

section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section IV of this preamble.

The state of Louisiana initiated the change being finalized in this action by requesting that EPA relax the 7.8 psi RVP standard to 9.0 psi for the parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville. See Section V of this preamble for information specific to Louisiana's request.

IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the preamble for EPA's amended Phase II volatility standards (56 FR 64706, December 12, 1991), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal gasoline RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining

attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for ten years without the need for the more stringent volatility standard. Similarly, a maintenance plan may be revised to relax the gasoline volatility standard if the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for its duration.

V. Louisiana's Request To Relax the Federal Gasoline RVP Requirement for the Baton Rouge Area

On April 10, 2017, the Louisiana Department of Environmental Quality (LDEQ) submitted a request to relax the federal gasoline RVP requirement in 16 parishes throughout the State, including the five parishes making up the Baton Rouge Area.² Louisiana did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when LDEQ originally submitted the CAA section 175A maintenance plan for the Baton Rouge Area for the 2008 ozone NAAQS that was approved on December 27, 2016 (81 FR 95051). Therefore, LDEQ was required to revise the approved maintenance plan and to submit a CAA section 110(l) non-interference demonstration for the Baton Rouge Area to support the request to relax the federal RVP standard. Because of this, action on the Baton Rouge Area was deferred until LDEQ submitted (and EPA approved) a maintenance plan revision and CAA section 110(l) non-interference demonstration showing that the relaxation would not interfere with maintenance of the 2008 and 2015 ozone NAAQS or with any other applicable CAA requirement.

On January 30, 2018, Louisiana submitted a CAA section 175A maintenance plan revision and section 110(l) non-interference demonstration to EPA. EPA finalized its approval of the maintenance plan revision and demonstration on May 25, 2018 (83 FR 24226). The final approval was effective on June 25, 2018. As part of the rulemaking on Louisiana's submission, EPA included a detailed evaluation of the CAA section 175A maintenance

plan revision and the CAA section 110(l) demonstration.

VI. Response to Comments

EPA received three comments on its June 14, 2018 proposal to relax the federal RVP standard from 7.8 psi to 9.0 psi for the Baton Rouge Area. Two of these comments were related to the proposal, and EPA has responded to them below. EPA also received an anonymous comment that was not related to any of the issues addressed in the proposal.

Comment: An organization representing the Louisiana oil and gas industry provided comments in support of the proposed relaxation of federal RVP standard in the Baton Rouge Area from 7.8 to 9.0 psi.

Response: EPA acknowledges that the commenter supported the proposal.

Comment: A commenter questioned the Agency's use of the statement that EPA "preliminarily determined" that relaxing RVP in Baton Rouge is appropriate.

Response: EPA qualified the word "determined" with the word "preliminarily" in order to indicate that we were proposing to relax the federal RVP standard in the Baton Rouge Area based on the findings associated with May 25, 2018 final rule, which approved Louisiana's maintenance plan revision and CAA section 110(l) non-interference demonstration. However, the June 14, 2018 notice of proposed rulemaking solicited public comments on whether relaxing the federal RVP standard should be approved. As such, EPA indicated in its proposal that a final determination that relaxing RVP in Baton Rouge is appropriate would not be made until EPA had accepted and responded to any relevant comments in the context of a final decision on the record. EPA is now making that final determination in this final rule and is relaxing the federal RVP standard from 7.8 psi to 9.0 psi.

VII. Final Action

EPA is taking final action to approve Louisiana's request for the Agency to relax the federal RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville. Specifically, this action revises the applicable federal RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Baton Rouge Area. This approval is based on Louisiana's April 10, 2017 request and EPA's final determination in its May 25, 2018 final rule, that the State, as required by CAA

² EPA approved the State's request to relax the federal RVP standard for 11 of the parishes on December 26, 2017 (82 FR 60886).

section 110(l), made an adequate demonstration to show that removal of this federal requirement would not interfere with maintenance of the 2008 ozone NAAQS in the Baton Rouge Area and is consistent with other CAA requirements including attainment of the 2015 ozone NAAQS.

VIII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and therefore was not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This rule provides meaningful burden reduction because it relaxes the federal RVP standard for gasoline, and as a result, fuel suppliers will no longer be required to provide the lower, 7.8 psi RVP gasoline in the five parishes during the summer months. Relaxing the federal volatility requirements is also beneficial because this action can improve the fungibility of gasoline sold in Louisiana by allowing the gasoline sold in the Baton Rouge Area to be identical to the fuel sold in the remainder of the state.

C. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and therefore is not subject to these requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers, or blenders of gasoline that choose to produce or import low RVP gasoline for

sale in Louisiana, and gasoline distributors and retail stations in Louisiana. This action relaxes the federal RVP standard for gasoline sold in Louisiana's Baton Rouge Area during the summertime ozone season to allow the RVP for gasoline sold in these parishes to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) RVP program. Therefore, this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This rule does not contain an unfunded mandate of \$100 million or more as described in the UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This rule affects only those refiners, importers, or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Baton Rouge Area and gasoline distributors and retail stations in the Area. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. EPA has no reason to believe that this action may disproportionately affect children since

Louisiana has provided evidence that a relaxation of the federal gasoline RVP standard will not interfere with its attainment of the ozone NAAQS for the Baton Rouge Area, or any other applicable CAA requirement. By separate action, EPA has finalized its approval of Louisiana's revised maintenance plan for the 2008 ozone NAAQS, including the state's non-interference demonstration that relaxation of the gasoline RVP standard in the Baton Rouge Area to 9.0 RVP will not interfere with any other NAAQS or CAA requirement.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. Louisiana has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Baton Rouge Area for the 2008 ozone NAAQS, or with any other applicable requirement of the CAA. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA's rulemaking for Louisiana's non-interference demonstration (83 FR 24226, May 25, 2018). A copy of Louisiana's April 10, 2017 letter requesting that EPA relax the gasoline RVP standard and the State's January 29, 2018 technical analysis demonstrating that the less stringent gasoline RVP will not interfere with continued maintenance of the 2008 ozone NAAQS in the Baton Rouge Area, or with any other applicable CAA

requirement, have been placed in the public docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 80

Environmental protection,
Administrative practice and procedures,
Air pollution control, Fuel additives,
Gasoline, Motor vehicle and motor

vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: October 15, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. Section 80.27, paragraph (a)(2)(ii) is amended in the table by revising the entry for "Louisiana" and adding footnote 12 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

(ii) * * *

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

| State | May | June | July | August | September |
|----------------------------|-----|------|------|--------|-----------|
| Louisiana ^{11 12} | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |

¹ Standards are expressed in pounds per square inch (psi).

⁴ The standard for Grant Parish from June 1 until September 15 in 1992 through 2007 was 7.8 psi.

¹¹ The standard for the Louisiana parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary from June 1 until September 15 in 1992 through 2017 was 7.8 psi.

¹² The standard for the Louisiana parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville from June 1 until September 15 in 1992 through 2018 was 7.8 psi.

* * * * *

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BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 13-39, FCC 18-45]

Rural Call Completion

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the point of contact requirements for covered providers adopted in the Commission's Rural Call Completion, Second Report and Order (*Order*). This document is consistent with the *Order*, which stated that the Commission would publish a document in the *Federal Register* announcing the effective date of those rules.

DATES: The amendments to 47 CFR 64.2113 published at 83 FR 21723, May 10, 2018, are effective October 24, 2018.

