

**ACTION:** Proposed rule; extension of comment period; notice of public hearing.

**SUMMARY:** On April 30, 2018, the Environmental Protection Agency (EPA) proposed a rule titled, “Strengthening Transparency in Regulatory Science.” The EPA is extending the comment period on the proposed rule, which was scheduled to close on May 30, 2018, until August 16, 2018. The EPA is also announcing a public hearing to be held for the proposed rule. The hearing will be held on July 17, 2018 in Washington, DC. The EPA is making these changes in response to public requests for an extension of the comment period and for a public hearing.

**DATES:** The public comment period for the proposed rule published in the **Federal Register** on April 30, 2018 (83 FR 18768), is being extended. Written comments must be received on or before August 16, 2018. The public hearing will be held on July 17, 2018.

**ADDRESSES:** The EPA has established a docket for the proposed rulemaking (available at <http://www.regulations.gov>). The Docket ID No. is EPA-HQ-OA-2018-0259. Submit your comments, identified by the appropriate Docket ID, to the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for instructions. 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.

For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

**Public hearing:** The public hearing will be held at the Environmental Protection Agency, William Jefferson Clinton East Building, Main Floor Room 1153, 1201 Constitution Avenue NW, in Washington, DC 20460. The public hearing will convene at 8:00 a.m. EST and continue until 8:00 p.m. EST or one hour after the last registered speaker has spoken, whichever is earlier. The EPA

will make every effort to accommodate all speakers that arrive and register. Because this hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff to gain access to the meeting room. No large signs will be allowed in the building, cameras may only be used outside of the building, and demonstrations will not be allowed on federal property for security reasons.

If you would like to present oral testimony at the public hearing, please register online at <https://www.epa.gov/osa/strengthening-transparency-regulatory-science> or contact Tom Sinks, Environmental Protection Agency, Office of the Science Advisor, (MC 8105R), 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone (202) 564-0221, [staff\\_osa@epa.gov](mailto:staff_osa@epa.gov), no later than 2 business days prior to the public hearing. The last day to register will be July 15, 2018. If using email, please provide the following information: Time of day you wish to speak (8:00 a.m.–12:00 p.m., 12:00 p.m.–4:00 p.m., 4:00 p.m.–8:00 p.m.), name, affiliation, address, email address, and telephone and fax numbers.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the proposed rule, “Strengthening Transparency in Regulatory Science” should be addressed to Tom Sinks, Office of the Science Advisor, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; (202) 564-0221; email address: [staff\\_osa@epa.gov](mailto:staff_osa@epa.gov).

**SUPPLEMENTARY INFORMATION:** This document extends the public comment period for the proposed rule to ensure that the public has sufficient time to review and comment on the proposal. EPA is proposing this rule under authority of 5 U.S.C. 301, in addition to the authorities listed in the April 30th document.

The public hearing provides the public with an opportunity to present oral comments regarding EPA’s proposed regulation entitled “Strengthening Transparency in Regulatory Science.” This proposed regulation is intended to strengthen the transparency of EPA regulatory science. The proposed regulation provides that, for the science pivotal to its significant regulatory actions, EPA will ensure that the data and models underlying the science is publicly available in a manner sufficient for validation and analysis. EPA is proposing this rule under authority of 5 U.S.C. 301, in

addition to the authorities listed in the April 30th document.

The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. EPA solicits comments on all aspects of the proposal and specifically on the issues identified in Section III of the April 30th document. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing.

Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide EPA with a copy of their oral testimony electronically via email or in hard copy form.

The hearing schedules, including lists of speakers, will be posted on EPA’s website <https://www.epa.gov/osa/strengthening-transparency-regulatory-science>. Verbatim transcripts of the hearings and written statements will be included in the docket for the rulemaking. EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

Dated: May 21, 2018.

