

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

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

Dated: May 3, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2016-11845 Filed 5-19-16; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R03-OAR-2016-0054; FRL-9946-67-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Emissions From Various Processes and Fuel-Burning Equipment From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to conditionally approve a revision to the Maryland state implementation plan (SIP) submitted by the Maryland Department of the Environment (MDE) on October 15, 2014. The SIP revision adds and amends regulations in the SIP which control emissions from various processes and fuel-burning equipment at Kraft pulp mills. The SIP revision includes the following: (1) A new definition for “NO_x Ozone Season Allowance;” (2) a new regulation with nitrogen oxides (NO_x) limits for fuel-burning equipment located at Kraft pulp mills; (3) a removal and relocation of existing NO_x reasonably available control technology (RACT) requirements for Kraft pulp mills into another Maryland regulation; and (4) a revised regulation which clarifies the volatile organic compound (VOC) control system and emission requirements for several process installations at Kraft pulp mills. EPA proposes a conditional approval because the new Maryland definition references the defunct Clean Air Interstate Rule (CAIR) and because MDE provided a commitment to remove all references to CAIR within the definition of “NO_x Ozone Season Allowance” and submit a revised definition as a new SIP revision, no later than a year from EPA finalizing this conditional approval. Upon timely meeting of this commitment, EPA will propose to convert the conditional

approval of the SIP revision to a final approval. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments on EPA’s proposed conditional approval must be received on or before June 20, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2016-0054 at <http://www.regulations.gov>, or via email to fernandez.cristina@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814-2036, or by email at becoat.gregory@epa.gov.

SUPPLEMENTARY INFORMATION: On October 15, 2014, EPA received a revision to the State of Maryland’s SIP submitted by MDE. The SIP revision includes Maryland regulations which control emissions from various processes and fuel-burning equipment at Kraft pulp mills and which clarify the VOC control system and requirements for several process installations at Kraft pulp mills.

I. Background

In the October 15, 2014 SIP revision, MDE’s submittal included a definition for “NO_x Ozone Season Allowance” which references a defunct CAA program, CAIR. EPA discussed with MDE the need to remove all references to CAIR within the definition of “NO_x Ozone Season Allowance,” for EPA to approve the October 15, 2014 SIP revision.

In May 2005, EPA promulgated CAIR which required certain states to reduce emissions of sulfur dioxide (SO₂) and NO_x that significantly contribute to downwind nonattainment of the 1997 national ambient air quality standard (NAAQS) for fine particulate matter (PM_{2.5}) and ozone. 70 FR 25162 (May 12, 2005). After litigation in the United States Court of Appeals for the D.C. Circuit (D.C. Circuit) which remanded CAIR to EPA, EPA promulgated the Cross State Air Pollution Rule (CSAPR) to replace CAIR and to help states reduce air pollution and attain CAA standards. 76 FR 48208 (August 8, 2011).¹ In subsequent, additional litigation, CSAPR was initially vacated by the D.C. Circuit but upheld by the U.S. Supreme Court. *EPA v. Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014). EPA began implementing CSAPR in January 2015 as CAIR’s replacement. See 79 FR 71663 (December 3, 2014) (interim final rulemaking issued after DC Circuit lifted stay on CSAPR).²

On September 29, 2015, EPA received a supplemental letter from MDE committing to remove all references to CAIR within the definition of “NO_x Ozone Season Allowance,” as a SIP revision, no later than a year from EPA finalizing our conditional approval of the SIP submittal. Upon final approval of the revised definition of “NO_x Ozone Season Allowance” as a SIP revision, EPA will convert the conditional approval of the October 15, 2014 SIP submission with the regulations and requirements for Kraft pulp mills to a full approval.

II. Summary of SIP Revision

MDE’s SIP revision includes amended and new regulations in order to control emissions from various processes and fuel-burning equipment at Kraft pulp mills. The SIP revision submittal includes an amendment to the Code of Maryland Regulations (COMAR) 26.11.01.01—“General Administrative Provisions” in order to add a definition for “NO_x Ozone Season Allowance.” This definition was added to the COMAR by Maryland because the NO_x emission limitations for the Kraft pulp mills rely on use of NO_x allowances. Because the definition in COMAR 26.11.01.01 makes references to CAIR which sunset on December 31, 2014 as

¹ CSAPR requires substantial reductions of SO₂ and NO_x emissions in 28 states in the eastern United States that significantly contribute to downwind nonattainment of the 1997 PM_{2.5} and ozone NAAQS and 2006 PM_{2.5} NAAQS.

² Thus, after December 31, 2014, CAIR was replaced by CSAPR and was a defunct, moot CAA program no longer implemented by EPA.

EPA is now implementing CSAPR, EPA cannot fully approve the definition for “NO_x Ozone Season Allowance.” MDE has committed to remove references to CAIR and submit a revised definition in a separate SIP submittal. The October 15, 2014 SIP revision also seeks to add to the SIP COMAR 26.11.14.07—