FOR FURTHER INFORMATION CONTACT:

Zachary Ross, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1033, or email: zachary.ross@fcc.gov. For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418-2991, or email at Nicole.Ongele@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that, on October 9, 2018, OMB approved, for a period of three years, the information collection relating to the rural call completion point of contact requirements for covered providers contained in the Commission's *Order*, FCC 18-45, published at 83 FR 21723, May 10, 2018. The OMB Control Number is 3060-1186. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060-1186, in your correspondence. The Commission will

also accept your comments via email at PRA@fcc.gov. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on October 9, 2018, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 64.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1186.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

TABLE 2 TO SUBPART NNN OF PART 63—EMISSION LIMITS AND COMPLIANCE DATES—Continued

| If your source is a: | And you commenced construction: | Your emission limits are: ¹ | And you must comply by: ² |
|--|---------------------------------|---|--------------------------------------|
| 18. Flame-attenuation line manufacturing an OEM product. | On or before November 25, 2011. | 5.0 lb formaldehyde per ton of glass pulled 5.7 lb methanol per ton of glass pulled 31 lb phenol per ton of glass pulled. | December 26, 2020. |
| 19. Flame-attenuation line manufacturing an OEM product. | After November 25, 2011 ... | 2.9 lb formaldehyde per ton of glass pulled 1.1 lb methanol per ton of glass pulled 22 lb phenol per ton of glass pulled. | December 26, 2017. ⁴ |

¹ The numeric limits do not apply during startup and shutdown.

² Existing sources must demonstrate compliance by the compliance dates specified in this table. New sources have 180 days after the applicable compliance date to demonstrate compliance.

⁴ Or initial startup, whichever is later.

⁵ This limit does not apply after December 26, 2020.

[FR Doc. 2017-27797 Filed 12-22-17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA-HQ-OAR-2016-0683; FRL-9971-92-OAR]

RIN 2060-AT61

Approval of Louisiana's Request To Relax the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve an April 10, 2017 request from the Louisiana Department of Environmental Quality (LDEQ) to relax the Federal Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the following parishes: Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary. Specifically, EPA is approving

amendments to the regulations to allow the gasoline RVP standard for these 11 parishes to rise from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to the Federal gasoline RVP volatility regulation is consistent with the applicable provisions of the Clean Air Act (CAA). LDEQ has also requested that EPA relax gasoline volatility requirements for the 5-parish Baton Rouge area, and EPA will address that request in a separate rulemaking in the future.

DATES: This final rule is effective on January 25, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2016-0683. All documents in the docket are listed on the <https://www.regulations.gov/> website. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information (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 electronically through <https://www.regulations.gov/>.

FOR FURTHER INFORMATION CONTACT: Dave Sosnowski, Office of

Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4823; fax number: (734) 214-4052; email address: sosnowski.dave@epa.gov. You may also contact Rudolph Kapichak at the same address; telephone number: (734) 214-4574; fax number: (734) 214-4052; email address: kapichak.rudolph@epa.gov.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement
- IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Louisiana's Request to Relax the Federal Gasoline RVP Requirement for Several Parishes
- VI. Response to Comments
- VII. Final Action
- VIII. Statutory and Executive Order Reviews
- IX. Legal Authority and Statutory Provisions

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in Louisiana.

| Examples of potentially regulated entities | NAICS ¹ Codes |
|--|--------------------------|
| Petroleum refineries | 324110, 424710 |
| Gasoline Marketers and Distributors | 424720 |
| Gasoline Retail Stations | 447110 |
| Gasoline Transporters | 484220, 484230 |

¹ North American Industry Classification System.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. The table lists

the types of entities of which EPA is aware that could be affected by this rule. Other types of entities not listed on the table could also be affected. To

determine whether your organization may be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions

regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is EPA's authority for taking this action?

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the CAA, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Action Being Taken

This final rule approves a request from the state of Louisiana to change the federal RVP standard for the parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). EPA is not addressing in this final rule LDEQ's request that EPA also relax the federal RVP standard for the 5-parish Baton Rouge area. EPA will address that request in a separate rulemaking in the future.

The preamble for this rulemaking is organized as follows: Section III, provides the history of the federal gasoline volatility regulation; Section IV, describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas; Section V, provides information specific to Louisiana's request for the 11 parishes addressed by this action; Section VI, provides a response to the comments EPA received; and Section VII, presents the final action in response to Louisiana's request.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum

limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum gasoline RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS).

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section IV. of this preamble.

The state of Louisiana initiated the change being finalized in this action by requesting that EPA relax the 7.8 psi RVP standard to 9.0 psi for the parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary. See Section V. of

this preamble for information specific to Louisiana's request.

IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the preamble for EPA's amended Phase II volatility standards (See 56 FR 64706, December 12, 1991), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II summertime volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates to the satisfaction of EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

As explained in the proposal to this final rule, some former 1-hour ozone nonattainment areas that remain subject to the federal summertime RVP limit of 7.8 psi have been designated as attainment areas for both the 1997 and 2008 ozone NAAQS and based on the latest available air quality data are also attaining the more stringent 2015 ozone NAAQS. These states submitted, and EPA approved, CAA section 110(a)(1)

maintenance plans for these areas, as required by the Phase 1 implementation rule for the 1997 ozone NAAQS (69 FR 23951, April 30, 2004).

As further explained at proposal, EPA has concluded that there is neither an implementation plan revision nor a CAA section 110(l) demonstration required in order for EPA to approve a state's request to relax the federal summertime gasoline RVP limit under the circumstances described above for such areas as these 11 parishes. Rather, in order for EPA to approve a request to relax the federal RVP limit for such areas, the Governor or his/her designee must request that the Administrator revise the federal gasoline RVP regulations to remove the subject areas from the list of required areas in 40 CFR 80.27(a)(2). The state may provide any relevant supporting information such as recent air quality data, designation status for ozone and information on previously approved ozone maintenance plans. The Administrator's decision on whether to grant a state's request to revise the federal gasoline RVP regulations in such cases would be documented through notice-and-comment rulemaking. See the August 9, 2017 proposal for further background (82 FR 37184).

V. Louisiana's Request To Relax the Federal Gasoline RVP Requirement for Several Parishes

On April 10, 2017, LDEQ requested that EPA relax the current federal gasoline RVP volatility standard of 7.8 psi to 9.0 psi for 16 Louisiana parishes, the 5 parishes of the Baton Rouge area, and 11 other parishes: Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary. These other 11 parishes attained the 1-hour ozone NAAQS and were redesignated to attainment with approved CAA section 175A maintenance plans. They were then designated as attainment for the 1997 ozone NAAQS. As such, the State was required by EPA's Phase 1 rule, which implemented the 1997 ozone NAAQS, to submit CAA section 110(a)(1) maintenance plans for these parishes that addressed the 10-year period from 2004 to 2014. (See 69 FR 23951, April 30, 2004.)² The Phase 1 implementation

rule for the 1997 ozone NAAQS did not require Louisiana to submit second 10-year CAA section 175A maintenance plans for the 1-hour ozone NAAQS for these parishes. In 2012, all 11 parishes were designated as attainment for the 2008 ozone NAAQS. Because they were designated as attainment for both the 1997 and 2008 ozone NAAQS, they were not required to submit a CAA section 110(a)(1) maintenance plan for the 2008 ozone NAAQS. Therefore, as explained earlier above, these parishes are no longer within the timeframe that was addressed by any approved maintenance plan for any ozone NAAQS. The 11 parishes that are the subject of this action are all attaining the more stringent 2015 ozone NAAQS, and the State did not recommend that any of these 11 parishes be designated as nonattainment for the 2015 ozone NAAQS.³

EPA's August 9, 2017 proposal included several pieces of information that supports the State's request:

- The current ozone design values for the parishes in question, based upon 2013–2015 air quality data are well below the 2015 ozone NAAQS of 70 parts-per-billion (ppb). For more information on current design values for the 11 parishes refer to Table 1 in the August 9, 2017 proposal (82 FR 37186).
- Moreover, the projections for VOC emissions (i.e., the ozone precursor controlled through RVP limitations) from the previously approved CAA section 110(a)(1) maintenance plans for the 1997 ozone NAAQS for the areas covered by the State's request show relatively flat or downward VOC emissions trends through 2014. For more information on trends in VOC emissions in the 11 parishes refer to Table 2 in the August 9, 2017 notice of proposed rulemaking (82 FR 37187).
- There are also national rules that result in VOC and/or NOx emission reductions that will contribute to the downward trend in ozone concentrations in the 11 parishes into the future. See EPA's August 9, 2017 proposal for further information (82 FR 37184).

