

the long-term effect of such changes.

Response: Information on areas where EPA has approved requests to remove the requirement to use low RVP gasoline from a state SIP, such as the states of Georgia and Illinois, can be found on EPA's Web site at the following location: (<https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>). It also contains a state-by-state RVP table that lists and compares all current federally required volatility programs, as well as all EPA-approved SIP fuel programs.

Regarding the long-term effect of such changes, any SIP revision submitted to EPA for consideration needs to include a demonstration of non-interference with the National Ambient Air Quality Standards (NAAQS) under section 110(l) of the CAA to ensure that impacts on the NAAQS are considered. Individual rulemakings on each action are published in the Federal Register and would contain specific emissions impacts for each of the situations.

Comment: The commenter is seeking EPA's concurrence that the unused emission reduction credits outlined in our action and generated in the greater Cincinnati, Ohio area can be used to satisfy the emission reductions that must be shown to demonstrate noninterference as part of a future SIP revision removing Reformulated Gasoline requirements in northern Kentucky.

Response: EPA is not taking a position on the use of credits in a future action since such issue is outside the scope of this action. Any subsequent use of emission reduction credits outlined in our action should be coordinated between Ohio and Kentucky when a request to adjust requirements is made.

III. What action is EPA taking?

EPA is approving a SIP revision submitted by Ohio EPA on December 19, 2016, removing the state's 7.8 psi RVP fuel requirement for gasoline distributed in the Cincinnati and Dayton areas. The SIP revision also includes a section 110(l) demonstration that uses emissions credits from industrial facilities that have shut down or permanently reduced emissions in Dayton and Cincinnati to offset potential increases in emissions resulting from removing the state's 7.8 psi RVP fuel requirements. Upon approval of this SIP revision, 3.51 tons per year (tpy) of volatile organic compound (VOC) emissions credits from the Miami Valley Publishing Company facility, 4.86 tpy of VOC from the National Oilwell Varco facility, 40.50 tpy of oxides of nitrogen (NOX) from the MillerCoors LLC facility and 21.72 tpy of NOX from the Wright-Patterson Air Force Base facility will be permanently retired. This action is effective on April 7, 2017. EPA is approving Ohio's removal of the 7.8 psi RVP fuel requirement as a component of the Ohio ozone SIP because EPA has found that that removal of the 7.8 psi RVP fuel requirements would not interfere with attainment or maintenance of any of the National Ambient Air Quality Standards in the Cincinnati and Dayton areas and would not interfere with any other applicable requirement of the CAA, and thus, are approvable under CAA section 110(l). EPA also finds that there is good cause for this action to become effective

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immediately upon publication. The immediate effective date for this action is authorized under 5 U.S.C. 553(d)(3) which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." The purpose of the 30-day waiting period prescribed in 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. RVP control requirements are summer control programs that are generally implemented during the summer ozone season beginning on June 1 at retail gasoline stations. In order to meet the June 1st requirement at retail gasoline stations, upstream fuel distributors need to be able to have compliant RVP fuel available starting on May 1st. Making this rule effective before the beginning of the summer ozone season, will allow the regulated industry to avoid having to address multiple RVP requirements during the 2017 ozone season. For this reason, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

IV. Impacts on the Boutique Fuels List 1

\1\ On December 28, 2006 EPA published an FR notice establishing the Boutique Fuels List. (See 71 FR 78195.)

A. Removal of Gasoline Volatility Requirements in the Cincinnati and Dayton Ozone Areas

As explained at proposal, EPA is required to remove a fuel type from the Boutique Fuels List if it ceases to be included in a SIP. (CAA section 211(c)(4)(C)(v)(III). Ohio's 7.8 psi RVP fuel program that is the subject of this final rule is one of the fuel types on the Boutique Fuels List. EPA has also approved the 7.8 psi RVP fuel type into several states SIPs. On the effective date of this rule, Ohio's 7.8 psi RVP fuel rule will be removed from the approved SIP and we will also

remove the entry for Ohio's RVP rule from the boutique fuel list which is available at: <https://www.epa.gov/gasoline-standards/state-fuels>. However, the 7.8 psi RVP fuel type will remain on the boutique fuel list because it continues to be included in several other states SIPs. We will also update the Gasoline Reid Vapor Pressure Web page (<https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>) on the effective date of this final rule to remove the counties in the Cincinnati and Dayton ozone areas from the list of areas where lower RVP gasoline is required.

B. Removal of Gasoline Volatility Standards Applicable in the Illinois Portion the St. Louis, MO-IL Ozone Area

As previously explained, EPA is required to remove a fuel type from the Boutique Fuels List when it ceases to be included in a SIP. The 7.2 psi RVP fuel type is included on the Boutique Fuels List. (See 71 FR 78199). On October 6, 2014, EPA published a direct final rule to remove Illinois' 7.2 psi low RVP regulation from the State's SIP for its portion of the St. Louis, MO-IL ozone area. (See 79 FR 60065.) The removal became effective on December 5, 2014.

Illinois was the only state with such a fuel type in its approved SIP. EPA intends to publish a separate notice to remove the 7.2 psi RVP fuel type from the list of boutique fuels.\2\ Removal of this fuel type from the list creates room that could allow for a new fuel type to be approved and added to the list. Approval of a new fuel type into a SIP would be subject to certain restrictions as described in the December 28, 2006, Federal Register notice that established the list of boutique fuels. (See 71 FR 78193).

\2\ EPA has previously updated its State Fuels and Gasoline Reid Vapor Pressure Web pages to reflect the removal of the 7.2 psi RVP requirement from the Illinois SIP.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Ohio Regulations described in the proposed amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.\3\ EPA has made, and will continue to make, these materials generally available through www.regulations.gov and/or at the EPA Region 5 Office (please contact the person identified in the For Further Information Contact section of this preamble for more information).

\3\ 62 FR 27968 (May 22, 1997).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);

is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);

does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

does not provide EPA with the discretionary authority to

address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement

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Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 6, 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 section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: March 23, 2017.

Robert A. Kaplan,
Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52--APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

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2. In Sec. 52.1870 the table in paragraph (c) is amended under "Chapter 3745-72 Low Reid Vapor Pressure Fuel Requirements" by revising the entry for 3745-72-01 "Applicability" to read as follows:

Sec. 52.1870 Identification of plan.

