§ 14.631 [Amended]

4. In § 14.631(d) remove the words “Regional Counsel of jurisdiction” and add, in their place, the words “appropriate District Chief Counsel”.

§ 14.633 [Amended]

5. Amend § 14.633 by:
   a. In paragraph (e), removing all references to “Assistant General” and adding, in each place, the word “Chief”.
   b. In paragraph (e) introductory text, removing the words “of jurisdiction” and adding in their place, the words “with subject-matter jurisdiction”.
   c. In paragraph (f), removing all references to “Assistant General” and adding, in each place, the word “Chief”.
   d. In paragraph (f), removing the words “or his or her designee” and adding, in their place, the words “with subject-matter jurisdiction”.

6. Amend § 14.636 by:
   a. In paragraph (i)(2), removing the words “Assistant General Counsel” and adding, in their place, the words “Deputy Chief Counsel with subject-matter jurisdiction”.
   b. Revising paragraph (i)(3) to read as follows:

§ 14.636 Payment of fees for representation by agents and attorneys in proceedings before Agencies of Original Jurisdiction and before the Board of Veterans’ Appeals.

(i) * * *

(3) The Office of the General Counsel shall close the record in proceedings to review fee agreements 15 days after the date on which the agent or attorney served a response on the claimant or appellant, or 30 days after the claimant, appellant, or the Office of the General Counsel served the motion on the agent or attorney if there is no response. The Deputy Chief Counsel with subject-matter jurisdiction may, for a reasonable period upon a showing of sufficient cause, extend the time for an agent or attorney to serve an answer or for a claimant or appellant to serve a reply. The Deputy Chief Counsel shall forward the record and a recommendation to the General Counsel or his or her designee for a final decision. Unless either party files a Notice of Disagreement with the Office of the General Counsel, the attorney or agent must refund any excess payment to the claimant or appellant not later than the expiration of the time within which the Office of the General Counsel’s decision may be appealed to the Board of Veterans’ Appeals.

* * * * *

7. Amend § 14.637 by:
   a. In paragraph (d)(2) removing the words “Assistant General Counsel” and adding, in their place, the words “Deputy Chief Counsel with subject-matter jurisdiction”.
   b. Revising paragraph (d)(3) to read as follows:

§ 14.637 Payment of the expenses of agents and attorneys in proceedings before Agencies of Original Jurisdiction and before the Board of Veterans’ Appeals.

* * * * *

(d) * * *

(3) The Office of the General Counsel shall close the record in proceedings to review expenses 15 days after the date on which the agent or attorney served a response on the claimant or appellant, or 30 days after the claimant, appellant, or the Office of the General Counsel served the motion on the agent or attorney if there is no response. The Deputy Chief Counsel with subject-matter jurisdiction may, for a reasonable period upon a showing of sufficient cause, extend the time for an agent or attorney to serve an answer or for a claimant or appellant to serve a reply. The Deputy Chief Counsel shall forward the record and a recommendation to the General Counsel or his or her designee for a final decision. Unless either party files a Notice of Disagreement with the Office of the General Counsel, the attorney or agent must refund any excess payment to the claimant or appellant not later than the expiration of the time within which the Office of the General Counsel’s decision may be appealed to the Board of Veterans’ Appeals.

* * * * *

ENVELOPMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR Doc. 2017–11977 Filed 6–8–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR Doc. 2017–11977 Filed 6–8–17; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR Doc. 2017–11977 Filed 6–8–17; 8:45 am]

BILLING CODE 8320–01–P
reflect the extension of this program by the Texas Legislature. The September 15, 2016 submittal amended the Drayage Truck Incentive Program regulations that were submitted on June 11, 2014.

II. The EPA’s Evaluation

We have prepared a Technical Support Document (TSD) for this rulemaking which details our evaluation. Our TSD may be accessed online at http://www.regulations.gov, Docket No. EPA–R06–OAR–2014–0497. Because the SIP revisions pertain to economic incentive programs to reduce air pollution emissions from mobile sources we evaluated them using (1) CAA section 182(g) (Economic Incentive Program) (2) our policy guidance on economic incentive programs found in 40 CFR part 51, subpart U (Economic Incentive Programs) and (3) our guidance document “Improving Air Quality with Economic Incentive Programs” (EPA–452/R–01–001, January 2001, www.epa.gov/sites/production/files/2015–07/documents/ eipfin.pdf). An economic incentive program achieves an air quality objective by providing market-based incentives or information to emission sources. Three fundamental principles apply to all approvable economic incentive programs: Integrity, equity, and environmental benefit. Our analysis concluded that the SIP revisions to the Texas mobile source incentive programs meet these principles and are approvable. The Mobile Source Economic Incentive Programs are consistent with the CAA as they will reduce air pollution and emissions of NOX, which is a precursor to ozone and particulate matter. The emission reductions from replacing vehicles or replacing, repowering or retrofitting engines can be quantified, and provide an environmental benefit by reducing air pollution emissions by encouraging the use of newer diesel technologies in the Texas nonattainment areas. If Texas includes emission reductions from these programs in future attainment or reasonable further progress SIPs, EPA will evaluate the amount of reductions it achieves at that time. We are approving the Texas SIP submittals as part of the Texas SIP. A short discussion of the programs is discussed below. For more information, please see the TSD.

A. Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles

The revisions to this program revise 30 TAC Sections 114.622 and 114.629. The revision (1) removed the maximum cost-effectiveness limit of $15,000 per ton of emissions of nitrogen oxides (NOX) reduced for a project, (2) allow TCEQ to set cost-effectiveness limits for projects and (3) add Wise County to the list of counties eligible for the program. Removing the maximum cost-effectiveness limit and allowing TCEQ to set the limits allows for selection of eligible projects to improve air quality, even if the cost-effectiveness increases above $15,000 per ton of NOX. Including Wise County in the program ensures that all the Dallas-Fort Worth ozone nonattainment counties are in the program.

B. Texas Clean School Bus Program

The revisions to this program revise 30 TAC Sections 114.640, 114.642, 114.644, 114.646 and 114.648 by repealing and replacing existing provisions and revising 30 TAC Section 114.648 to clarify that the Texas Legislature had extended the program until August 31, 2019. Previously 30 TAC 114.648 stated that the program expired on August 31, 2013, unless the program is extended or reauthorized by the Texas Legislature. Other than the clarification of the current program expiration date, the revisions did not change the EPA approved SIP provisions for this program.

C. Texas Clean Fleet Program

The revisions to this program revise 30 TAC Sections 114.650, 114.653 and 114.656. The revisions allow certain projects related to agricultural product transportation (i.e., projects for trucks that move goods from a farm), to be eligible for the program to replace older heavy-duty on-road vehicles. The revisions also include a new maximum grant amount for replacement of a heavy-duty on-road vehicle or a light-duty on-road vehicle with a grant of up to 80% of the replacement vehicle.

D. Drayage Truck Incentive Program

Drayage refers to the transport of goods over a short distance. This program provides financial incentives to encourage owners to replace drayage trucks with pre-2007 model engines with drayage trucks with 2010 or later model year engines. The intent is to reduce emissions from heavy-duty on-road and non-road vehicles used for drayage activities through a seaport or rail yard.

III. Final Action

We are approving revisions to the Texas SIP that pertain to regulations to control air pollution from motor
vehicles with mobile source incentive programs. The revisions were submitted on June 11, 2014. December 23, 2014 and September 15, 2016. The revisions revise regulations for (1) the Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles (30 TAC Sections 114.622 and 114.629), (2) the Texas Clean School Bus Program (30 TAC Sections 114.640, 114.642, 114.644, 114.646 and 114.648), and (3) the Texas Clean Fleet Program (30 TAC Sections 114.650, 114.653 and 114.656). The revisions also add regulations for Drayage Truck Incentive Program (30 TAC Sections 114.680, 114.681 and 114.682), and the amendments to 30 TAC Sections 114.680 and 114.682.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this Federal Register publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on September 7, 2017 without further notice unless we receive relevant adverse comment by July 10, 2017. If we receive relevant adverse comments, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the revisions to the Texas regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the EPA Region 6 office.

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 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 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:

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

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

Subpart SS—Texas

2. In §52.2270(c), the table titled “EPA Approved Regulations in the Texas SIP” is amended by:

a. Revising the centered heading for Chapter 114, Subchapter K, Division 3
and the entries for sections 114.622, 114.629, 114.640, 114.642, 114.644, 114.646, 114.648, 114.650, 114.653, and 114.656; and

b. Adding, after the entry for section 114.658, the centered heading for “Division 8: Drayage Truck Incentive Program” followed by entries for sections 114.680, 114.681, and 114.682.

The revisions and additions read as follows:

EPA APPROVED REGULATIONS IN THE TEXAS SIP

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval/submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tr>
<td>*</td>
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</table>

Chapter 114 (Reg 4)—Control of Air Pollution from Motor Vehicles

| *              | *            | *                             | *                 | *           |

Subchapter K—Mobile Source Incentive Programs

Division 3: Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles

<table>
<thead>
<tr>
<th>Section 114.622</th>
<th>Incentive Program Requirements</th>
<th>4/9/2014</th>
<th>6/9/2017, [Insert Federal Register citation]</th>
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<tr>
<td>Section 114.629</td>
<td>Affected Counties and Implementa-</td>
<td>4/9/2014</td>
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Division 4: Texas Clean School Bus Program

<table>
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<tr>
<th>Section 114.640</th>
<th>Definitions</th>
<th>3/26/2014</th>
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<tr>
<td>Section 114.642</td>
<td>Applicability</td>
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<td>Section 114.644</td>
<td>Clean School Bus Program Require-</td>
<td>3/26/2014</td>
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<td>Section 114.646</td>
<td>Monitoring, Recordkeeping, and Re-</td>
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Division 5: Texas Clean Fleet Program

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<th>Section 114.650</th>
<th>Definitions</th>
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<td>Grant Eligibility</td>
<td>4/9/2014</td>
<td>6/9/2017, [Insert Federal Register citation]</td>
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<td>Section 114.656</td>
<td>Eligible Grant Amounts</td>
<td>4/9/2014</td>
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Division 8: Drayage Truck Incentive Program

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<tr>
<th>Section 114.680</th>
<th>Definitions</th>
<th>8/3/2016</th>
<th>6/9/2017, [Insert Federal Register citation]</th>
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<td>Section 114.681</td>
<td>Applicability</td>
<td>4/9/2014</td>
<td>6/9/2017, [Insert Federal Register citation]</td>
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<td>Section 114.682</td>
<td>Eligible Vehicle Models</td>
<td>8/3/2016</td>
<td>6/9/2017, [Insert Federal Register citation]</td>
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[FR Doc. 2017–11900 Filed 6–8–17; 8:45 am]
BILLING CODE 6560–50–P