VI. Response to Comments

EPA received four comments on its August 9, 2017 (82 FR 37184) proposal

September 17, 2008 (Pointe Coupee Parish); 73 FR 53403 September 16, 2008 (New Orleans Parish); and 73 FR 59518 (Calcasieu and St. James Parishes).

³ On September 29, 2015, Louisiana submitted a letter to EPA recommending designations for the 2015 ozone NAAQS. The State recommended that all of the 11 parishes addressed in this action be designated as unclassifiable/attainment. The letter is available at: <https://www.epa.gov/ozone-designations/ozone-designations-2015-standards-louisiana-state-recommendations>.

to relax the gasoline RVP standard from 7.8 psi to 9.0 psi. EPA found that these comments were either supportive of the proposed change or fell outside the scope of this action as discussed further below.

Comment: An organization representing the Louisiana oil and gas industry provided comments in support of the proposed relaxation of summertime gasoline RVP from 7.8 to 9.0 psi.

Response: EPA acknowledges that the commenter supported the proposal.

Comment: EPA received two sets of comments that were not related to any of the issues addressed in the proposal, while a third expressed general disagreement with relaxing any environmental regulations for any reason without addressing the specific issue of the subject RVP relaxation.

Response: Regarding the generic objection to the relaxation of environmental regulations, EPA deemed this outside the scope of the proposal because it did not address EPA's conclusion that approving the proposed relaxation would not adversely impact air quality in the covered areas, nor would it interfere with those areas' ability to meet any other applicable NAAQS. As discussed above and in the proposal, EPA has concluded based on current air quality data and available VOC and NOx emissions information that the RVP relaxation will not have any appreciable effect on air quality in the 11 parishes, and therefore, the requested relaxation is approvable.

VII. Final Action

EPA is taking final action to approve Louisiana's request for the Agency to relax the RVP applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary. Specifically, this action amends the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the 11 named parishes. This approval is based on the redesignation of the named areas to attainment of the 1-hour ozone NAAQS and their designation as attainment for the 1997 and 2008 ozone NAAQS. Additionally, recent air quality data from monitors in the parishes demonstrates that they are attaining the 2015 ozone NAAQS of 70 ppb. Lastly, emission reductions from national rules aimed at reducing VOCs and NOx that were not previously claimed or accounted for in the State's projection of air quality trends for its maintenance plans will ensure

² For more information on Louisiana's CAA section 110(a)(1) maintenance plans for the individual parishes under the 1997 ozone NAAQS, please refer to the following *Federal Register* notices approving the maintenance plans for the parishes listed parenthetically after the citation: 72 FR 62579, November 6, 2007 (Beauregard and St. Mary Parishes); 73 FR 15411, March 24, 2008 (Lafayette and Lafourche Parishes); 78 FR 57058

continued attainment of the 2015 ozone NAAQS.

VIII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This final rule provides meaningful burden reduction because it relaxes the federal RVP standard for gasoline, and as a result, fuel suppliers will no longer be required to provide 7.8 psi lower RVP gasoline in the 11 parishes during the summer months (June 1st through September 15th). Relaxing the volatility requirements will also be beneficial because this action can improve the fungibility of gasoline sold in the State of Louisiana by allowing the gasoline sold in the 11 named parishes to be identical to the fuel sold in most of the remainder of the State.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under PRA, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Louisiana and gasoline distributors and retail stations in Louisiana. This action relaxes the federal RVP standard for gasoline sold in 11 Louisiana parishes during the high ozone season. This rule does not impose any requirements or create impacts on small entities beyond those, if any,

already required by or resulting from the CAA section 211(h) Volatility Control program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by the EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This final rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale and gasoline distributors and retail stations in the 11 Louisiana parishes. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. EPA has no reason to believe that this action may disproportionately affect children based on available ozone air quality data and VOC and NO_x emissions information. EPA has concluded that a relaxation of the gasoline RVP will not interfere with the attainment of the ozone NAAQS, or any other applicable CAA requirement in these 11 Louisiana parishes.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule relaxes the applicable volatility standard of gasoline during the high ozone season (June 1 to September 15 of each year). EPA has concluded that the relaxation will not cause a measurable increase in ozone concentrations that would result in a violation of any ozone NAAQS including the 2008 ozone NAAQS or the more stringent 2015 ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

M. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 26, 2018. 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).

IX. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedure, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle

pollution, Penalties, Reporting and recordkeeping requirements.

Dated: December 15, 2017.

E. Scott Pruitt,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. Section 80.27 is amended in the table in paragraph (a)(2)(ii) by revising the entries for "Louisiana" to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

- (a) * * *
(2) * * *
(ii) * * *

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

| State | May | June | July | August | September |
|---|-----|------|------|--------|-----------|
| Louisiana: | | | | | |
| Grant Parish ⁴ | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| 11 Other Louisiana Parishes ¹¹ | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| All other volatility nonattainment areas | 9.0 | 7.8 | 7.8 | 7.8 | 7.8 |

¹ Standards are expressed in pounds per square inch (psi).

⁴ The standard for Grant Parish from June 1 until September 15 in 1992 through 2007 was 7.8 psi.

¹¹ The standard for the Louisiana parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary from June 1 until September 15 in 1992 through 2017 was 7.8 psi.

* * * * *
[FR Doc. 2017-27628 Filed 12-22-17; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 82**

[EPA-HQ-OAR-2017-0213; FRL-9972-47-OAR]

RIN 2060-AT43

Protection of Stratospheric Ozone: Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) received adverse comment on the direct final rule titled "Protection of Stratospheric Ozone: Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant," published on September 28, 2017. Therefore, through this document we are withdrawing that direct final rule.

DATES: Effective December 26, 2017, EPA withdraws the direct final rule

published at 82 FR 45202, on September 28, 2017.

FOR FURTHER INFORMATION CONTACT: Sara Kemme by regular mail: U.S. Environmental Protection Agency, Stratospheric Protection Division (6205T), 1200 Pennsylvania Avenue NW, Washington, DC 20460; by telephone: (202) 566-0511; or by email: kemme.sara@epa.gov.

SUPPLEMENTARY INFORMATION: The EPA received adverse comment on the direct final rule "Protection of Stratospheric Ozone: Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant," published on September 28, 2017 (82 FR 45202). The direct final rule stated that if the Agency received adverse comment by October 30, 2017, the direct final rule would not take effect and EPA would publish a timely withdrawal in the **Federal Register**. Because we received adverse comment on that direct final rule during that comment period we are withdrawing the direct final rule in this document. We will address relevant comments in any subsequent final action, which would be based on the parallel proposed rule also published on September 28, 2017 (82 FR 45253). The Agency intends to act expeditiously on the parallel proposed rule. As stated in the direct final rule and the parallel

proposed rule, there will not be a second comment period on this action.