* * * * *
(c) * * *

EPA-Approved Ohio Regulations

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
* * * * *				
Chapter 3745-72 Low Reid Vapor Pressure Fuel Requirements				
* * * * *				
3745-72-01.....	Applicability.....	8/1/2016	4/7/2017, [Insert Federal Register citation].	Only (A) to (C).
* * * * *				

* * * * *
[FR Doc. 2017-06889 Filed 4-6-17; 8:45 am]
BILLING CODE 6560-50-P

NEW HAMPSHIRE—2010 SULFUR DIOXIDE NAAQS—Continued

[Primary]

Designated area ¹	Designation	
	Date ²	Type
Rockingham County (part). Candia Town, Deerfield Town, Northwood Town.		

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

² This date is April 9, 2018, unless otherwise noted.

[FR Doc. 2019–20148 Filed 9–19–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2018–0851; FRL–9999–86–OAR]

RIN 2060–AU27

Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because the U.S. Environmental Protection Agency (EPA) received adverse comment, we are withdrawing the direct final rule amending the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines published on July 5, 2019.

DATES: The direct final rule published on July 5, 2019 (84 FR 32084), is withdrawn effective September 20, 2019.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Melanie King, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2469; fax number: (919) 541–4991; and email address: king.melanie@epa.gov.

SUPPLEMENTARY INFORMATION: On July 5, 2019, the EPA published a direct final rule (84 FR 32084) and a parallel proposal (84 FR 32114) to amend the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines to revise the emission standards for particulate matter for new stationary compression

ignition engines located in remote areas of Alaska. We stated in that direct final rule that if we received adverse comment by August 5, 2019, the direct final rule would not take effect and we would publish a timely withdrawal in the *Federal Register*. We subsequently received adverse comment on that direct final rule and are withdrawing it. We will address those comments in any subsequent final action, which will be based on the parallel proposed rule also published on July 5, 2019. As stated in the direct final rule and parallel proposed rule, we will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: September 9, 2019.

Andrew R. Wheeler,
Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ Accordingly, the final rule amending 40 CFR 60.4216 published in the *Federal Register* on July 5, 2019 (84 FR 32084), is withdrawn effective September 20, 2019.

[FR Doc. 2019–20128 Filed 9–19–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2018–0836; FRL–9999–87–OAR]

RIN 2060–AU43

Relaxation of the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for the Atlanta RVP Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from Georgia for EPA 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 Georgia counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale (the Atlanta RVP Area). Specifically, EPA is approving amendments to the regulations to allow the gasoline RVP standard for the Atlanta RVP Area to change 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 October 21, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0836. 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:

David Dickinson, Office of Transportation and Air Quality, 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, 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. Georgia's Request To Relax the Federal Gasoline Requirement for the Atlanta RVP Area
- VI. Response to Comments
- VII. Final Action
- VIII. Statutory and Executive Order Reviews

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors involved in supplying gasoline to the Atlanta RVP 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. 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, 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 Clean Air Act (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 Georgia to change the federal RVP gasoline standard during the summer ozone season that runs from June 1 to September 15 of each year for the Atlanta RVP Area. Specifically, this final rule amends EPA's regulations at 40 CFR 80.27(a)(2) to relax the federal summertime RVP standard from 7.8 psi to 9.0 psi for the Georgia counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale (the Atlanta RVP Area). This action finalizes EPA's May 14, 2019 proposal which was subject to public notice and comment (84 FR 21305). As a result of this final rule the gasoline in the Atlanta RVP Area will no longer be subject to the federal RVP summertime fuel standard of 7.8 psi and instead be subject to a federal standard of 9.0 psi, starting on June 1, 2020, and thereafter.

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 Georgia's request for the 13 counties addressed by this action; Section VI provides a response to the comments EPA received; and Section VII presents the final action in response to Georgia'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 that 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 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 National Ambient Air Quality Standard (NAAQS)).

The 1990 CAA Amendments established a new CAA 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 (as defined by EPA in 40 CFR 80.27(a)(2)(ii)). 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

¹ North American Industry Classification System.

such changes is described below in Section IV of this preamble.

The state of Georgia 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 counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. See Section V of this preamble for information specific to Georgia'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 summertime 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.

At proposal, EPA considered the applicability of its longstanding policy and practice of approving RVP relaxations in areas that are either designated attainment or have been redesignated to attainment for all relevant ozone NAAQS. Given that a portion of the Atlanta RVP Area is a designated nonattainment area for the 2015 ozone NAAQS, EPA proposed to approve relaxation of the federal 7.8 psi RVP standard in areas that are designated as nonattainment.² In doing so, and as explained in the NPRM, EPA considered Agency practices and policy for the approval of requests from states to opt out of reformulated gasoline (RFG) and removal of state fuel regulations from approved SIPs. In these kinds of approvals, EPA typically considers whether a subject state has demonstrated that the relevant area will be able to attain the ozone NAAQS by the attainment date without relying on emissions reductions from either RFG or the state fuel regulation. EPA received no comments on extending this demonstration of non-interference with the timely attainment of the applicable NAAQS to approving requests for federal RVP relaxation in nonattainment areas. Therefore, while EPA continues to believe that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process or in the context of a maintenance plan for an area, EPA will now also evaluate whether the relaxation of the federal RVP standard in a nonattainment area is appropriate by applying similar considerations for the approval of state requests to opt out of RFG and remove state fuel regulations from approved SIPs.

V. Georgia's Request To Relax the Federal Gasoline RVP Requirement for the Atlanta RVP Area

On August 15, 2018, the Georgia Department of Natural Resources submitted a request to relax the federal gasoline RVP requirement in the Atlanta RVP Area. Georgia did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when it originally submitted the CAA section 175A maintenance plan for the 15-county 2008 ozone NAAQS, which EPA approved on June 2, 2017 (82 FR 25523).³ Since then, EPA also

designated a portion of the Atlanta RVP Area as nonattainment for the 2015 ozone NAAQS.⁴ Therefore, Georgia was required to demonstrate that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi would not interfere with the maintenance of any NAAQS, including a revised maintenance plan for the 15-county 2008 ozone NAAQS area and with the timely attainment of the seven county 2015 ozone NAAQS area, and to submit a CAA section 110(I) non-interference demonstration for the Atlanta RVP Area to support the request to relax the federal summertime RVP standard.