“Control of NO_x Emissions from Fuel Burning Equipment” in order to: (1) Establish the applicability and NO_x emission standards to any fuel burning equipment with a maximum design heat input capacity of greater than 250 million British thermal unit (Btu) per hour located at any Kraft pulp mill; (2) establish NO_x emission limits for Kraft pulp mills including an emission rate of 0.70 pounds of NO_x per million Btu, an emission limit of 947 tons of NO_x during the period May 1 through September 30 of each year, and an emission rate of 0.99 pounds of NO_x per million Btu during the period of October 1 through April 30 of each year; (3) establish the requirements for demonstrating compliance with the NO_x limits; (4) permit pulp mills to secure up to 95 allowances for each period in which a mill exceeds the 947 ton emission cap from May through September 30 of each year; (5) specify the process of achieving compliance through the use of allowances; and (6) establish monitoring and reporting requirements. The NO_x emission limitations of 0.70 pounds of NO_x per million Btu from May 1 through September 30 of each year and 0.99 pounds of NO_x per million Btu during the period of October 1 through April 30 of each year were previously included in COMAR 26.11.09.08 and are already included in the Maryland SIP. See 69 FR 56170 (September 20, 2004). Thus, these provisions are not new to the SIP, but merely relocated. Pursuant to the NO_x SIP Call at COMAR 26.11.29 and .30, the sole Kraft pulp mill in Maryland was allocated 947 allowances for NO_x emissions. COMAR 26.11.29 and .30 are in the existing Maryland SIP. With this SIP revision, Maryland seeks to include the 947 ton NO_x cap in the Maryland SIP at COMAR 26.11.14.07. Thus, the October 15, 2014 SIP revision simply relocates the 947 ton NO_x cap within the Maryland SIP.

The SIP revision also includes an amended COMAR 26.11.09.08— “Control of NO_x Emissions for Major Stationary Sources” in order to remove from this provision subsection (C)(h) which has NO_x requirements for the fuel burning equipment at non-electric generating facilities. Maryland requests removal of this subsection (C)(h) of COMAR 26.11.09.08 from the Maryland

SIP because the NO_x requirements for pulp mills to meet a NO_x emissions rate of 0.70 pounds per million Btu during the period May 1 to September 30 of each year and 0.99 during the period October 1 through April 30 of each year have been relocated to COMAR 26.11.14.07.

Finally, the SIP revision also includes a revised COMAR 26.11.14.06— “Control of Volatile Organic Compounds” in order to: (1) Clarify that air emissions from brown stock washers are to be collected and combusted; (2) clarify that evaporators, digester blow tank systems, and brown stock washers shall be controlled by removing 90 percent (90%) or more of the condensate VOC loading by demonstrating a VOC removal or destruction efficiency of the condensate stream stripper of 90% or greater or a system analysis of these units; and (3) specify approvable testing methods to demonstrate the collective VOC removal efficiency of the condensate steam stripper and other control systems as required. This provision will reduce VOC emissions from Kraft pulp mills and will strengthen the Maryland SIP.

A full explanation of the SIP revision and EPA’s analysis of the revision are contained in the technical support document (TSD) prepared in support of this proposed rulemaking. A copy of this TSD is located in the docket of this proposed rulemaking and is available online at www.regulations.gov.

III. Proposed Action

EPA is proposing to conditionally approve the Maryland October 15, 2014 SIP revision concerning the regulations and requirements to control NO_x and VOC emissions from various processes and fuel-burning equipment at Kraft pulp mills as it strengthens the SIP with provisions related to controlling emissions of NO_x and VOC. Pursuant to section 110(k)(4) of the CAA, EPA’s proposal is to conditionally approve the October 15, 2014 SIP revision because Maryland committed in a letter dated September 29, 2015 to submit to EPA a SIP revision removing all references to CAIR, a defunct CAA program, within the definition of “NO_x Ozone Season Allowance” in COMAR 26.11.01.01, no later than a year from EPA finalizing our conditional approval.

When EPA approves the revised definition of “NO_x Ozone Season Allowance” in COMAR 26.11.01.01, EPA will remove the conditional nature of its approval, and the October 15, 2014 SIP revision will, at that time, receive a full approval status. Should MDE fail to meet the condition specified in this rulemaking action, the final conditional

approval of the SIP revision will convert to a disapproval. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rulemaking action, EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to COMAR 26.11.01.01, COMAR 26.11.14.07, COMAR 26.11.09.08, and COMAR 26.11.14.06 as previously discussed. EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or may be viewed at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. 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 proposed 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 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, this proposed rule, pertaining to the regulations and requirements for the control of emissions from various processes and fuel-burning equipment from Kraft pulp mills, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 3, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2016-11844 Filed 5-19-16; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02-278; FCC 16-57]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) invites comment on proposed revisions to its rules under the Telephone Consumer Protection Act (TCPA) to implement a provision of the Bipartisan Budget Act of 2015 that

excepts from the TCPA's prior-express-consent requirement autodialed and prerecorded calls "made solely to collect a debt owed to or guaranteed by the United States."

DATES: Comments are due on or before June 6, 2016. Reply comments are due on or before June 21, 2016.

ADDRESSES: You may submit comments identified by CG Docket No. 02-278 by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site: <http://apps.fcc.gov/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket No. 02-278.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Kristi Thornton, Consumer Policy Division, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 by phone at (202) 418-2467 or by email at: Kristi.Thornton@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), Rules and Regulations Implementing the TCPA of 1991, CG Docket No. 02-278, FCC 16-57, adopted May 24, 2016, and released May 6, 2016. A copy of document FCC 16-57 and any subsequently filed documents in this matter will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554, (202) 418-0270. The full text of document FCC 16-57 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW.,

Room CY-A257, Washington, DC 20554. A copy of document FCC 16-57 and any subsequently filed documents in this matter may also be found by searching ECFS at: <http://apps.fcc.gov/ecfs/> (insert CG Docket No. 02-278 into the Proceeding block).

Pursuant to 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using ECFS. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

Pursuant to § 1.1200 of the Commission's rules, 47 CFR 1.1200, this matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Document FCC 16-57 can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/policy>.