List of Subjects in 40 CFR Part 82

Environmental protection, Air pollution control, Chemicals, Reporting and recordkeeping requirements.

Dated: December 15, 2017.

E. Scott Pruitt,
Administrator.

■ Accordingly, the amendments to 40 CFR 82.154 published on September 28, 2017 (82 FR 45202) are withdrawn as of December 26, 2017.

[FR Doc. 2017-27799 Filed 12-22-17; 8:45 am]

BILLING CODE 5560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[EPA-HQ-OPP-2017-0258; FRL-9970-94]

2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with 1-ethenyl-2-pyrrolidinone and a-(2-methyl-1-oxo-2-propen-1-yl)-w-methoxypoly(oxy-1,2-ethanediyl); Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**Subpart DD—Nevada**

■ 2. Section 52.1470, paragraph (e) is amended by adding, under the table heading “Air Quality Implementation Plan for the State of Nevada,” two entries “2012 Revision to the Nevada

State Implementation Plan for Carbon Monoxide, April 2012” and “2016 Supplement to Nevada’s 2nd 10-Year CO Limited Maintenance Plan at Lake Tahoe, August 26, 2016” after the entry “Addendum to the October 27, 2003

letter of transmittal of the redesignation request and maintenance plan,” to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

| Name of SIP provision | Applicable geographic or nonattainment area | State submittal date | EPA approval date | Explanation |
|---|--|----------------------|--|---|
| AIR QUALITY IMPLEMENTATION PLAN FOR THE STATE OF NEVADA¹ | | | | |
| 2012 Revision to the Nevada State Implementation Plan for Carbon Monoxide, April 2012. | Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties. | 4/3/2012 | [INSERT Federal Register CITATION] (6/7/2017). | Adopted on 4/3/2012. Approval excludes sections 3.2.4 and 4. With 2016 supplement, fulfills requirement for second ten-year maintenance plan. |
| 2016 Supplement to Nevada’s 2nd 10-Year CO Limited Maintenance Plan at Lake Tahoe, August 26, 2016. | Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties. | 8/26/2016 | [INSERT Federal Register CITATION] (6/7/2017). | Adopted on 8/26/2016. Approval includes revised sections 3.2.4 and 4 (alternative CO monitoring strategy and contingency plan), 2011 emissions inventory and 2024 projected emissions inventory (Attachment A), evidence of public participation (Attachment B) and revised table of contents for 2012 submittal (Attachment F). Excludes Attachments C, D and E. |

¹ The organization of this table generally follows from the organization of the State of Nevada’s original 1972 SIP, which was divided into 12 sections. Nonattainment and maintenance plans, among other types of plans, are listed under Section 5 (Control Strategy). Lead SIPs and Small Business Stationary Source Technical and Environmental Compliance Assistance SIPs are listed after Section 12 followed by nonregulatory or quasi-regulatory statutory provisions approved into the SIP. Regulatory statutory provisions are listed in 40 CFR 52.1470(c).

[FR Doc. 2017–11699 Filed 6–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 80**

[EPA–HQ–OAR–2016–0631; FRL–9963–54–OAR]

Approval of Tennessee’s Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties; and Minor Technical Corrections for Federal Reid Vapor Pressure Gasoline Volatility Standards in Other Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Tennessee for EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into

commerce from June 1 to September 15 of each year in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties (the Middle Tennessee Area). Specifically, EPA is approving amendments to the regulations to allow the gasoline RVP standard for the five counties to rise from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA). Finally, EPA is making several minor technical corrections to address clerical errors made in prior rulemakings that relaxed the gasoline RVP standard in other areas.

DATES: This final rule is effective on June 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2016–0631. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information (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 electronically through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

David Dickinson, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343–9256; email address: dickinson.david@epa.gov, or Rudolph Kapichak, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4574; email address: kapichak.rudolph@epa.gov.

SUPPLEMENTARY INFORMATION:

The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement

- IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Tennessee's Request to Relax the Federal Gasoline RVP Requirement for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties
- VI. Response to Comments
- VII. Final Action
- VIII. Technical Corrections
- IX. Statutory and Executive Order Reviews
- X. Legal Authority and Statutory Provisions

Effective date. Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. Chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. EPA is issuing this final rule under CAA section 307(d)(1) which states: "The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies." Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective June 7, 2017. APA section 553(d) allows an effective date less than 30 days after publication for a rule "that grants or recognizes an exemption or relieves a restriction." 5 U.S.C. 553(d)(1). This rule fits within that exception because it lifts a restriction on the introduction into commerce of gasoline with an RVP of greater than 7.8 psi sold in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties between June 1 and September 15 of each year. Because this action can be considered to relieve a restriction that would otherwise prevent the introduction into commerce of gasoline with an RVP of greater than 7.8 psi, EPA is making this action effective on June 7, 2017.

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in the Middle Tennessee Area.

| Examples of potentially regulated entities | NAICS ¹ codes |
|--|--------------------------|
| Petroleum refineries | 324110 |
| Gasoline Marketers and Distributors | 424710 424720 |
| Gasoline Retail Stations | 447110 |
| Gasoline Transporters | 484220 484230 |

The above table is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is EPA's authority for taking this action?

The statutory authority for this action is granted to EPA by Sections 211(h) and 301(a) of the CAA, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Action Being Taken

This final rule approves a request from the state of Tennessee to change the summertime gasoline RVP standard for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). In a previous rulemaking, EPA approved a maintenance plan revision for the Middle Tennessee Area for the 1997 ozone national ambient air quality standard (NAAQS) and a CAA section 110(l) non-interference demonstration that relaxing the federal RVP gasoline requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year would not interfere with maintenance of the NAAQS in the Middle Tennessee Area. For more information on EPA's approval of Tennessee's maintenance plan revision for the Middle Tennessee Area and the CAA section 110(l) non-interference demonstration, please refer to the May 1, 2017 rulemaking. (82 FR 20260).

The preamble for this rulemaking is organized as follows: Section III. provides the history of the federal gasoline volatility regulation. Section IV. describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas. Section V. provides information specific to Tennessee's request for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties. Section VI. provides a response to the comments EPA received. Section VII. presents the final action in response to Tennessee's request. Finally, Section VIII. provides an explanation of the minor technical corrections being made to 40 CFR 80.27(a)(2)(ii).

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum gasoline RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS).

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations

¹ North American Industry Classification System.

prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section IV. of this action.

The state of Tennessee has initiated this change by requesting that EPA relax the 7.8 psi gasoline RVP standard to 9.0 psi for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties, which are subject to the 7.8 gasoline RVP requirement during the summertime ozone season. Accordingly, the state of Tennessee provided a technical demonstration showing that relaxing the federal gasoline RVP requirements in the five counties from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS in the Middle Tennessee Area or with any other applicable CAA requirement. See Section V. of this action for information specific to Tennessee's request for the Middle Tennessee Area.

IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the rulemaking for EPA's amended Phase II volatility standards (56 FR 64706), any change in the volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi RVP gasoline requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP gasoline standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated

as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A(a), that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent gasoline volatility standard or that the more stringent gasoline volatility standard may be necessary for the area to maintain attainment of the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates to the satisfaction of EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

V. Tennessee's Request To Relax the Federal Gasoline RVP Requirement for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties

On November 21, 2016, the state of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a request to revise its CAA section 110(a)(1) maintenance plan for the 1997 ozone NAAQS for the Middle Tennessee Area. The revised maintenance plan adjusts the on-road emissions inventory and maintenance demonstration so that they account for removal of the federal requirement to sell 7.8 psi gasoline and instead sell gasoline with an RVP of 9.0 psi during the summer ozone season. As part of its request, TDEC also submitted a CAA section 110(l) non-interference demonstration that removal of the federal RVP requirement of 7.8 psi for gasoline during the summertime ozone season for the Middle Tennessee Area would not interfere with maintenance of any NAAQS, including the 1997 and 2015 ozone NAAQS. Specifically, the State provided a technical demonstration showing that relaxing the federal gasoline RVP requirement in the five counties, from 7.8 psi to 9.0 psi, would not interfere with maintenance of the ozone NAAQS or with any other applicable requirement of the CAA.

On February 24, 2017, EPA proposed to approve the revised maintenance plan and section 110(l) non-interference demonstration. The proposal provided an opportunity for the public to comment on the action. (82 FR 11517). EPA received no comments on the proposal to approve the revised maintenance plan request and the non-interference demonstration for the

Middle Tennessee Area. In a May 1, 2017 final rule, EPA approved Tennessee's November 21, 2016 revised maintenance plan for the Middle Tennessee Area. (82 FR 20260). The revised CAA section 110(a)(1) maintenance plan provides for continued attainment and maintenance of the 1997 ozone NAAQS. In this final rule, EPA also approved Tennessee's non-interference demonstration for the Middle Tennessee Area.

In today's action, EPA is taking the final step in the process to approve Tennessee's request to relax the summertime ozone season gasoline RVP standard for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties from 7.8 psi to 9.0 psi. Specifically, EPA is amending the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the five counties. This action is based on EPA's May 1, 2017 approval of Tennessee's November 21, 2016 revised maintenance plan request and the non-interference demonstration.

EPA's proposal to amend the applicable gasoline RVP standard from 7.8 psi to 9.0 psi (April 12, 2017, 82 FR 17597) was subject to public notice-and-comment. EPA received seven comments on its proposal. These comments are discussed in Section VI. below.

Finally, EPA is approving this change to 40 CFR part 80 based on a request from the State and because EPA made a final determination in its May 1, 2017 final rule (82 FR 20260) that the State made an adequate demonstration to show that removal of this federal requirement would not interfere with air quality in the Middle Tennessee Area. Further, this final action is consistent with CAA requirements. Based upon these factors, EPA is approving Tennessee's request to relax the federal RVP gasoline requirements in the Middle Tennessee Area from 7.8 psi to 9.0 psi.

VI. Response to Comments

EPA received seven comments on its April 12, 2017 proposal to relax the gasoline standard from 7.8 psi to 9.0 psi. EPA believes that all of these comments are outside the scope of today's action as discussed further below.

Comment: EPA received six comments that expressed a general concern that the relaxation of the RVP gasoline standard would result in a negative impact on air quality.

Response: These comments, which are outside the scope of today's final rule, pertain to issues that have already been addressed in the May 1, 2017 rulemaking that evaluated the State's

demonstration of potential air quality impacts of changing the summertime gasoline standard in the Middle Tennessee Area. (82 FR 20260). At proposal, EPA evaluated the impacts on air quality associated with the change in RVP requirements and determined that any such impacts will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA as required by CAA section 110(l). (82 FR 11517, 11520–11522, February 24, 2017). EPA received no adverse comments on that proposal, which was subject to a 30-day notice and comment opportunity for the public. Further, in the April 12, 2017 proposal to this action, EPA did not reopen the May 1, 2017 rulemaking for public comments.

Comment: EPA received another comment concerning the impact of the 1.0 psi RVP waiver that is provided to gasoline containing 10 percent ethanol.² The commenter expressed several concerns with the 1.0 psi waiver, as well as a concern with the potential impacts of relaxing the summertime gasoline standard on the ability of the area to attain the 2015 ozone NAAQS. The commenter also asked for clarification of how Tennessee calculated emissions changes resulting from increasing the RVP of gasoline sold in the Area.

Response: The commenter's general concern with the national 1.0 psi waiver for gasoline containing 10 percent ethanol are beyond the scope of this rulemaking. Moreover, CAA section 211(h)(4) specifically allows the RVP limits for fuel blends containing gasoline and 10 percent ethanol to be 1.0 psi greater than the applicable regulatory RVP limits established in accordance with CAA section 211(h)(1). In this rulemaking, EPA is merely revising the summertime RVP limit for the Middle Tennessee Area pursuant to a request from the State, which the State supported with the demonstration that the area will continue to maintain the 1997 ozone NAAQS, and that the RVP increase will not interfere with the Area's ability to attain other NAAQS including the 2015 ozone NAAQS or interfere with any other CAA requirement.

With regard to the possibility that the summertime gasoline RVP increase could jeopardize the area's ability to remain in attainment with the 2015 ozone NAAQS of 70 ppb, as previously explained, this comment is beyond the scope of this rulemaking. Further, as also previously explained, the proposal for the May 1, 2017 rulemaking

contained an evaluation of the air quality impacts associated with the change in RVP requirements and determined that any such impacts will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA as required by CAA section 110(l). Thus, EPA, in a prior rulemaking, which included extensive information and data from the State, such as the projection of the design values and the effect of slight increases in emissions associated with the RVP relaxation, has concluded that the Area would continue to attain any ozone NAAQS, including the 2015 ozone NAAQS, after the RVP relaxation. (82 FR 20260, May 1, 2017). In the February 24, 2017 proposal, EPA had also provided adequate opportunity for public comments on the CAA section 110(l) non-interference demonstration as well as the extensive information that supported the demonstration. No adverse comments were received on that proposal. The proposed notice for today's action did not re-open the previous rulemaking.

Similarly, EPA believes that the comment on Tennessee's calculations of the emissions change due to the RVP relaxation is also beyond the scope of this rulemaking. As previously explained, EPA provided adequate opportunity for public comment on the previous rulemaking that approved the State's maintenance plan revision and CAA section 110(l) non-interference demonstration. (82 FR 20260, May 1, 2017). No adverse comments were received on the proposal for the May 1, 2017 rulemaking. Notwithstanding that this comment is outside of the scope of this rulemaking, Tennessee did properly quantify the emissions change attributed to the increase of the summertime RVP standard of 7.8 psi (effectively 8.8 psi with the 1.0 psi ethanol waiver) to 9.0 psi (effectively 10.0 psi with the 1.0 psi ethanol waiver). (82 FR 11517, 11520–11523, February 24, 2017). As noted above, the proposed notice for today's action did not re-open the previous rulemaking. Based on the evidence in the record, EPA is granting the State's request to relax the summertime RVP standard from 7.8 psi to 9.0 psi.

VII. Final Action

EPA is taking final action to approve the request from Tennessee for EPA to relax the RVP applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties. Specifically, this action amends the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR

80.27(a)(2) for the Middle Tennessee Area.