The State's August 15, 2018 submittal included a request to relax the federal RVP requirement in the Atlanta RVP Area, the CAA section 175A maintenance plan revision, and section 110(I) non-interference demonstration. The non-interference demonstration shows that the relaxation would not interfere with the maintenance of the 2008 ozone NAAQS for the 15-county 2008 ozone NAAQS maintenance area or any other applicable CAA requirement, including timely attainment of the 2015 ozone NAAQS. EPA finalized its approval of the maintenance plan revision and demonstration on April 23, 2019 (84 FR 16786). As part of the that rulemaking, EPA included an evaluation of Georgia's CAA section 110(I) demonstration for the 15-county 2008 ozone NAAQS maintenance area and the seven-county 2015 ozone NAAQS nonattainment area (including the additional control measures incorporated into the SIP to ensure timely attainment of the 2015 ozone NAAQS).⁵ EPA received no adverse comments on our proposed approval of Georgia's CAA section 110(I) demonstration. In addition, our proposed relaxation of the federal summertime RVP standard in the Atlanta RVP Area did not reopen that rulemaking.

VI. Response to Comments

EPA received the following three comments on its May 14, 2019 proposal to relax the federal summertime RVP standard from 7.8 psi to 9.0 psi for the Atlanta RVP Area. Two of these comments were related to the proposal, and EPA has responded to them below.

Area covered by the federal RVP requirement includes the same counties with the exception of Bartow and Newton Counties.

⁴ EPA designated seven counties in the Atlanta RVP Area as nonattainment for the 2015 ozone NAAQS, the seven counties are: Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry. (See 83 FR 25776, June 4, 2018).

⁵ For further details, see 84 FR 16786 (April 23, 2019).

² 84 FR 21305 (May 14, 2019).

³ The 15-county 2008 ozone NAAQS maintenance area includes the following counties: Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale. The 13-county Atlanta RVP

EPA also received one comment that was not related to any of the issues addressed in the proposal and EPA's response is provided below.

Comment: EPA received two comments that expressed a general concern over whether EPA should establish the effective date (compliance date) for this final rule as the publication date of the final rule in the **Federal Register**. The compliance date is the date that 9.0 psi RVP gasoline may be introduced into commerce in the Atlanta RVP Area. Both commenters noted that a relaxation during the middle of the summer fuel season without adequate notice would subject fuel retailers and marketers to suffer significant financial losses due to the nature of the fuel supply distribution system and in some instances a longer period of time to switch over to the less expensive federal 9.0 psi RVP gasoline. The commenters opined that EPA should provide for market stability by either making the RVP relaxation effective after the end of the federal summertime RVP control period (*i.e.*, September 15th) or 90 days after the final rule is published.

Response: EPA acknowledges that a change in a fuel specification may typically take a number of weeks or months to be fully realized or implemented throughout an entire area such as the Atlanta RVP area. EPA also did not receive any public comments that supported an immediate effective or compliance date of the final rule (*e.g.*, the federal RVP relaxation to occur during the 2019 summer high ozone season, which began on June 1, 2019). Although this action provides regulatory flexibility and relief from a more stringent and expensive requirement, EPA believes that regulated parties will not necessarily experience such relief equally, or within the same time period and as a matter of normal business practices as described in the submitted comments. As a result, EPA is setting a compliance date of June 1, 2020, which is when the next federal summertime RVP standard period commences.

Comment: EPA received another comment concerning the impact of the 1.0 psi RVP waiver that is provided to gasoline containing 10 percent ethanol and 15 percent ethanol (E10 and E15, respectively). The commenter expressed several concerns with the 1.0 psi waiver, such as an increase in ozone precursor emissions. The commenter states that a uniform RVP cap of 9.0 psi for summer gasoline would simplify fuel markets, result in protective level of emissions over wide geographic areas and avoid competitive issues where different fuels are required.

Response: The commenter's general concerns with the national 1.0 psi waiver for gasoline containing 10 to 15 percent ethanol are beyond the scope of this rulemaking.⁶ In this rulemaking, EPA is merely revising the federal summertime RVP standard for the Atlanta RVP Area pursuant to a request from the State. In addition, the State supported its request with the demonstration that the area will continue to maintain the 2008 ozone NAAQS, and that the RVP change will not interfere with timely attainment of the 2015 ozone NAAQS or any other CAA requirement.

VII. Final Action

EPA is taking final action to approve Georgia's request for the Agency to relax the federal summertime RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the Atlanta RVP Area. 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 Georgia counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. This approval is based on Georgia's August 15, 2018 request and EPA's final determination in its April 23, 2019 final rule, that the State, as required by CAA section 110(l), made an adequate demonstration to show that relaxation of this federal requirement would not interfere with maintenance of the 2008 ozone NAAQS in the Atlanta RVP Area, and is consistent with other CAA requirements including timely 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 Atlanta RVP Area during the summer months. Relaxing the federal volatility requirements is also beneficial because this action can improve the fungibility of gasoline by allowing the gasoline sold in the Atlanta RVP 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 Georgia, and gasoline distributors and retail stations in Georgia. This action relaxes the federal summertime RVP standard for gasoline sold in Georgia's Atlanta RVP Area during the summertime high ozone season to allow the RVP for gasoline sold in these counties 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.

⁶ EPA has revised its interpretation of CAA section 211(h)(4) to apply the 1.0 psi waiver to E15 (see 84 FR 26980 (June 10, 2019)).

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 Atlanta RVP Area and gasoline distributors and retail stations in the Atlanta RVP 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 Georgia has provided evidence that a relaxation of the federal summertime RVP standard will not interfere with its attainment of the ozone NAAQS for the Atlanta RVP Area, or any other applicable CAA requirement. By separate action, EPA has finalized its approval of Georgia’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 Atlanta RVP Area to 9.0 psi RVP

will not interfere with any other NAAQS, including the 2015 ozone 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 12896: 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 (*i.e.*, the 2008 and 2015 ozone NAAQS), which establish the level of protection provided to human health or the environment. Georgia has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Atlanta RVP Area for the 15-county 2008 ozone NAAQS maintenance area, or with any other applicable requirement of the CAA including timely attainment of the 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 rulemaking for Georgia’s non-interference demonstration (84 FR 16786, April 23, 2019). A copy of Georgia’s August 15, 2018 letter

requesting that EPA relax the federal summertime RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP will not interfere with continued maintenance of the 2008 ozone NAAQS in the Atlanta RVP Area, or with any other applicable CAA requirement, including timely attainment of the 2015 ozone NAAQS, 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: September 9, 2019.

