

§ 4.104 Schedule of ratings—  
cardiovascular system.

\* \* \* \* \*

DISEASES OF THE HEART

	Rating
7114 Peripheral arterial disease:	*
Note (2): If AP, TP, and T <sub>c</sub> PO <sub>2</sub> testing are not of record, evaluate based on ABI unless the examiner states that an AP, TP, or T <sub>c</sub> PO <sub>2</sub> test is needed in a particular case because ABI does not sufficiently reflect the severity of the veteran's peripheral arterial disease. In all other cases, evaluate based on the test that provides the highest impairment value.	*

**Jeffrey M. Martin,**  
Assistant Director, Office of Regulation Policy  
& Management, Office of the Secretary,  
Department of Veterans Affairs.

[FR Doc. 2021-24419 Filed 11-8-21; 8:45 am]

BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 52**

[EPA-R10-OAR-2020-0648; FRL-8787-02-R10]

**Air Plan Approval; AK; Eagle River  
Second 10-Year PM<sub>10</sub> Limited  
Maintenance Plan**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the Eagle River, Alaska (AK) limited maintenance plan (LMP) submitted on November 10, 2020, by the Alaska Department of Environmental Conservation (ADEC or “the State”). This plan addresses the second 10-year maintenance period after redesignation for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). The plan relies upon control measures contained in the first 10-year maintenance plan and the determination that the Eagle River area currently monitors PM<sub>10</sub> levels well below the PM<sub>10</sub> National Ambient Air Quality Standard (NAAQS or “the standard”). The EPA is approving Alaska’s LMP as meeting Clean Air Act (CAA) requirements.

**DATES:** This final rule is effective December 9, 2021.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2020-0648. All documents in the docket are listed on

the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Christi Duboiski, EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, at (360) 753-9081, or [duboiski.christi@epa.gov](mailto:duboiski.christi@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we” or “our” is used, it refers to the EPA.

**I. Background**

On November 10, 2020, ADEC submitted to the EPA for approval a second 10-year PM<sub>10</sub> LMP for Eagle River. The SIP revision, State effective November 7, 2020, fulfills the second 10-year planning requirement of CAA section 175A(b) to ensure PM<sub>10</sub> NAAQS compliance through 2033. The Eagle River area has been meeting the PM<sub>10</sub> standard for multiple years and was redesignated to attainment on March 8, 2013 with an approved 10-year PM<sub>10</sub> maintenance plan. The area currently monitors PM<sub>10</sub> levels well below the PM<sub>10</sub> NAAQS.

We proposed to approve the Eagle River second 10-year LMP on September 2, 2021 (86 FR 49278). The reasons for our approval are included in that proposal and will not be restated here. The public comment period for our proposed action closed on October 4,

2021. We received no public comments. Therefore, we are finalizing our action as proposed.

**II. Final Action**

In this final action, the EPA is approving Alaska’s second 10-year LMP for Eagle River submitted on November 10, 2020, as satisfying the requirements of section 175A of the CAA.

**III. 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, the 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 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, 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 the 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where the 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 it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the

agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The 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 January 10, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 1, 2021.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 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 C—Alaska**

■ 2. In § 52.70, the table in paragraph (e) is amended by:

- a. Adding entry “II.III.D.2.b. Eagle River Second 10-year PM<sub>10</sub> Limited Maintenance Plan” after the entry “II.III.D.2.a. Eagle River PM<sub>10</sub> Limited Maintenance Plan”; and
- b. Revising the entry “III.III.D.2. Eagle River PM<sub>10</sub> Control Plan”.

The addition and revision read as follow:

**§ 52.70 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
<b>State of Alaska Air Quality Control Plan: Volume II. Analysis of Problems, Control Actions</b>				
*	*	*	*	*
<b>Section III. Areawide Pollutant Control Program</b>				
II.III.D.2.b. Eagle River Second 10-year PM <sub>10</sub> Limited Maintenance Plan.	Eagle River .....	11/10/2020	11/9/2021, [INSERT <b>FEDERAL REGISTER</b> CITATION].	*
*	*	*	*	*
<b>State of Alaska Air Quality Control Plan: Volume II. Appendices</b>				
*	*	*	*	*
<b>Section III. Areawide Pollutant Control Program</b>				
III.III.D.2. Eagle River PM <sub>10</sub> Control Plan .....	Eagle River .....	11/10/2020	11/9/2021, [INSERT <b>FEDERAL REGISTER</b> CITATION].	*

