Annual PM infrastructure elements for the 2012 Kentucky’s SIP satisfy certain CAA requirements. EPA is taking final action to approve portions of its SIP and the minor source program requirement of section 110(a)(2)(D)(i)(I) and (II), which meets certain CAA requirements. EPA will consider these requirements in relation to Kentucky’s 2012 Annual PM_{2.5} NAAQS infrastructure submission in a separate rulemaking. The details of Kentucky’s submission and the rationale for EPA’s actions for this final rule are explained in the May 10, 2017, proposed rulemaking. Comments on the proposed rulemaking were due on or before June 9, 2017. EPA did not receive any comments, adverse or otherwise.

II. Final Action

With the exception of the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4) and the minor source program requirement of section 110(a)(2)(C), EPA is taking final action to approve Kentucky’s infrastructure submission for the 2012 Annual PM_{2.5} NAAQS. EPA notes that the Agency is not approving any specific rule, but rather approving that Kentucky’s already approved SIP meets certain CAA requirements. EPA is taking final action to approve portions of Kentucky’s infrastructure SIP submission for the 2012 Annual PM_{2.5} NAAQS because it is consistent with section 110 of the CAA.

III. 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. See 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 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.); and
• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).
in the Unfunded Mandates Reform Act of 1995 (Public Law 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, the SIP is not approved to apply on any Indian reservation land or in any other area where 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), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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. 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 section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 10, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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 rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52
Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

V. Anne Heard,
Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

2. Section 52.920(e) is amended by adding a new entry for “110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual Fine PM_{2.5} NAAQS” at the end of the table to read as follows:

§ 52.920 Identification of plan.

* * * * *

(e) * * * * 

With the exception of section 110(a)(2)(D)(ii) and (II) (prongs 1, 2 and 4) and the minor source program requirement of section 110(a)(2)(C).

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 2012 Annual Fine PM_{2.5} NAAQS.</td>
<td>Kentucky .....................................</td>
<td>2/8/2016 [Insert citation of publication].</td>
<td>8/8/2017, [Insert citation of publication].</td>
<td>With the exception of section 110(a)(2)(D)(ii) and (II) (prongs 1, 2 and 4) and the minor source program requirement of section 110(a)(2)(C).</td>
</tr>
</tbody>
</table>

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving one aspect (the remaining portion) of a State Implementation Plan (SIP) revision submitted on May 30, 2013 by the State of Connecticut. This revision addresses the interstate transport requirements of the Clean Air Act (CAA), referred to as the good neighbor provision, with respect to the 2010 sulfur dioxide (SO_{2}) national ambient air quality standard (NAAQS). This action approves Connecticut’s demonstration that the State is meeting its obligations regarding the transport of SO_{2} emissions into other states. This action is being taken under the Clean Air Act.

DATES: This rule is effective on September 7, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2015–0198. All documents in the docket are listed on the https://www.regulations.gov Web site. Although listed in the index, some information is not publicly available, i.e., 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.