Andrew R. Wheeler,
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. In § 80.27, paragraph (a)(2)(ii) is amended in the table by revising the entry for Georgia and adding footnote 13 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
Georgia ¹³	9.0	9.0	9.0	9.0	9.0

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

¹³ The federal standard for the Georgia counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale from June 1 until September 15 in 1992 through 2019 was 7.8 psi.

* * * * *

[FR Doc. 2019-19986 Filed 9-19-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180****[EPA-HQ-OPP-2018-0424; FRL-9994-82]****Dinotefuran; Pesticide Tolerances****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes tolerances for residues of dinotefuran in or on persimmon. Mitsui Chemicals Agro, Inc., c/o Landis International, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 20, 2019. Objections and requests for hearings must be received on or before November 19, 2019 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2018-0424, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDPRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information****A. Does this action apply to me?**

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

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2018-0424 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before November 19, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2018-0424, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/

DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 14, 2018 (83 FR 40272) (FRL-9981-10), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E8687) by Mitsui Chemicals Agro, Inc., c/o Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603-5126. The petition requested that 40 CFR part 180.603 be amended by establishing tolerances for residues of the insecticide dinotefuran (N-methyl-N'-nitro-N''-[(tetrahydro-3-furanyl)methyl]) guanidine and metabolites DN (1-methyl-3-(tetrahydro-3-furylmethyl)guanidine) and UF (1-methyl-3-(tetrahydro-3-furylmethyl)-urea), in or on persimmon at 2 parts per million (ppm). That document referenced a summary of the petition prepared by Mitsui Chemicals Agro, Inc., c/o Landis International, Inc., the registrant, which is available in the docket, <http://www.regulations.gov>. Two comments were received on the notice of filing; however, neither comment is relevant to this action.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from

§ 165.784 Safety Zone, Schuylkill River; Philadelphia, PA

(a) *Location.* The following area is a safety zone: All waters of the Schuylkill River in Philadelphia, PA, inside a boundary described as originating from 39°54'50" N., 075°12'12" W.; then West to 39°54'50" N., 075°12'15" W.; then Northeast to 39°55'10" N., 075°12'05" W.; the East to 39°55'10" N., 075°12'04" W.; then back to 39°54'50" N., 075°12'12" W.

(b) *Enforcement period.* (1) This regulation is enforced during times when a barge having a beam (width) of up to 80 feet is moored at the Deloach dock of Philadelphia Energy Solutions near Point Breeze.

(2) Prior to commencing enforcement of this regulation, the COTP or designated on-scene patrol personnel will notify the public whenever the regulation is being enforced, to include dates and times. The means of notification may include, but are not limited to, Broadcast Notice to Mariners, Local Notice to Mariners, Marine Safety Information Bulletins, or other appropriate means.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23.

(2) All persons and vessels transiting through the Safety Zone must be authorized by the Captain of the Port or his representative.

(3) All persons or vessels wishing to transit through the Safety Zone must request authorization to do so from the Captain of the Port or his representative 30 minutes prior to the intended time of transit.

(4) Vessels granted permission to transit must do so in accordance with the directions provided by the Captain of the Port or his representative to the vessel.

(5) To seek permission to transit the Safety Zone, the Captain of the Port or his representative can be contacted via Sector Delaware Bay Command Center (215) 271-4940.

(6) This section applies to all vessels wishing to transit through the Safety Zone except vessels that are engaged in the following operations:

- (i) Enforcing laws;
- (ii) Servicing aids to navigation; and
- (iii) Emergency response vessels.

(7) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(8) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(9) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the

permission of the Captain of the Port; and

(10) No person may take or place any article or thing upon any waterfront facility in a safety zone without the permission of the Captain of the Port.

(d) *Definitions.* The Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the Safety Zone by Federal, State, and local agencies.

Dated: July 31, 2015.

B.A. Cooper,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2015-21687 Filed 8-31-15; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2015-0161; FRL-9933-32-Region 4]

Approval and Promulgation of Implementation Plans; Georgia: Changes to Georgia Fuel Rule and Other Miscellaneous Rules

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Georgia's February 5, 2015, State Implementation Plan (SIP) revision, submitted through the Georgia Environmental Protection Division (GA EPD), to modify the SIP by removing Georgia's Gasoline Marketing Rule and Consumer and Commercial Products Rule, revising the Nitrogen Oxide (NO_x) Emissions from Stationary Gas Turbines and Stationary Engines Rule, and adding measures to offset the emissions increases expected from the changes to these rules. This modification to the SIP will affect, in varying ways, the 45 counties in and around the Atlanta, Georgia, metropolitan area covered by the Georgia Gasoline Marketing Rule (hereinafter referred to as the "Georgia Fuel Area"). Additionally, EPA is also approving structural changes to the NO_x Emissions from Stationary Gas Turbines and Stationary Engines Rule included in a SIP revision submitted by GA EPD on September 26, 2006. EPA has determined that the portion of Georgia's September 26, 2006, SIP revision

addressing changes to the NO_x Emissions from Stationary Gas Turbines and Stationary Engines Rule and the February 5, 2015, SIP revision meet the applicable provisions of the Clean Air Act (CAA or Act).

DATES: This rule is effective October 1, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2015-0161. 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, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Richard Wong of the Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Mr. Wong may be reached by phone at (404) 562-8726 or via electronic mail at wong.richard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background for Final Action

On November 16, 1991, EPA designated and classified the following counties in Georgia, either in their entirety or portions thereof, as a serious ozone nonattainment area for the 1-hour ozone NAAQS (hereinafter referred to as the "Atlanta 1-Hour Ozone Area"): Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. Among the requirements applicable to the nonattainment area for the 1-hour ozone NAAQS was the

requirement to meet certain volatility standards (known as Reid Vapor Pressure or RVP) for gasoline sold commercially. See 55 FR 23658 (June 11, 1990). Subsequently, in order to comply with the 1-hour ozone NAAQS, Georgia opted to implement Georgia Rule 391–3–1-.02(2)(bbb), *Gasoline Marketing* (hereinafter referred to as the “Georgia Fuel Rule”), which requires the sale of low sulfur, 7.0 RVP gasoline in the 45-county Georgia Fuel Area during the high ozone season.¹ EPA incorporated the Georgia Fuel Rule into the Georgia SIP on July 19, 2004. See 69 FR 33862 (June 17, 2004).

