select Contract 39
Priority Mail Contract 153	Priority Mail Contract 714	Parcel Select Contract 40
Priority Mail Contract 292	Priority Mail Contract 715	Parcel Select Contract 41
Priority Mail Contract 360	Priority Mail Contract 716	Parcel Select Contract 42
Priority Mail Contract 504	Priority Mail Contract 718	Parcel Select Contract 43
Priority Mail Contract 511	Priority Mail Contract 720	Parcel Select Contract 44
Priority Mail Contract 530	Priority Mail Contract 721	Parcel Select Contract 45
Priority Mail Contract 535	Priority Mail Contract 722	Parcel Select Contract 46
Priority Mail Contract 542	Priority Mail Contract 723	Parcel Select Contract 47
Priority Mail Contract 543	Priority Mail Contract 724	Parcel Select Contract 48
Priority Mail Contract 544	Priority Mail Contract 725	Parcel Select Contract 49
Priority Mail Contract 547	Priority Mail Contract 726	Priority Mail—Non-Published Rates 1
Priority Mail Contract 550	Priority Mail Contract 727	Priority Mail—Non-Published Rates 2
Priority Mail Contract 551	Priority Mail Contract 728	First-Class Package Service Contract 87
Priority Mail Contract 555	Priority Mail Contract 729	First-Class Package Service Contract 99
Priority Mail Contract 556	Priority Mail Contract 730	First-Class Package Service Contract 100
Priority Mail Contract 557	Priority Mail Contract 731	First-Class Package Service Contract 103
Priority Mail Contract 559	Priority Mail Contract 732	First-Class Package Service Contract 104
Priority Mail Contract 566	Priority Mail Contract 733	First-Class Package Service Contract 106
Priority Mail Contract 567	Priority Mail Contract 734	First-Class Package Service Contract 107
Priority Mail Contract 573	Priority Mail Contract 735	First-Class Package Service Contract 108
Priority Mail Contract 577	Priority Mail Contract 736	First-Class Package Service Contract 109
Priority Mail Contract 585	Priority Mail Contract 737	First-Class Package Service Contract 110
Priority Mail Contract 589	Priority Mail Contract 738	First-Class Package Service Contract 112
Priority Mail Contract 590	Priority Mail Contract 739	First-Class Package Service Contract 114
Priority Mail Contract 591	Priority Mail Contract 740	First-Class Package Service Contract 115
Priority Mail Contract 595	Priority Mail Contract 741	First-Class Package Service Contract 116
Priority Mail Contract 596	Priority Mail Contract 742	First-Class Package Service Contract 117
Priority Mail Contract 601	Priority Mail Contract 743	First-Class Package Service Contract 118
Priority Mail Contract 604	Priority Mail Contract 744	First-Class Package Service Contract 119
Priority Mail Contract 605	Priority Mail Contract 745	Priority Mail Express, Priority Mail & First-Class Package Service Contract 51
Priority Mail Contract 607	Priority Mail Contract 746	Priority Mail Express, Priority Mail & First-Class Package Service Contract 53
Priority Mail Contract 609	Priority Mail Contract 747	
Priority Mail Contract 611	Priority Mail Contract 748	
Priority Mail Contract 614	Priority Mail Contract 749	
Priority Mail Contract 615	Priority Mail Contract 750	
Priority Mail Contract 618	Priority Mail Express & Priority Mail Contract 48	
Priority Mail Contract 628	Priority Mail Express & Priority Mail Contract 90	
Priority Mail Contract 631	Priority Mail Express & Priority Mail Contract 95	
Priority Mail Contract 640	Priority Mail Express & Priority Mail Contract 96	
Priority Mail Contract 641	Priority Mail Express & Priority Mail Contract 99	
Priority Mail Contract 642	Priority Mail Express & Priority Mail Contract 102	
Priority Mail Contract 645	Priority Mail Express & Priority Mail Contract 103	
Priority Mail Contract 647	Priority Mail Express & Priority Mail Contract 114	
Priority Mail Contract 655	Priority Mail Express & Priority Mail Contract 116	
Priority Mail Contract 657		
Priority Mail Contract 658		
Priority Mail Contract 660		
Priority Mail Contract 663		
Priority Mail Contract 665		
Priority Mail Contract 666		

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Priority Mail & First-Class Package Service
 Contract 210
 Priority Mail & First-Class Package Service
 Contract 211
 Priority Mail & First-Class Package Service
 Contract 212
 Priority Mail & First-Class Package Service
 Contract 213
 Priority Mail & First-Class Package Service
 Contract 214
 Priority Mail & First-Class Package Service
 Contract 215
 Priority Mail & First-Class Package Service
 Contract 216
 Priority Mail & First-Class Package Service
 Contract 217
 Priority Mail & Parcel Select Contract 4
 Priority Mail & Parcel Select Contract 5
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 1
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 2
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 3
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 5
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 6
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 7
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 8
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 9
 Priority Mail Express, Priority Mail, First-
 Class Package Service & Parcel Select
 Contract 10
 Priority Mail, First-Class Package Service &
 Parcel Select Contract 1
 Priority Mail, First-Class Package Service &
 Parcel Select Contract 2
 Priority Mail, First-Class Package Service &
 Parcel Select Contract 3
 Outbound International *
 Global Expedited Package Services (GEPS)
 Contracts
 GEPS 3
 GEPS 5
 GEPS 6
 GEPS 7
 GEPS 8
 GEPS 9
 GEPS 10
 Global Bulk Economy (GBE) Contracts
 Global Plus Contracts
 Global Plus 1C
 Global Plus 1D
 Global Plus 1E
 Global Plus 2C
 Global Plus 3
 Global Plus 4
 Global Plus 5
 Global Plus 6
 Global Reseller Expedited Package Contracts
 Global Reseller Expedited Package Services
 1
 Global Reseller Expedited Package Services
 2