**Tom Sinks,**

*Director, Office of the Science Advisor.*

[FR Doc. 2018-11316 Filed 5-24-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2018-0008; FRL-9978-63-Region 5]

### Air Plan Approval; Wisconsin; Particulate Matter Standard

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a January 4, 2018, request by the Wisconsin Department of Natural Resources (Wisconsin) to revise its state implementation plan (SIP) for fine particulate matter (PM<sub>2.5</sub>). Wisconsin updated its ambient air quality standards for PM<sub>2.5</sub> to be consistent with EPA’s 2012 revisions to the PM<sub>2.5</sub>

national ambient air quality standards (NAAQS). Wisconsin also revised its incorporation by reference rule to update references to the EPA monitoring methods.

**DATES:** Comments must be received on or before June 25, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2018-0008 at <http://www.regulations.gov>, or via email to [blakley.pamela@epa.gov](mailto:blakley.pamela@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, 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:** Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Background
- II. What is EPA’s Analysis?
- III. What Action is EPA Taking?
- IV. Incorporation by Reference.
- V. Statutory and Executive Order Reviews.

**I. Background**

On January 15, 2013, EPA revised the primary (protective of human health) annual PM<sub>2.5</sub> NAAQS to a level of 12.0 micrograms per cubic meter (µg/m<sup>3</sup>). EPA also retained the annual PM<sub>2.5</sub> secondary (protective of public welfare)

NAAQS set at a level of 15.0 µg/m<sup>3</sup>, along with the 24-hour primary and secondary NAAQS for PM<sub>2.5</sub> at a level of 35 µg/m<sup>3</sup>. 40 CFR 50.13 and 40 CFR 50.18.

Wisconsin revised its ambient air quality rules in chapter NR 404 such that its PM<sub>2.5</sub> standards are consistent with EPA’s revision. Wisconsin modified NR 404.04(9) by splitting the PM<sub>2.5</sub> standards into separate sections for the primary and secondary standards. Wisconsin added NR 404.04(9)(am) for the primary PM<sub>2.5</sub> standard and NR 404.04(9)(bm) for the secondary PM<sub>2.5</sub> standard. In NR 404.04(9)(am), the primary annual PM<sub>2.5</sub> standard was revised from 15.0 to 12.0 µg/m<sup>3</sup> with the 24-hour primary PM<sub>2.5</sub> standard remaining at 35 µg/m<sup>3</sup>. Wisconsin retained the current secondary standard, 15.0 µg/m<sup>3</sup> annual and 35 µg/m<sup>3</sup> 24-hour, in the new NR 404.04(9)(bm).

Wisconsin also included monitoring method requirements in both NR 404.04(9)(am) and (bm). The ambient PM<sub>2.5</sub> is to be measured by the methods of 40 CFR part 50, appendices L and N, for both standards. 40 CFR part 50, appendix L, is the Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere, while, 40 CFR part 50, appendix N, is the Interpretation of the National Ambient Air Quality Standards for PM<sub>2.5</sub>.

Wisconsin also revised its incorporation by reference rules in chapter NR 484. Wisconsin altered NR 484.04(6g) and NR 484.04(6r). The state amended NR 484.04(6g) by incorporating by reference 40 CFR part 50, appendix L, Reference Method for the Determination of Particulate Matter as PM<sub>2.5</sub> in the Atmosphere, into NR 404.04(9). The state amended NR 484.04(6r) by incorporating by reference 40 CFR part 50, appendix N, Interpretation of the National Ambient Air Quality Standards for PM<sub>2.5</sub>, into NR 404.04(9).

Wisconsin held a public comment period for these revisions from July 14, 2016, to August 31, 2016, and a public hearing on August 25, 2016. No comments were received.

**II. What is EPA’s Analysis?**

Wisconsin’s revisions to NR 404.04(9) make its ambient air quality standard consistent with the 2012 PM<sub>2.5</sub> NAAQS. Wisconsin revised the primary PM<sub>2.5</sub> annual standard following EPA’s revisions, while retaining the current secondary annual and 24-hour PM<sub>2.5</sub> primary and secondary standards. Wisconsin changed its rule to separate the primary and secondary PM<sub>2.5</sub>

standards into separate sections. Separating the primary and secondary standards allows one to easily determine what the primary PM<sub>2.5</sub> standards are and what methods are used to determine if those standards are met. This is also true for the secondary PM<sub>2.5</sub> standards.