On February 5, 2015, GA EPD submitted a SIP revision to modify the SIP by removing Georgia Rule 391–3–1-.02(2)(aaa), *Consumer and Commercial Products*,² and Georgia Rule 391–3–1-.02(2)(bbb), *Gasoline Marketing*, and revising Georgia Rule 391–3–1-.02(2)(mmm), *NOx Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity*.³ The SIP revision also includes measures to offset the emissions increases expected from the changes to these rules and a technical demonstration that these changes will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS or standard) or with any other applicable requirement of the CAA. Additionally, the State submitted a SIP revision on September 26, 2006, that contains structural changes to Georgia Rule 391–3–1-.02(2)(mmm).

Georgia Rule 391–3–1-.02(2)(mmm) reduces emissions from stationary, peak performing engines that tend to operate during high electricity demand days in the 45-county Georgia Fuel Area. The State’s February 5, 2015, SIP revision

modifies the rule to exempt stationary engines at data centers from the rule’s NO_x emission limits provided that the engines operate for less than 500 hours per year and only for routine testing and maintenance, when electric power from the local utility is not available, or during internal system failures. The rule change also limits routine testing and maintenance of these engines during the high ozone season to the hours of 10 p.m. to 4 a.m. to reduce the possibility of ozone formation due to these emissions. The September 26, 2006, SIP revision makes a structural change to the SIP-approved version of the regulation, pulling the emergency engine exemption into a new paragraph (Paragraph 7) and limits the exemption to the emission limits in Paragraph 1 of the rule.

The February 5, 2015, SIP revision includes two offset measures—school bus replacements and rail locomotive conversions—to obtain the necessary emissions reductions to offset the rule changes identified in that submittal. The State’s school bus replacement program permanently replaced 60 older school buses in DeKalb, Fayette, Henry, and Madison Counties with the newer and cleaner 2015 model year buses by October 2014. The locomotive conversion program consists of two components: (1) The conversion of 28 locomotives from Norfolk Southern Railway Company and CSX Transportation to EPA Tier 3 switch duty, Tier 3 Line-Haul, and Tier 2 Switch emissions standards, and (2) the installation of an electric layover system at the Norfolk Southern Atlanta Terminal. The State demonstrated that the offset measures result in equivalent or greater emissions reductions that are permanent, enforceable, quantifiable, surplus, and contemporaneous.

In addition, Georgia’s SIP revision includes a contingency offset measure in the event that the locomotive conversion program cannot be fully completed. The contingency measure would obtain NO_x offsets from the permanent retirement of Unit 3 at Georgia Power’s Eugene A. Yates Steam-Electric Generating Plant. Upon a determination that sufficient offsets will not be achieved within one year from the date of EPA’s final action on Georgia’s February 5, 2015, SIP submission, GA EPD will revise Georgia Rule 391–3–1-.02(12)(f), Clean Air Interstate Rule NO_x Annual Trading Program, for the purposes of retiring or reducing the appropriate New Source Set Asides and submit that rule revision, along with the Title V permit condition that requires the shutdown of Unit 3, as a SIP revision. GA EPD will

use the necessary substitute emissions reductions to replace any emissions shortfall in the event the locomotive conversions are not completed. EPA has determined that the State has successfully demonstrated that 660 tons of NO_x offset is available through implementation of the contingency measure in the event the locomotive conversion program is not completed and that the measures will be permanent, enforceable, quantifiable, contemporaneous, surplus, and equivalent.

In a notice of proposed rulemaking (NPR) published on June 26, 2015, EPA proposed to approve the February 5, 2015, SIP revision and the portion of the September 26, 2006, submission that contains structural changes to Georgia Rule 391–3–1-.02(2)(mmm). See 80 FR 36750. The details of Georgia’s submittals and the rationale for EPA’s action is explained in the NPR.

EPA received one comment on the NPR. This comment, submitted by the Society of Independent Gasoline Marketers of America and provided in the docket for today’s final action, supports approval of the February 5, 2015, SIP revision but expresses concern about the timing of the action. A summary of the comment and EPA’s response to the comment are provided below.

II. EPA’s Response to Comment

The Commenter supports EPA’s proposal to approve the State’s February 5, 2015, SIP revision but notes that it is “very disturbed by rumors that EPA will approve and implement this change [during the week of July 27, 2015], which will be right in the middle of the summer fuel season.” The Commenter “requests that EPA approve and implement the Georgia SIP in a manner that will not damage the fuel marketing industry and ultimately penalize those who have complied with the Agency’s environmental mandate.”

EPA does not view this comment as adverse, and the basis for the Commenter’s concerns regarding the finalization of the rule during the week of July 27, 2015 is unclear. EPA has proposed and finalized this action under its standard rulemaking process, and it will be effective on October 1, 2015.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporate by reference of Georgia Rule 391–3–1-.02(2)(mmm), *NOx Emissions from*

¹ The Georgia Fuel Area consists of the following 45 counties: Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Walton and Upson. This Area encompasses the 20-county 8-hour Atlanta ozone maintenance area for the 1997 ozone NAAQS and the 15-county 8-hour Atlanta ozone nonattainment area for the 2008 ozone NAAQS. Georgia received a waiver under section 211(c)(4)(C) of the CAA to adopt a state fuel program that is more stringent than that which was federally required for the Atlanta 1-Hour Ozone Area. The Georgia Fuel Rule requires the sale of low sulfur, 7.0 psi RVP gasoline in the Georgia Fuel Area.

² The Consumer and Commercial Products Rule applies in the following 13 counties that make up the former Atlanta 1-hour ozone nonattainment area: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

³ Georgia Rule 391–3–1-.02(2)(mmm) only applies in the Georgia Fuel Area.