VIII. Technical Corrections

We are taking this opportunity to make several minor technical corrections to 40 CFR 80.27(a)(2)(ii) in order to accurately reflect the regulatory changes to this subparagraph that occurred as the result of prior rulemakings. These prior rulemakings concerned the relaxation of the gasoline RVP standard in other areas of the country. The changes are specified in the following paragraph. These corrections have no effect on the stringency or applicability of the regulations.³

The amendments are as follows:

1. In 40 CFR 80.27(a)(2)(ii), the table is amended by:

a. Adding footnote numbers 6 and 9 in the table for North Carolina;

b. Adding the "Middle Tennessee Area" in the table for Tennessee and adding footnote number 10 next to it;

2. In 40 CFR 80.27(a)(2)(ii), the footnotes below the table are amended by:

a. Renumbering the existing footnote 6 below the table to a new footnote 8. Footnote 8 will read: "The standard for Jefferson and Shelby Counties from June 1 until September 15 in 1992 through July 2, 2015 was 7.8 psi.";

b. Renumbering the existing footnote 7 below the table to a new footnote 9. Footnote 9 will read: "The standard for Mecklenburg and Gaston Counties from June 1 until September 15 in 1992 through 2015 was 7.8 psi.";

c. Adding a new footnote 6 below the table. Footnote 6 will read: "The standard for Davidson, Forsyth and Guilford Counties and a portion of Davie County from June 1 until September 15 in 1992 through 2013 was 7.8 psi.";

d. Adding a new footnote 7 below the table. Footnote 7 will read: "The standard for Durham and Wake Counties, and a portion of Dutchville Township in Granville County from June 1 until September 15 in 1992 through 2013 was 7.8 psi."

³ 40 CFR 80.27(a)(2)(ii) had not accurately reflected that the North Carolina entry in the table also included footnotes 6 and 9. As a result of today's rulemaking, the table will include the addition of Middle Tennessee and a new footnote 10 associated with it. The footnotes below the table were also inaccurate in that incorrect counties or areas were associated with the wrong footnote numbers. Therefore, the preexisting language in footnote 6 is retained but is renumbered as footnote 8. Similarly, the preexisting language in footnote 7 is retained but is renumbered as footnote 9. The correct version of footnotes 6 and 7 were not included in the preexisting language and thus new footnotes 6 and 7 are added in this final rule.

² See CAA section 211(h)(4).

IX. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563. (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, and therefore is not subject to these requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Tennessee and gasoline distributors and retail stations in Tennessee. This action relaxes the federal RVP standard for gasoline sold in Davidson, Rutherford, Sumner, Williamson, and Wilson Counties during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of \$100 million or more as described in the UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements

mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule affects only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Middle Tennessee Area and gasoline distributors and retail stations in the Middle Tennessee Area. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. EPA has no reason to believe that this action may disproportionately affect children since Tennessee has demonstrated that a relaxation of the gasoline RVP will not interfere with its attainment of the ozone NAAQS for the Middle Tennessee Area, or any other applicable CAA requirement.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

This action does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule relaxes the applicable volatility standard of gasoline during the summer, possibly resulting in slightly higher mobile source emissions. However, the state of Tennessee's non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Middle Tennessee Area, or with any other applicable CAA requirement. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are described in Section V. of this final rule. A copy of Tennessee's November 21, 2016 SIP revision requesting that EPA relax the gasoline RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP in the Davidson, Rutherford, Sumner, Williamson, and Wilson Counties would not interfere with continued maintenance of the 2008 ozone NAAQS, or with any other applicable CAA requirement, has been placed in the public docket for this action.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 7, 2017. 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).

X. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to EPA by CAA sections 211(h) and 301(a), as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle

pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 31, 2017.

E. Scott Pruitt,
Administrator.

For the reasons discussed in the preamble, the Environmental Protection Agency is amending 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. Section 80.27 is amended in the table in paragraph (a)(2)(ii) by:

■ a. Revising the entries for North Carolina and Tennessee.

■ b. Revising footnotes 6 and 7.

■ c. Adding new footnotes 8, 9, and 10.

The revisions and additions read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

(ii) * * *

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

| State | May | June | July | August | September |
|-------------------------------------|-----|------|------|--------|-----------|
| North Carolina ^{6,7,9} | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| Tennessee: | | | | | |
| Knox County | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| Middle Tennessee Area ¹⁰ | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| All volatility nonattainment areas | 9.0 | 7.8 | 7.8 | 7.8 | 7.8 |

¹ Standards are expressed in pounds per square inch (psi).

⁶ The standard for Davidson, Forsyth and Guilford Counties and a portion of Davie County from June 1 until September 15 in 1992 through 2013 was 7.8 psi.

⁷ The standard for Durham and Wake Counties, and a portion of Dutchville Township in Granville County from June 1 until September 15 in 1992 through 2013 was 7.8 psi.

⁸ The standard for Jefferson and Shelby Counties from June 1 until September 15 in 1992 through July 2, 2015 was 7.8 psi.

⁹ The standard for Mecklenburg and Gaston Counties from June 1 until September 15 in 1992 through 2015 was 7.8 psi.

¹⁰ The standard for the Middle Tennessee Area (Davidson, Rutherford, Sumner, Williamson, and Wilson Counties) from June 1 until September 15 in 1992 through June 7, 2017 was 7.8 psi.

* * * * *

[FR Doc. 2017-11700 Filed 6-6-17; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 270

[Docket No. FRA-2011-0060, Notice No. 6]

RIN 2130-AC31

System Safety Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule; stay of regulations.

SUMMARY: On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement a system safety program (SSP) to improve the safety of their operations. On February 10, 2017, FRA stayed the SSP

final rule's requirements until March 21, 2017, and extended the stay until May 22, 2017 and then to June 5, 2017. This document extends that stay until December 4, 2017.

DATES: Effective June 2, 2017, 49 CFR part 270 is stayed until December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Matthew Navarrete, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel; telephone: 202-493-0138; email: Matthew.Navarrete@dot.gov.

SUPPLEMENTARY INFORMATION: On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement an SSP to improve the safety of their operations. See 81 FR 53850. On February 10, 2017, FRA stayed the SSP final rule's requirements until March 21, 2017 consistent with the new Administration's guidance issued January 20, 2017, intended to provide the Administration an adequate opportunity to review new and pending

regulations. 82 FR 10443 (Feb. 13, 2017). To provide additional time for that review, FRA extended the stay until May 22, 2017 and then to June 5, 2017. 82 FR 14476 (Mar. 21, 2017) and 82 FR 23150 (May 22, 2017).

The review includes petitions for reconsideration of the SSP final rule (Petitions).¹ FRA will conduct some form of outreach with interested parties to inform its decisions on the issues raised in the Petitions. FRA will announce any outreach process by separate notice in the **Federal Register**. Accordingly, to allow time for potential outreach, and to complete review of the rule and the Petitions, FRA is extending the stay of the rule until December 4, 2017.

FRA's implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public

¹ See SSP rulemaking docket for these petitions at: <https://www.regulations.gov/docket?D=FRA-2011-0060>.

yards and marinas and will release a media advisory. No objections to the proposed deviation have been received. The Coast Guard will inform waterway users of the closure through our Local and Broadcast Notices to Mariners.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 8, 2017.

Christopher J. Bisignano,
Supervisory Bridge Management Specialist,
First Coast Guard District.