[illegible]

NONPOSTAL SERVICES *

Advertising
 Licensing of Intellectual Property other than
 Officially Licensed Retail Products
 (OLRP)
 Mail Service Promotion
 Officially Licensed Retail Products (OLRP)
 Passport Photo Service
 Photocopying Service
 Rental, Leasing, Licensing or other Non-Sale
 Disposition of Tangible Property
 Training Facilities and Related Services
 USPS Electronic Postmark (EPM) Program
 MARKET TESTS *

[FR Doc. 2022-15974 Filed 7-28-22; 8:45 am]

BILLING CODE 7710-FW-P

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 52

[EPA-R06-OAR-2020-0437; FRL-8698-02-
R6]**Air Plan Approval; Oklahoma; Volatile
Organic Compound Emissions in
Nonattainment Areas and Former
Nonattainment Areas**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 revisions to the State Implementation Plan (SIP) for Oklahoma submitted by the State of Oklahoma designee with a letter dated May 7, 2020. The submittal covers updates to the Oklahoma SIP, as contained in the State's 2019 annual SIP update. Specifically, this action addresses revisions to Oklahoma Administrative Code (OAC) Title 252 Chapter 100 Subchapter 39, Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas. There are two Oklahoma counties affected by this action: Tulsa County and Oklahoma County.

DATES: This rule is effective on August 29, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2020-0437. 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. Publicly available docket

materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Clovis Steib, EPA Region 6 Office, Infrastructure and Ozone Section, 214-665-7566, steib.clovis@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID-19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

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 July 22, 2021, proposal (86 FR 38627). In that document we proposed to approve revisions to the SIP for Oklahoma submitted by the State of Oklahoma with a letter dated May 7, 2020. Specifically, the action addressed revisions to OAC Title 252 Chapter 100 Subchapter 39, Sections 4, 16, 40, and 41. The revisions corrected errors and made these sections of the Oklahoma SIP consistent with EPA's rules. The two areas in Oklahoma affected by this action are Tulsa County and Oklahoma County.

We received comments on our proposal from one commenter. Our response to the comments follows.

II. Response to Comments

Comment: One commenter stated that it is important for citizens to stay informed and be kept up to date on Federal government revisions and regulations, such as this proposed approval action on the Oklahoma SIP.

Response: Public comment is just one part of an extensive rulemaking process. It is an invaluable gateway to plug in to the regulatory process because it is required of all agencies, across statutes, for any new regulation. Under the Administrative Procedures Act (1946), Federal agencies like the EPA, are required to request comments on new regulation proposals by all members of the public. We thank the commenter for their interest and taking the time to submit their response; as well as encouraging their fellow citizens to engage in the public comment process. No changes to the proposal were made in response to the comment.

III. Impact on Areas of Indian Country

As stated in the proposed action, following the U.S. Supreme Court decision in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020), the Governor of the

State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109-59, 119 Stat. 1144, 1937 (August 10, 2005) (“SAFETEA”), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA outside of Indian country.¹ The State's request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval is necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality v. EPA*, 740 F.3d 185 (D.C. Cir. 2014).²

On October 1, 2020, the EPA approved Oklahoma's SAFETEA request to administer all of the State's EPA-approved environmental regulatory programs, including the Oklahoma SIP, in the requested areas of Indian country.³ As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively “excluded Indian country lands”).

EPA's approval under SAFETEA expressly provided that to the extent EPA's prior approvals of Oklahoma's environmental programs excluded

¹ A copy of the Governor's July 22, 2020, request can be found in the docket for this rulemaking on the <https://www.regulations.gov> website. See Docket ID No. EPA-R06-OAR-2020-0437.

² In *ODEQ v. EPA*, the D.C. Circuit held that under the CAA, a state has the authority to implement a SIP in non-reservation areas of Indian country in the state, where there has been no demonstration of tribal jurisdiction. Under the D.C. Circuit's decision, the CAA does not provide authority to states to implement SIPs in Indian reservations. ODEQ did not, however, substantively address the separate authority in Indian country provided specifically to Oklahoma under SAFETEA. That separate authority was not invoked until the State submitted its request under SAFETEA, and was not approved until EPA's decision, described in this section, on October 1, 2020.

³ A copy of EPA's October 1, 2020, approval can be found in the docket for this rulemaking on the <https://www.regulations.gov> website. See Docket ID No. EPA-R06-OAR-2020-0437.