Stationary Gas Turbines and Stationary Engines used to Generate Electricity. EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

IV. Final Action

EPA is taking final action to approve Georgia's February 5, 2015, SIP revision, including the section 110(l) demonstration that modifying the SIP to remove Georgia Rules 391-3-1-.02(2)(aaa) and 391-3-1-.02(2)(bbb) and revising Georgia Rule 391-3-1-.02(2)(mmm) will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. EPA is also taking final action to approve the portion of the State's September 26, 2006, SIP revision that contains structural changes to Georgia Rule 391-3-1-.02(2)(mmm).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal that complies with the provisions of the Act and applicable federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not propose to impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
 - does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 1999);
 - is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
 - is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
 - is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
 - does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249,

November 9, 2000) nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 19, 2015.

Heather McTeer Toney,
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart L—Georgia

■ 2. Section 52.570 is amended:

■ a. In paragraph (c):

■ i. By removing the entries for “391-3-1-.02(2)(aaa)” and “391-3-1-.02(2)(bbb).”; and

■ ii. By revising the entry for “391-3-1-.02(2)(mmm).”; and

■ b. In paragraph (e) by adding an entry to the end of the table entitled “Offset measures associated with the repeal of Georgia Rules 391-3-1-.02(2)(aaa) and 391-3-1-.02(2)(bbb) and the revision to Georgia Rule 391-3-1-.02(2)(mmm).”.

The revisions and additions read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED GEORGIA REGULATIONS

State citation	Title/Subject	State effective date	EPA Approval date	Explanation
391-3-1-.02(2)(mmm)	NO _x Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.	May 4, 2014	September 1, 2015 [Insert Federal Register citation].	

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/Effective date	EPA Approval date	Explanation
Offset measures associated with the repeal of Georgia Rules 391-3-1-.02(2)(aaa) and 391-3-1-.02(2)(bbb) and the revision to Georgia Rule 391-3-1-.02(2)(mmm).	Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Walton and Upson.	May 4, 2014	September 1, 2015 [Insert Federal Register citation].	Includes the contingency offset measure in the event that the locomotive conversion program cannot be fully completed.

[FR Doc. 2015-21536 Filed 8-31-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA-R06-OAR-2012-0098; FRL-9931-78-Region 6]****Approval and Promulgation of Implementation Plans; Texas; Attainment Demonstration for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area; Determination of Attainment of the 1997 Ozone Standard****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is disapproving revisions to the Texas State Implementation Plan (SIP) submitted to meet certain requirements under section 182(c) of the Clean Air Act (CAA) for the Dallas/Fort Worth (DFW) nonattainment area under the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard). The revisions address the attainment demonstration submitted on January 17, 2012, by the Texas Commission on Environmental Quality (TCEQ) for the DFW Serious nonattainment area. The EPA has also determined that the DFW nonattainment area is currently attaining the 1997 ozone NAAQS. This determination is based upon complete, quality-assured and certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS

for the 2012–2014 monitoring period. Thus, the requirements to submit an attainment demonstration and other planning SIPs related to attainment of the 1997 ozone NAAQS, and the sanctions clock and the EPA's obligation to promulgate an attainment demonstration Federal Implementation Plan (FIP) for the DFW area are suspended for so long as the area continues to attain the 1997 ozone NAAQS.

DATES: This final rule is effective on October 1, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2012-0098. All documents in the docket are listed on 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. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Carrie Paige, (214) 665–6521, paige.carrie@epa.gov.

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

I. Background

The background for this action is discussed in detail in our April 28, 2015

Proposal (80 FR 23487). In that notice, we proposed to disapprove the TCEQ's 8-hour ozone attainment demonstration for the DFW Serious nonattainment area because the area failed to attain the 1997 ozone NAAQS by the June 15, 2013 attainment date.¹ Our analysis and findings are discussed in the proposed rulemaking. We also proposed to determine that the DFW ozone nonattainment area is currently in attainment of the 1997 ozone standard based on the most recent 3 years of quality-assured air quality data. Certified ambient air monitoring data show that the area has monitored attainment of the 1997 ozone NAAQS for the 2012–2014 monitoring period and continues to monitor attainment of the NAAQS based on preliminary 2015 data.

Our Proposal and the technical support document (TSD) that accompanied the proposed rule provide our rationale for this rulemaking. Please see the docket for these and other documents regarding our Proposal. The public comment period for our Proposal closed on May 28, 2015.

II. Response to Comments

We received one comment letter dated May 28, 2015, from the TCEQ (the Commenter) regarding our Proposal. A summary of the comments and our responses follow.

Comment: The Commenter agrees with our Proposal to determine that the DFW ozone nonattainment area is

¹ The DFW Serious ozone nonattainment area under the 1997 ozone standard is comprised of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant counties.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA-HQ-OAR-2014-0905; FRL 9929-91-OAR]

RIN 2060-AS58

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of two adverse comments, the Environmental Protection Agency (EPA) is withdrawing the May 7, 2015 direct final rule to approve the request from Alabama to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Jefferson and Shelby counties, Alabama ("the Birmingham area"). The EPA is considering these comments and will address the comments in a separate action. The EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 80 FR 26191 on May 7, 2015 is withdrawn, effective July 2, 2015.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: klavon.patty@epa.gov.

SUPPLEMENTARY INFORMATION: On May 7, 2015 (80 FR 26191), the EPA published a direct final rule to approve a request from the state of Alabama to change the summertime gasoline RVP standard for Jefferson and Shelby counties ("the Birmingham area") from 7.8 pounds per square inch (psi) to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In an April 17, 2015 final rule, the EPA approved a state implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

In the May 7, 2015 direct final rule, the EPA stated that if adverse comments were received by June 8, 2015, the rule would be withdrawn and not take effect. The EPA received two comments. The EPA is treating these comments as adverse. Therefore, the EPA is withdrawing the direct final rule. The EPA will address these comments in a separate final action based on the May 7, 2015 proposed rulemaking (80 FR 26212). The EPA will not institute a second comment period on this action.

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: June 25, 2015.

Gina McCarthy,
Administrator.

Accordingly, the amendment to 40 CFR 80.27 which published in the **Federal Register** on May 7, 2015 at 80 FR 26191 is withdrawn as of July 2, 2015.

