PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

1. In §52.920 amend the table in paragraph (e) by adding an entry for “110(a)(1) and (2) Infrastructure

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>110(a)(1) and (2) Infrastructure Requirements for the 2015 8-Hour Ozone NAAQS.</td>
<td>Kentucky</td>
<td>1/11/2019</td>
<td>9/2/2020, [Insert citation of publication].</td>
<td>Addressing PSD provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(ii)(II) (prong 3), and 110(a)(2)(J), and air quality modeling under section 110(a)(2)(K).</td>
</tr>
</tbody>
</table>

The EPA is making a final determination that the Fairbanks North Star Borough PM2.5 Nonattainment Area did not attain the NAAQS by the December 31, 2019, Serious area attainment date of December 31, 2019, in accordance with CAA section 189(d).
III. Statutory and Executive Order Reviews

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

These actions are exempt from review by the Office of Management and Budget (OMB) because the actions satisfy the CAA obligation to make a determination of attainment based on an area’s air quality as of the attainment date and deny an attainment date extension request.

B. Executive Order 13771: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

These actions are not Executive Order 13771 regulatory actions because they are not significant regulatory actions under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

These actions do not impose any additional information collection burden under the provisions of the PRA, 44 U.S.C. 3501 et seq. Neither the action to find that the Fairbanks PM2.5 Nonattainment Area failed to attain the 2006 24-hour PM2.5 NAAQS by the Serious area attainment date, nor the denial of the attainment extension request establish any new information collection burden not already covered under OMB control number 2060–0611.

D. Regulatory Flexibility Act (RFA)

I certify that these actions will not have a significant economic impact on a substantial number of small entities under the RFA. These actions will not impose any requirements on small entities. Neither a determination that the Fairbanks PM2.5 Nonattainment Area failed to attain the 2006 24-hour PM2.5 NAAQS by the Serious area attainment date, nor a denial of an attainment date extension request create any new requirements or directly regulate any entities.

E. Unfunded Mandates Reform Act (UMRA)

These actions do not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and do not significantly or uniquely affect small governments. These actions do not impose additional requirements beyond those imposed by state law. Thus, these actions impose no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

These actions do not have federalism implications. They 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

These actions do not have tribal implications as specified in Executive Order 13175. The CAA and the Tribal Authority Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and these actions do nothing to modify that relationship. Thus, Executive Order 13175 does not apply to these actions.

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

These actions are not subject to Executive Order 13045 because they are not economically significant as defined in Executive Order 12866, and because the EPA does not believe any environmental health or safety risks addressed by these actions present a disproportionate risk to children.

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

These actions are not subject to Executive Order 13211, because they are not significant regulatory actions under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

These actions are not subject to the requirements of Section 12(d) of the NTTAA because these actions do not involve technical standards.

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

The EPA believes that these actions do not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). Pursuant to the CAA, these actions determine that the Fairbanks PM2.5 Nonattainment Area did not attain by the applicable attainment date and deny the state’s attainment date extension request.

L. Congressional Review Act (CRA)

These actions are 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. These actions are not a “major rule” as defined by 5 U.S.C. 804(2).

M. Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by November 2, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of these actions 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 rules or actions. These actions may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).