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
<p>[FR Doc. 2021-24258 Filed 11-8-21; 8:45 am]  <b>BILLING CODE P</b></p> <hr/> <p><b>ENVIRONMENTAL PROTECTION AGENCY</b></p> <p><b>40 CFR Part 62</b></p> <p>[EPA-R08-OAR-2021-0004; FRL-8789-02-R8]</p> <p><b>Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado; Control of Emissions From Existing Municipal Solid Waste Landfills</b></p> <p><b>AGENCY:</b> Environmental Protection Agency (EPA).</p> <p><b>ACTION:</b> Final rule.</p> <hr/> <p><b>SUMMARY:</b> The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA or the “Act”) section 111(d) state plan submitted by the Colorado Department of Public Health and Environment (CDPHE or the “Department”) on March 23, 2021. This state plan was submitted to fulfill the requirements of the CAA and is responsive to the EPA’s promulgation of Emission Guidelines and Compliance Times (EG) for existing municipal solid waste (MSW) landfills. The Colorado state plan establishes performance standards and other operating requirements for existing MSW landfills within the State of Colorado and provides for the implementation and enforcement of those standards and requirements by the Department. The EPA is taking this action pursuant to the CAA.</p> <p><b>DATES:</b> This rule is effective on December 9, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of December 9, 2021.</p> <p><b>ADDRESSES:</b> The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2021-0004. All documents in the docket are listed on the <a href="http://www.regulations.gov">http://www.regulations.gov</a> website. 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</p>	<p>copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <a href="http://www.regulations.gov">http://www.regulations.gov</a>, or please contact the person identified in the <b>FOR FURTHER INFORMATION CONTACT</b> section for additional availability information.</p> <p><b>FOR FURTHER INFORMATION CONTACT:</b> Allison Reibach, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-TRM, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6949, <a href="mailto:reibach.allison@epa.gov">reibach.allison@epa.gov</a>.</p> <p><b>SUPPLEMENTARY INFORMATION:</b> Throughout this document “we,” “us,” and “our” means the EPA.</p> <p><b>I. Background</b></p> <p>The background for this action is discussed in detail in our July 1, 2021 proposed rule (86 FR 35044). In that document we proposed to approve the Colorado CAA section 111(d) state plan for existing MSW landfills as the plan was submitted by the CDPHE on March 23, 2021. The EPA’s analysis of the Colorado state plan may be found in the aforementioned proposed rule and the technical support document (TSD) associated with the docket for today’s action. Comments on the EPA’s proposed approval of the state plan for existing MSW landfills were due on or before August 2, 2021. We received feedback from two commenters during the public comment period opened by the proposed rule. Our responses to the comments are addressed in section II. below.</p> <p><b>II. Response to Comments</b></p> <p><i>Comment:</i> Commenter, which represents solid waste management professionals, stated that Colorado’s state plan should include all standards outlined in the Federal Plan Requirements for MSW Landfills (40 CFR part 62, subpart OOO), as the Colorado state plan currently includes standards from the Emission Guidelines and Compliance Times for MSW Landfills (40 CFR part 60, subpart Cf). The commenter cites significant differences for “legacy controlled landfills,” between the state plan and the federal plan, with the federal plan exempting “legacy-controlled landfills”</p>	<p>from tasks that they completed under 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing 40 CFR part 60, subpart Cc. Without these exemptions, the commenter asserts that Colorado’s plan indirectly imposes additional administrative requirements for these “legacy controlled landfills” that would not apply if Colorado adopted the language of the federal plan. The commenter urges EPA to ask the CDPHE to adopt the federal plan standards and withdraw their state plan.</p> <p><i>Response:</i> Section 111(d) of the CAA gives EPA the authority to prescribe regulations for states to submit plans that establish standards of performance for certain existing sources of air pollutants. Section 111(d) plans address existing sources for any air pollutant for which air quality criteria have not been issued or which is not included on a list published under section 108(a) of the CAA, but to which a standard of performance would apply if such existing source were a new source. CAA Section 111(d) also requires states to provide in their plans the implementation and enforcement of such standards of performance. In addition, CAA section 111(d)(2)(A) provides EPA with the authority to establish and enforce a plan in cases where the state fails to submit a satisfactory plan. 40 CFR 62.13 addresses instances where a state has failed to submit a satisfactory plan. Commenter should reference 40 CFR 62.13(b) which states, “[a]fter June 21, 2021, per paragraph (j) of this section, the substantive requirements of the MSW landfills Federal plan are contained in subpart OOO of this part and owners and operators of MSW landfills must comply with subpart OOO of this part or a state/tribal plan implementing 40 CFR part 60, subpart Cf of this chapter . . . .”</p> <p>As stated in our proposal, Colorado’s 111(d) state plan for MSW landfills meets all requirements under 40 CFR part 60, subpart Cf of this chapter. The commenter does not state that Colorado’s 111(d) state plan for MSW landfills does not meet the requirements under 40 CFR part 60, subpart Cf of this chapter, but asks EPA to request that Colorado withdraw their state plan</p>		