[FR Doc. 2015-16390 Filed 7-1-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA-HQ-OAR-2014-0905; FRL 9929-90-OAR]

RIN 2060-AS58

Approval of Alabama's Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Birmingham, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Alabama for the EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for Jefferson and Shelby counties ("the Birmingham area"). Specifically, the EPA is approving amendments to the regulations to change the RVP standard for the Birmingham area from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline. The EPA has determined that this change to the federal RVP regulation is consistent with the applicable

provisions of the Clean Air Act (CAA). Additionally, the EPA is responding to adverse comments received for this action.

DATES: This final rule is effective on July 2, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2014-0905. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., 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 <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: klavon.patty@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. The EPA's Policy Regarding Relaxation of Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area
- VI. Response to Comments
- VII. Final Action
- VIII. Statutory and Executive Order Reviews
- IX. 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**. The EPA is issuing this final rule under CAA section 307(d)(1). CAA section 307(d)(1) 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. The EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this rule effective on July 2, 2015. 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 a RVP of greater than 7.8 psi sold in Jefferson and Shelby counties, Alabama ("the Birmingham area") 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, the EPA is making this action effective on July 2, 2015.

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 Alabama.

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 the 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, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

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

The statutory authority for this action is granted to the EPA by Sections 211(h) and 301(a) of the Clean Air Act, 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 Alabama to change the summertime RVP standard for the Birmingham area from 7.8 psi to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In a previous rulemaking, the EPA approved a state

implementation plan (SIP) revision from the state of Alabama which provided a technical demonstration that relaxing the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in the Birmingham area would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Birmingham area. For more information on Alabama's SIP revision, please refer to the April 17, 2015 rulemaking (80 FR 21170).

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 Alabama's request for the Birmingham area. Section VI. provides the EPA's response to the adverse comments received on the May 7, 2015 notice of proposed rulemaking (80 FR 26212). Finally, Section VII. presents the final action in response to Alabama's request.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), the 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 (VOC), 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), the 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), the

EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum 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 the 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 the EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that the EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), the 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, the EPA will rely on states to initiate changes to their respective volatility programs. The EPA's policy for approving such changes is described below in Section IV. of this action.

The state of Alabama initiated this change by requesting that the EPA relax the 7.8 psi RVP standard to 9.0 psi for the Birmingham area, which is subject to the 7.8 psi RVP requirement during the summertime ozone season. Accordingly, the state of Alabama provided a technical demonstration showing that relaxing the federal RVP requirement in the Birmingham area from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS or any other applicable requirement of the CAA. See Section V. of this action for information specific to Alabama's request for the Birmingham area.

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

As stated in the preamble for the 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 the EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi 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, the EPA believes that relaxation of an applicable 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, the EPA will not relax the volatility standard unless the state requests a relaxation and the maintenance plan demonstrates to the satisfaction of the EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

Alabama did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when the Birmingham area was redesignated to attainment for either the 1-hour ozone NAAQS or the 1997 ozone NAAQS. However, Alabama took a conservative approach in developing maintenance plans associated with those redesignation requests by estimating emissions using a federal RVP requirement of 9.0 psi.

V. Alabama's Request To Relax the Federal RVP Requirement for the Birmingham Area

In a May 12, 2006 final rule, the EPA approved the Birmingham area's redesignation request and maintenance plan for the 1997 ozone NAAQS. See 71 FR 27631 (May 12, 2006).² As required, the CAA section 175A maintenance plan provides for continued attainment and maintenance of the 1997 ozone NAAQS for at least ten years from the effective date of the Birmingham area's redesignation to attainment for the 1997 ozone NAAQS. This maintenance plan also includes components demonstrating how the Birmingham area will continue to attain the 1997 ozone NAAQS, and provides contingency measures should the Birmingham area violate that NAAQS. The state of Alabama's ozone redesignation request and maintenance plan for the Birmingham area did not remove the state-level 7.0 psi RVP requirement that was in place for the Birmingham area.³

On March 2, 2012, the state of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a proposed revision to Alabama's SIP removing the state-level RVP requirement to use 7.0 psi RVP gasoline in the Birmingham area during the summertime ozone season. The EPA approved the revision in an April 20, 2012 final rule. See 77 FR 23619. The revision to the Alabama SIP resulted in the federal RVP requirement of 7.8 psi applying to the Birmingham area.

On November 14, 2014, the state of Alabama submitted a proposed revision to its SIP demonstrating that removal of the federal RVP requirement of 7.8 psi for gasoline during the summer ozone season in the Birmingham area would not interfere with maintenance of any NAAQS. Specifically, the state provided a technical demonstration showing that relaxing the federal RVP requirements in the Birmingham area from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS or with any other applicable requirement of the CAA.

The EPA evaluated and approved Alabama's November 14, 2014 SIP

² The Birmingham area (i.e., Jefferson and Shelby counties) was designated as unclassifiable/attainment for the 2008 ozone NAAQS effective July 20, 2012. See 77 FR 30088 (May 21, 2012).

³ In 2001, the EPA approved a state fuel program that imposed a more stringent 7.0 psi requirement for the Birmingham area, per CAA section 211(c)(4)(C). The low-RVP fuel program required that all gasoline sold during the summertime ozone season (June 1–September 15 of each year) in the Birmingham area contain a maximum RVP of 7.0 psi. See 66 FR 56218 (November 7, 2001).

revision in a previous rulemaking that was subject to public notice-and-comment. The EPA received two comments on that rulemaking, and those comments were addressed in the final rule for that rulemaking. See 80 FR 21170 (April 17, 2015). The comments received can be found in the docket for that rulemaking (EPA–R04–OAR–2014–0867).

In this final action, the EPA is taking the second and final step in the process to approve Alabama's request to relax the summertime ozone season RVP standard for the Birmingham area from 7.8 psi to 9.0 psi. This final action to approve Alabama's request to relax the summertime ozone season RVP standard for the Birmingham area from 7.8 psi to 9.0 psi is based on the EPA's April 18, 2015 approval of Alabama's November 14, 2014 SIP revision, and the fact that the Birmingham area is currently in attainment for all ozone NAAQS.