[FR Doc. 2017-27642 Filed 12-21-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2017-1071]

Safety Zone; Captain of the Port Boston Fireworks Display Zone, Boston Harbor, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones for First Night Fireworks on December 31, 2017, to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for Captain of the Port (COTP) Boston fireworks display zones, Boston Harbor, Boston, MA identifies the regulated areas for this fireworks display. During the enforcement period, no vessel may transit these regulated areas without approval from the COTP Boston or a designated representative. **DATES:** The regulation in 33 CFR 165.119(a)(2) and 33 CFR 165.119(a)(3) will be enforced from 10 p.m. on December 31, 2017, until 12:15 a.m. on January 1, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mark Cutter, Sector Boston Waterways Management Division, U.S. Coast Guard; telephone 617-223-4000, email Mark.E.Cutter@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.119(a)(2) and 33 CFR 165.119(a)(3) from 10:00 p.m. on Sunday, December 31, 2017 until 12:15 a.m. on Monday, January 1, 2018, for the

First Night Fireworks in Boston Inner Harbor. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for COTP Boston Fireworks display zone, Boston Harbor, Boston, MA, 33 CFR 165.119(a)(2), specifies the location of the regulated area as all U.S. navigable waters of Boston inner Harbor within a 700-foot radius of the fireworks barge in the approximate position 42°21'41.2" N 071°02'36.5" W (NAD 1983), located off of Long Wharf, Boston, MA. Regulation 33 CFR 165.119(a)(3), specifies the location of the regulated area as all U.S. navigable waters of Boston inner Harbor within a 700-foot radius of the fireworks barge in the approximate position 42°21'23.2" N 071°02'26" W (NAD1983), located off of Fan Pier, Boston, MA. As specified in 33 CFR 165.119(e), during the enforcement period, no vessel except for fireworks barges and accompanying vessels may transit these regulated areas without approval from the COTP Boston or a COTP designated representative.

This notice of enforcement is issued under authority of 33 CFR 165.119 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide mariners with advanced notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: December 14, 2017.

C.C. Gelzer,
Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2017-27582 Filed 12-21-17; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA-HQ-OAR-2017-0146; FRL-9972-06-OAR]

RIN 2060-AT69

Approval of Tennessee's Request To Relax the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Shelby County (Memphis)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Tennessee for EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into

commerce from June 1 to September 15 of each year (summertime ozone season) in Shelby County, Tennessee (the Memphis Area). Specifically, EPA is approving amendments to the regulations to allow the gasoline RVP standard for Shelby County to rise from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA).

DATES: This final rule is effective on January 22, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2017-0461. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information (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 electronically through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

David Dickinson, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343-9256; email address: dickinson.david@epa.gov, or Rudolph Kapichak, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4574; email address: kapichak.rudolph@epa.gov.

SUPPLEMENTARY INFORMATION:

The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement
- IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Tennessee's Request To Relax the Federal Gasoline RVP Requirement for Shelby County
- VI. Final Action
- VII. Statutory and Executive Order Reviews
- VIII. Legal Authority and Statutory Provisions

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in Shelby County.

| Examples of potentially regulated entities | NAICS ¹ codes |
|--|--------------------------|
| Petroleum refineries | 324110 |
| Gasoline Marketers and Distributors | 424710, 424720 |
| Gasoline Retail Stations | 447110 |
| Gasoline Transporters | 484220, 484230 |

¹ North American Industry Classification System.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is EPA's authority for taking this action?

The statutory authority for this action is granted to EPA by Sections 211(h) and 301(a) of the CAA, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Action Being Taken

This final rule approves a request from the state of Tennessee to change the summertime gasoline RVP standard for Shelby County (the Memphis Area) from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). Tennessee did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when it submitted the CAA section 175A maintenance plan for the 2008 ozone national ambient air quality standard (NAAQS) that was approved on June 23, 2016 (81 FR 40816). In a subsequent rulemaking, based on Tennessee's April 12, 2017 request, EPA approved a CAA section 110(l) non-interference demonstration that relaxing the federal RVP gasoline requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year would not interfere with maintenance of the NAAQS in Shelby County. For more information on EPA's approval of Tennessee's CAA section 110(l) non-interference demonstration for Shelby County, please refer to the July 7, 2017 rulemaking (82 FR 31462).

The preamble for this rulemaking is organized as follows: Section III, provides the history of the federal gasoline volatility regulation; Section IV, describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are

redesignated as attainment areas; Section V, provides information specific to Tennessee's request for Shelby County; and Section VI, presents the final action in response to Tennessee's request.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum gasoline RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS).

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone

nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi high ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section IV. of this preamble.

The state of Tennessee initiated this change by requesting that EPA relax the 7.8 psi gasoline RVP standard to 9.0 psi for Shelby County. Accordingly, the state of Tennessee provided a technical demonstration showing that relaxing the federal gasoline RVP requirements from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS in Shelby County or with any other applicable CAA requirement. See Section V. of this preamble for information specific to Tennessee's request for Shelby County.

IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the rulemaking for EPA's amended Phase II volatility standards (56 FR 64706, December 12, 1991), any change in the volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi RVP gasoline requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP gasoline standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 (56 FR 64706) rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an

ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A(a), that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent gasoline volatility standard or that the more stringent gasoline volatility standard may be necessary for the area to maintain attainment of the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not initiate the rulemaking to amend 40 CFR 80.27 to relax the gasoline volatility standard unless the state specifically requests a relaxation and the maintenance plan demonstrates to the satisfaction of EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

V. Tennessee's Request To Relax the Federal Gasoline RVP Requirement for Shelby County

On April 12, 2017, the state of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a CAA section 110(l) non-interference demonstration which illustrated that removal of the federal RVP requirement of 7.8 psi for gasoline during the summertime ozone season for Shelby County would not interfere with maintenance of any NAAQS, including the 2008 ozone NAAQS. Specifically, TDEC provided a technical demonstration showing that relaxing the federal gasoline RVP requirement would not interfere with maintenance of the ozone NAAQS or with any other applicable requirement of the CAA. As noted above, Tennessee did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when it submitted a CAA section 175A maintenance plan for the 2008 ozone NAAQS that was approved on June 23, 2016 (81 FR 40816). However, the approved maintenance plan included the use of gasoline with an RVP standard of 9.0 psi. Therefore, a revised maintenance plan with an RVP standard of 9.0 psi is not needed. Nevertheless, TDEC has appropriately requested (by its April 21, 2017 letter) that EPA approve its non-interference demonstration and requested that Shelby County no longer be subject to the federal RVP standard of 7.8 psi for gasoline during the summertime ozone season.

On May 11, 2017, EPA proposed to approve the CAA section 110(l) non-

interference demonstration. The proposal provided an opportunity for the public to comment on the action. See 82 FR 21966. EPA received no comments on the proposal to approve the non-interference demonstration for Shelby County. In a July 7, 2017 final rule, EPA approved Tennessee's non-interference demonstration for Shelby County. See 82 FR 31462.

EPA's proposal to amend the applicable gasoline RVP standard from 7.8 psi to 9.0 psi (82 FR 39098, August 17, 2017) was subject to public notice and comment. EPA received no comment on its proposal. In this action, EPA is approving Tennessee's request to relax the summertime ozone season gasoline RVP standard for Shelby County from 7.8 psi to 9.0 psi. Specifically, EPA is amending the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2). This action to approve Tennessee's request to relax the summertime ozone season RVP standard for Shelby County from 7.8 psi to 9.0 psi is based on EPA's July 7, 2017 approval of Tennessee's non-interference demonstration.

VI. Final Action

EPA is taking final action to approve Tennessee's request for the Agency to relax the RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Shelby County from 7.8 psi to 9.0 psi as provided at 40 CFR 80.27(a)(2). This approval is based on Tennessee's request and EPA's final determination in its July 7, 2017 final rule (82 FR 31462) that Tennessee, as required by CAA section 110(l), made an adequate demonstration to show that removal of this federal requirement would not interfere with the ozone NAAQS in the Shelby County and is consistent with CAA requirements. This action amends the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for Shelby County.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and therefore was not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This final rule provides meaningful burden reduction because it relaxes the federal RVP standard for gasoline in Shelby County, Tennessee and as a result, fuel suppliers will no longer be required to provide 7.8 psi lower RVP gasoline anywhere in Tennessee during the summer months (June 1st through September 15th). Relaxing the volatility requirements will also be beneficial because this action can improve the fungibility of gasoline sold in the State of Tennessee by allowing the gasoline sold in Memphis to be identical to the fuel sold throughout Tennessee.

