

NSR rule and similar to many of the federally enforceable minor NSR programs in surrounding states and around the country; (4) South Dakota contains areas of Indian country that are subject to the permitting thresholds in the tribal NSR rule; and (5) The last 5 years of monitoring data for criteria pollutants (see docket) show that all pollutants are below NAAQS levels.

Removal of 40 CFR 52.21(b)(49)(v) From 74:36:09 (PSD)

We are approving the removal of 40 CFR 52.21(b)(49)(v) from 74:36:09 to reflect the Coalition Amended Judgement, which only specifically ordered that the EPA regulations under review (including 40 CFR 51.166(b)(48)(v) and 52.21(b)(49)(v)) be vacated. The EPA's final rulemaking titled "Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Element," which was published on August 19, 2015 (80 FR 50199) removed 40 CFR 52.21(b)(49)(v) from the CFR.

Proposed Correction to IBR Material in Previous Rulemaking

In our final rule published in the **Federal Register** on February 16, 2016 (81 FR 7706) we inadvertently used an incorrect approval date in the updates to the South Dakota regulatory table. The EPA is proposing to correct this error with today's action. The IBR material for our February 16, 2016 action is contained within this docket.

#### IV. What action is the EPA taking?

For the reasons described in section III of this proposed rulemaking, the EPA is proposing to approve South Dakota's October 23, 2015 submittal, with the exceptions noted in section III. Our action is based on an evaluation of South Dakota's revisions against the requirements of CAA section 110(a)(2)(c) and regulatory requirements under 40 CFR 51.160–164 and 40 CFR 51.166. The EPA is also proposing to approve a correction to our final rule published in the **Federal Register** on February 16, 2016 (81 FR 7706).

#### IV. Incorporation by Reference

In this rule, the 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, the EPA is proposing to incorporate by reference the Administrative Rules of South Dakota pertaining to section 74:36 as outlined in this preamble. The EPA has made, and will continue to make, these documents generally available

electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

#### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Clean Air Act. Accordingly, this proposed 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 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 Clean Air Act; 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).
- In addition, this rule 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 the 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, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Incorporation by reference.

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

Dated: July 26, 2016.

**Shaun L. McGrath,**

*Regional Administrator, Region 8.*

[FR Doc. 2016–18759 Filed 8–5–16; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 745

[EPA–HQ–OPPT–2016–0126; FRL–9950–27–OA]

### Section 610 Review of the 2008 Lead; Renovation, Repair, and Painting Program (RRP); Extension of Comment Period

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

**ACTION:** Extension of public comment period.

**SUMMARY:** On June 9, 2016 the Environmental Protection Agency (EPA) published a request for comments on a Regulatory Flexibility Act section 610 review titled, Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(C)(3) (Section 610 Review). As initially published in the **Federal Register**, written comments were to be submitted to the EPA on or before August 8, 2016 (a 60-day public comment period). Since publication, the EPA has received a request for additional time to submit comments. Therefore, the EPA is extending the public comment period for 30 days until September 7, 2016.

**DATES:** The public comment period for the review published June 9, 2016 (81 FR 37373) is being extended for 30 days to September 7, 2016 in order to provide the public additional time to submit comments and supporting information.

**ADDRESSES:** *Comments:* Submit your comments, identified by Docket ID No.

EPA-HQ-OPPT-2016-0126, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *Email*: [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov), Attention Docket ID No. EPA-HQ-OPPT-2016-0126.

- *Fax*: (202) 566-9744.

- *U.S. Mail*: Environmental Protection Agency, EPA Docket Center, Mailcode: 28221T, Attention Docket ID No. EPA-HQ-OPPT-2016-0126, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

- *Hand Delivery*: EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC, Attention Docket ID No. EPA-HQ-OPPT-2016-0126. Such deliveries are accepted only during the Docket Center's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions*: Direct your comments to Docket ID No. EPA-HQ-OPPT-2016-0126. The EPA's policy is that all comments received will be included in the public docket without change and could be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means that the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through

[www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment because of technical difficulties and cannot contact you for clarification, the EPA might not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on

submitting comments, go to the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket*: All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

**FOR FURTHER INFORMATION CONTACT**: For additional information contact,

Jonathan Shafer, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Phone: 202 564-0789, Email: [shafer.jonathan@epa.gov](mailto:shafer.jonathan@epa.gov).

Michelle Price, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Phone: 202 566-0744, Email: [price.michelle@epa.gov](mailto:price.michelle@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

Section 610 of the Regulatory Flexibility Act requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). The EPA undertakes section 610 reviews to decide whether the agency should continue a rule unchanged, amend it, or withdraw it. We encourage small entities to provide comments on the need to change these rules, and in particular, how the rules could be made clearer, more effective, or if there is need to remove conflicting or overlapping requirements with other Federal or State regulations.

The EPA has exercised its discretion to include changes made to the 2008 RRP rule as well as solicit comments on lead-test kits in this review.

## **II. Extension of Comment Period for the Section 610 Review of the 2008 RRP Rule**

The EPA is extending the deadline for submitting comments on the section 610 review of the RRP Rule to September 7, 2016. The original deadline for comments, based on a 60-day comment period, was August 8, 2016. The EPA's decision responds to a request to extend the comment deadline. The EPA believes that this 30-day extension will assist in providing an adequate amount of additional time for the public to review the action and to provide written comments.

Dated: July 27, 2016.

**William Nickerson,**

*Acting Director, Office of Regulatory Policy and Management.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

**RIN 0648-BF42**

#### **Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska Management Area; Amendment 101**

**AGENCY**: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION**: Notice of availability of amendment to fishery management plan; request for comments.

**SUMMARY**: The North Pacific Fishery Management Council has submitted Amendment 101 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) to the Secretary of Commerce for review. Amendment 101 to the FMP would authorize the use of longline pot gear in the sablefish individual fishing quota (IFQ) fishery in the Gulf of Alaska (GOA). Amendment 101 is necessary to improve efficiency and provide economic benefits for the sablefish IFQ fleet and minimize potential fishery interactions with whales and seabirds. Amendment 101 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable laws.

**DATES**: Submit comments on or before October 7, 2016.

**ADDRESSES**: You may submit comments on this document, identified by NOAA-