VI. Response to Comments

On May 7, 2015, the EPA published a direct final rule to approve a request from Alabama for the EPA to relax the RVP standard for the Birmingham Area. See 80 FR 26191. The EPA published a parallel proposal (See 80 FR 26212) in the event that adverse comments were received such that the direct final rule would need to be withdrawn. In the direct final rule, the EPA stated that the direct final rule would be withdrawn and would not take effect if adverse comments were received by June 8, 2015. The EPA further stated that the corresponding proposed rule would remain in effect and that the EPA would respond to any adverse comments received in a subsequent final rule provided the EPA was able to address such comments.⁴ The EPA has received comments on the rulemaking. Although, for the reasons discussed below, these comments are outside of the scope of this action, the EPA is treating these comments as adverse. Therefore, the EPA has withdrawn the direct final rule in a separate **Federal Register** notice and is providing a summary of comments received and the EPA's responses to the comments in this action.

Comment: One commenter contends that fleet turnover cannot be used to offset the emissions increases from RVP relaxation because "fleet turnover was already considered in the maintenance plan" and its use as an offset measure would therefore "double count" the associated emissions decreases. The

⁴ The EPA also noted that an additional public comment period would not be instituted for the action.

commenter also believes that Alabama used inaccurate information in calculating fleet turnover unless it used fleet emission data from the actual fleet in 2015 in the area and that "using inaccurate information to make a decision to approve a SIP revision is arbitrary and capricious." Additionally, the commenter states that the CAA section "110(l) analysis must include photochemical grid modeling to determine if the increased emissions from weakening the RVP standard adversely impacts 2008 ozone nonattainment areas including Metro-Atlanta, Metro-Memphis, Metro-Knoxville and other nearby areas."

Response: These comments are beyond the scope of this action. CAA section 110(l) applies to revisions to a SIP submitted by a state. However, this rulemaking does not approve any SIP revisions. Rather, it revises the federal regulations at 40 CFR part 80 applicable to gasoline introduced into commerce in certain areas.

The EPA evaluated the impacts of RVP relaxation in the Birmingham area pursuant to CAA section 110(l) in a previous rulemaking. See 80 FR 21170 (April 17, 2015). The EPA's evaluation, including its analysis of fleet turnover, was subject to public notice-and-comment. The EPA received two comments on its proposed approval of the state's CAA section 110(l) noninterference demonstration and responded to those comments in the final rulemaking notice. The EPA's approval of the noninterference demonstration into the SIP was effective on April 17, 2015. The opportunity for the commenter to express concerns regarding the EPA's analyses of whether the change to the federal RVP requirements for the Birmingham area would interfere with attainment or maintenance of the NAAQS or any other applicable CAA requirement was during the earlier public notice-and-comment period. The EPA's rulemaking to revise its regulations in 40 CFR part 80 did not reopen the EPA's action on Alabama's CAA section 110(l) demonstration.

Comment: The other commenter contends that the EPA should not relax the RVP requirement in Birmingham because public health will suffer and Alabama has acknowledged that air pollution will increase. The commenter opines that the EPA should not relax the RVP limit because the EPA has proposed to revise the ozone NAAQS. Finally, the commenter asserts that the EPA is taking this action in order to accommodate the ethanol industry and allow for increased ethanol use in the Birmingham area.

Response: These comments are beyond the scope of this action. The EPA is taking this action to revise the RVP limit applicable to the Birmingham area pursuant to a request from the state of Alabama. To support its request for the RVP relaxation, Alabama submitted a demonstration that the change would not interfere with the maintenance of any applicable NAAQS. The EPA approved that demonstration through notice-and-comment rulemaking on April 17, 2015. See 80 FR 21170. The opportunity for the commenter to express concerns regarding the EPA's analyses of whether the change to the federal RVP requirements for the Birmingham area would result in increased emissions and interfere with attainment or maintenance of any applicable NAAQS or any other applicable CAA requirement was during the earlier public notice-and-comment period. The EPA's rulemaking to revise its regulations in 40 CFR part 80 did not reopen the EPA's action on Alabama's CAA section 110(l) demonstration.

With regard to EPA's proposal to tighten the ozone NAAQS, the CAA does not require that a state address a potential future NAAQS when conducting a CAA section 110(l) analysis, and the EPA does not believe that it is appropriate to delay action in response to a state's request until a final decision is made on the ozone NAAQS. If the EPA revises the ozone NAAQS and if the Birmingham area is eventually designated nonattainment, the state will have the opportunity to submit a SIP that contains control measures to bring the area into attainment as expeditiously as practicable. This action does not remove any tools available to the state for compliance with a future NAAQS.

Finally, the EPA is approving this change to 40 CFR part 80 based on a request from the state and because the EPA made a final determination that the state made an adequate demonstration to show that removal of this Federal requirement would not interfere with air quality in the Birmingham area. Further, this final action is consistent with CAA requirements. Based upon these factors alone, the EPA is approving Alabama's request to relax the federal RVP gasoline requirements in the Birmingham area from 7.8 psi to 9.0 psi.

VII. Final Action

The EPA is taking final action to approve the request from Alabama for the EPA to relax the RVP applicable to gasoline introduced into commerce from June 1 to September 15 of each year in the Birmingham area. Specifically, this action amends the applicable RVP

standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Birmingham area.

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 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 the Birmingham area and gasoline distributors and retail stations in the Birmingham area. This action relaxes the federal RVP standard for gasoline sold in the Birmingham area during the summertime ozone season (June 1 to September 15 of each year) 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 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.

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 Birmingham area and gasoline distributors and retail stations in the Birmingham 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 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 approves a state program.

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 (NTTAA)

This action does not involve technical standards, and therefore, is not subject to the NTTAA.

J. 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, possibly resulting in slightly higher mobile source emissions. However, the state of Alabama has demonstrated in the Birmingham area's approved maintenance plan that this action will not interfere with attainment of the 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 Section V. of this final rule. A copy of Alabama's November 14, 2014 letter requesting that the EPA relax the RVP standard, including the technical analysis demonstrating that the less stringent RVP in the Birmingham area would not interfere with continued maintenance of the 1997 ozone NAAQS or any other applicable standard, has been placed in the public docket for this action.

K. 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).

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action may be filed only in the United States Court of Appeals for the appropriate circuit by August 31, 2015. 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 the 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: June 25, 2015.

Gina McCarthy,
Administrator.

For the reasons set forth in the preamble, the 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. In § 80.27(a)(2)(ii), the table is amended by:

- a. Revising the entry for Alabama; and
- b. Adding footnote 8.

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
Alabama ^a	9.0	9.0	9.0	9.0	9.0

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

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