Subpart ZZ—Wyoming

§ 52.2620 Identification of plan.

* * * * *

(e) * * *

6. Section 52.2620, paragraph (e), is amended by adding table entry (30) to read as follows:

<table>
<thead>
<tr>
<th>Rule No.</th>
<th>Rule title</th>
<th>State effective date</th>
<th>EPA Effective date</th>
<th>Final rule citation, date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(30) XXX...</td>
<td>Interstate transport SIP for Section 110(a)(2)(D)(i)(I) prongs 1 and 2 for the 2012 PM$_{2.5}$ NAAQS</td>
<td>6/24/2016</td>
<td>8/6/2018</td>
<td>[Insert Federal Register citation], 7/5/2018</td>
<td></td>
</tr>
</tbody>
</table>

II. Final Action

We are approving the portions of the December 19, 2016 Oklahoma SIP revision pertaining to emissions that significantly contribute to nonattainment or interfere with maintenance of the 2012 PM$_{2.5}$ NAAQS in other states. We find that emissions from Oklahoma sources do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with regard to the 2012 PM$_{2.5}$ NAAQS.

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. 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:

- 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 an economically 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 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).

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 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. 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 3, 2018. 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. Particulate matter.

Dated: June 28, 2018.

Anne Idsal,
Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

§ 52.1920 Identification of plan.

(i) * * *

Subpart LL—Oklahoma

(ii) 2. In § 52.1920(e) the table titled “EPA-Approved Oklahoma Nonregulatory Provisions and Quasi-Regulatory Measures in the Oklahoma SIP” is amended by adding an entry at the end for “Interstate transport for the 2012 PM\(2.5\) NAAQS (contribute to nonattainment or interfere with maintenance)” to read as follows:

§ 52.1920 Identification of plan.

(ii) 2. * * * * *

(e) * * *

Interstate transport for the 2012 PM\(2.5\) NAAQS (contribute to nonattainment or interfere with maintenance).