C. Paperwork Reduction Act (PRA)

This action does not impose any information collection burden under the PRA, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Tennessee, and gasoline distributors and retail stations in Tennessee. This action relaxes the federal RVP standard for gasoline sold in Shelby County, Tennessee during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold in this county to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) RVP program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of \$100 million or

more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by the EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. This final rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Shelby County and gasoline distributors and retail stations in the Area. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. The EPA has no reason to believe that this action will disproportionately affect children since Tennessee has provided evidence that a relaxation of the gasoline RVP will not interfere with its attainment of the ozone NAAQS for Shelby County, or any other applicable CAA requirement. By separate action, the EPA has approved Tennessee’s non-interference demonstration regarding its maintenance plan for the 2008 ozone NAAQS, and that Tennessee’s relaxation of the gasoline RVP standard in Shelby County to 9.0 RVP will not interfere with any other NAAQS or CAA requirement.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule relaxes the applicable volatility standard of gasoline during the summer. The EPA has concluded that the relaxation will not cause a measurable increase in ozone concentrations that would result in a violation of any ozone NAAQS including the 2008 ozone NAAQS and the more stringent 2015 ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA’s proposed and final rules for Tennessee’s non-interference demonstration. A copy of Tennessee’s April 12, 2017 letter requesting that the EPA relax the gasoline RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP would not interfere with continued maintenance of the 2008 ozone NAAQS in Shelby County, or with any other applicable CAA requirement, has been placed in the public docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller of the United States. This

action is not a “major rule” as defined by 5 U.S.C. 804(2).

M. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 2018. 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).

VIII. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: December 15, 2017.

E. Scott Pruitt,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. In § 80.27, paragraph (a)(2)(ii) is amended in the table by revising the entry for “Tennessee” and footnote 10 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

| | | | |
|------|---|---|---|
| (a) | * | * | * |
| (2) | * | * | * |
| (ii) | * | * | * |

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

| State | May | June | July | August | September |
|-------------------------|-----|------|------|--------|-----------|
| Tennessee ¹⁰ | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |

¹ Standards are expressed in pounds per square inch (psi).

¹⁰ The standard for Knox County from June 1 until September 15 in 1992 through June 2, 1994 was 7.8 psi. The standard for the Middle Tennessee Area (Davidson, Rutherford, Sumner, Williamson, and Wilson Counties) from June 1 until September 15 in 1992 through June 7, 2017 was 7.8 psi. The standard in Shelby County (Memphis Area) from June 1 until September 15 in 1992 through 2017 was 7.8 psi.

[FR Doc. 2017-27630 Filed 12-21-17; 8:45 am]

BILLING CODE 6550-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[CG Docket No. 05-231; FCC 16-17]

Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with rules adopted in the Commission's document *Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking*, Second Report and Order (*Second Report and Order*). This document is consistent with the *Second Report and Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those sections.

DATES: The stay on 47 CFR 79.1(g)(3) is lifted effective December 22, 2017. Title 47 CFR 79.1(g)(1) through (9) and (i)(1) through (2), and the removal of 47 CFR 79.1(j)(4), published at 81 FR 57473, August 23, 2016, are effective December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418-2235, or email: Eliot.Greenwald@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that, on December

4, 2017, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Report and Order*, FCC 16-17, published at 81 FR 57473, August 23, 2016. The OMB Control Number is 3060-0761. The Commission publishes this notification as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060-0761, in your correspondence. The Commission will also accept your comments via the internet if you send them to PRA@fcc.gov.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (844) 432-2275 (videophone), or (202) 418-0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on December 4, 2017, for the information collection requirements contained in 47 CFR 79.1(g)(1) through (9) and (i)(1) through (2), and the removal of 47 CFR 79.1(j)(4), published at 81 FR 57473, August 23, 2016. Title 47 CFR 79.1(i)(3), (j)(1), (k)(1)(iv), and (m) will become effective at a later time and the Commission will publish another document in the **Federal Register** announcing the effective date of those sections.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-0761.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060-0761.

OMB Approval Date: December 4, 2017.

OMB Expiration Date: December 31, 2020.

Title: Section 79.1, Closed Captioning of Video Programming, CG Docket No. 05-231.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Individuals or households; and Not-for-profit entities.

Number of Respondents and Responses: 59,995 respondents; 512,831 responses.

Estimated Time per Response: 0.25 (15 minutes) to 60 hours.

Frequency of Response: Annual reporting requirements; Third party disclosure requirement; Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this obligation is found at section 713 of the Communications Act of 1934, as amended, 47 U.S.C. 613, and implemented at 47 CFR 79.1.

Total Annual Burden: 702,562 hours.

Total Annual Cost: \$35,638,596.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB-1, "Informal Complaints,

[Federal Register Volume 82, Number 66 (Friday, April 7, 2017)]
[Rules and Regulations]
[Pages 16932-16934]
From the Federal Register Online via the Government Publishing Office [www.gpo.gov]
[FR Doc No: 2017-06889]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2016-0781; FRL-9960-96-Region 5]

Air Plan Approval; Ohio; Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Areas; Update on the Boutique Fuel List for Illinois and Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Ohio Environmental Protection Agency (Ohio EPA) on December 19, 2016, concerning the state's gasoline volatility standards in the Cincinnati and Dayton areas. The revision removes the 7.8 pounds per square inch (psi) low Reid Vapor Pressure (RVP) fuel requirements for the two areas as a component of the Ohio ozone SIP. The submittal also includes a section 110(l) demonstration as required by the Clean Air Act (CAA) that addresses emissions impacts associated with the removal of the program. EPA proposed to approve the state's submittal on February 15, 2017.

DATES: This final rule is effective on April 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2016-0781. All documents in the docket are listed in the <http://www.regulations.gov> Web site. 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 through <http://www.regulations.gov>, or please contact the person identified in the For Further Information Contact section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6061, acevedo.francisco@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

I. What is being addressed by this document?

On February 15, 2017, at 82 FR 10727, EPA proposed to approve the removal of the 7.8 psi RVP fuel requirements under OAC 3745-72-1 to 8 from the Ohio ozone SIP before the beginning of the 2017 ozone control period. The 7.8 psi RVP fuel requirements specifically apply to gasoline distributed in the Cincinnati and Dayton areas in Ohio.

To support the removal of the 7.8 psi RVP fuel program requirements from the SIP, the revision included amendments of OAC 3745-72-01 (Applicability), as effective on August 1, 2016; a summary of the Ohio-specific analyses using EPA's Motor Vehicle Emissions Simulator (MOVES) model to quantify the emissions impact associated with removing the 7.8 psi RVP fuel program in Cincinnati and Dayton; and a section 110(l) demonstration that includes offset emissions documentation.

II. What comments did we receive on the proposed SIP revision?

Our February 15, 2017, proposed rule provided a 30-day review and comment period. The comment period closed on March 17, 2017. EPA received comments from three parties during the public comment period. One comment was fully supportive of this action. A second comment received was completely outside of the scope of this action and therefore is not being addressed as part of this final action. We are responding to the remaining comments received.

Comment: The commenter asks how the proposed standards compare to the standards of other states. The commenter further asks whether there are other states who have undergone similar changes, and if so what was