ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[40 CFR Part 52]

Air Plan Approval; Alaska: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, each state must submit a plan for the implementation, maintenance, and enforcement of such standard, commonly referred to as infrastructure requirements. On July 9, 2012, Alaska submitted a plan to address the infrastructure requirements for the lead (Pb) NAAQS promulgated on October 15, 2008. The Environmental Protection Agency (EPA) is approving Alaska’s July 9, 2012, SIP submission as meeting the Pb NAAQS. On May 31, 2017, the EPA proposed to approve the submission as meeting certain infrastructure requirements for the Pb NAAQS (82 FR 24914). Please see our proposed rulemaking for further explanation and the basis for our finding. The public comment period for this proposal ended on June 30, 2017. We received no comments.

II. Final Action

The EPA is approving Alaska’s July 9, 2012, SIP submission as meeting the following CAA section 110(a)(1) and (2) for multiple NAAQS, including the Pb NAAQS. On May 31, 2017, the EPA proposed to approve the submission as meeting certain infrastructure requirements for the Pb NAAQS (82 FR 24914). Please see our proposed rulemaking for further explanation and the basis for our finding. The public comment period for this proposal ended on June 30, 2017. We received no comments.

III. Statutory and Executive Orders Review

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:

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
• 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 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);
• Does not impose 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 significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
• Does not provide the EPA with the discretion 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);
• Does not impose additional requirements beyond those imposed by state law. For that reason, this action:

• Is not a significant regulatory action subject to Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note)

In addition, 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 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 CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate jurisdiction within 60 days after the date of publication of this action in the Federal Register. If no petition for judicial review of this action is received within 60 days of the date of publication of this rule in the Federal Register, the rule will become effective on the date of publication. If a petition for judicial review is received within 60 days of the date of publication of this rule, the rule will not become effective until disposition of the petition for judicial review by the United States Court of Appeals for the appropriate jurisdiction, or until disposition of any petition for review by the United States Supreme Court, whichever is earlier.

This action is adopted as a final rule without prior Federal Register notice and public comment. Pursuant to 42 U.S.C. 7412(h) (the Federal Register notice was published on the same day as the adoption of the rule), a final rule is published as a final rule without prior Federal Register notice and public comment if the Administrator of the EPA determines that notice and public comment are impracticable. The Administrator of the EPA made such a determination for this action.

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

FOR FURTHER INFORMATION CONTACT: Anthony (Ted) Gardella, gardella.anthony@epa.gov at the United States Environmental Protection Agency.

ADDRESS: The EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2016–0766. 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 either electronically through www.regulations.gov, or please contact the person identified in the FOR FURTHER INFORMATION CONTACT section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Michelle L. Pirzadeh, Acting Regional Administrator, Region 10.