Wisconsin’s revisions to NR 484.04(6g) and NR 484.04(6r) are acceptable. The EPA monitoring methods referenced are consistent with the requirements of the 2012 PM<sub>2.5</sub> NAAQS. The incorporation by reference revisions keep the references current.

**III. What Action is EPA Taking?**

EPA is proposing to approve revisions to NR 404.04(9), NR 484.04(6g), and NR 484.04(6r), as submitted on January 4, 2018. The revisions to the ambient air quality standards and the incorporation by reference rules make Wisconsin’s standards consistent with 2012 PM<sub>2.5</sub> NAAQS.

**IV. Incorporation by Reference**

In this rule, 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 NR 404.04(9), NR 484.04(6g), and NR 484.04(6r), effective January 1, 2018. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** 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 Clean Air Act 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 Clean Air Act. 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory

action because SIP approvals are exempted under Executive Order 12866;

- 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 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 16, 2018.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

[FR Doc. 2018–11315 Filed 5–24–18; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2017–0701; FRL–9978–65–Region 5]

#### Air Plan Approval; Wisconsin; Modification of Greenhouse Gases Language

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the Wisconsin State Implementation Plan (SIP) submitted by the Wisconsin Department of Natural Resources (WDNR) to EPA on November 28, 2017. In this revision, WDNR makes modifications to the language associated with how greenhouse gases are evaluated in the Prevention of Significant Deterioration (PSD) program. These revisions were made to reflect changes required by the United States Supreme Court in its June 23, 2014 decision, *Utility Air Regulatory Group (UARG) v. EPA*, 134 S. Ct. 2427.

**DATES:** Comments must be received on or before June 25, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2017–0701 at <http://www.regulations.gov>, or via email to [damico.genevieve@epa.gov](mailto:damico.genevieve@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, 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:

Radhica Kanniganti, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–8097, [kanniganti.radhica@epa.gov](mailto:kanniganti.radhica@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Review of State Submittals
- II. What action is EPA taking?
- III. Incorporation by Reference
- IV. Statutory and Executive Order Reviews

#### I. Review of State Submittals

This proposed rulemaking addresses the November 28, 2017, WDNR submittal for SIP revision, revising the rules in the Wisconsin SIP to reflect the changes required by *UARG v. EPA*, 134 S. Ct. 2427, on how greenhouse gases are evaluated in the PSD program. The Clean Air Act’s (CAA) PSD provisions make it unlawful to construct or modify a “major emitting facility”, in any area to which the PSD program applies, without a permit, 42 U.S.C. 7475(a). A “major emitting facility” is a stationary source with the potential to emit 250 tons per year of “any air pollutant” (or 100 tons per year for certain types of sources). 42 U.S.C. 7479(1).

In *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court held that greenhouse gases, including carbon dioxide, fit within the definition of air pollutant in the CAA. In 2010 and 2011, EPA promulgated a series of greenhouse gas emission standards for new motor vehicles, and made stationary sources subject to the PSD and title V permit programs based on their potential to emit greenhouse gases. Recognizing, however, that requiring all sources with greenhouse gas emissions above the statutory thresholds would expand these permit programs and make them unadministrable, EPA “tailored” the programs by adopting a “phase-in” approach. The Tailoring Rule (75 FR 31514), published on June 3, 2010, phased in permitting requirements for greenhouse gas emissions. Step 1 of this rule applied to sources that were subject to the PSD and title V programs before greenhouse gases were regulated under the CAA. In Step 1, from January 2 through June 30, 2011, no source would become newly subject to the PSD or title V program solely based on its greenhouse gas emissions; however, sources that were subject to PSD review anyway due to their non-greenhouse gas regulated pollutants would need to