

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

Interest” and entries “R307–104–01”, “R307–104–02”, and “R307–104–03” to read as follow:

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

**Subpart TT—Utah**

■ 2. Amend § 52.2320, paragraph (c) table, by adding in numerical order, center heading “R307–104. Conflict of

**§ 52.2320 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

Rule No.	Rule title	State effective date	Final rule citation, date	Comments
<b>R307–104. Conflict of Interest</b>				
R307–104–01	Authority	6/01/2016	[Insert <b>Federal Register</b> citation], 8/02/2016.	
R307–104–02	Purpose	6/01/2016	[Insert <b>Federal Register</b> citation], 8/02/2016.	
R307–104–03	Disclosure of conflict of interest.	6/01/2016	[Insert <b>Federal Register</b> citation], 8/02/2016.	

\* \* \* \* \*  
■ 3. Amend § 52.2355 by adding paragraph (c) to read as follows:

**§ 52.2355 Section 110(a)(2) infrastructure requirements.**

\* \* \* \* \*

(c) Gary R. Herbert, Governor, State of Utah, provided submissions to meet the infrastructure requirements for the State of Utah for the 1997 PM<sub>2.5</sub> NAAQS on December 3, 2007; 2006 PM<sub>2.5</sub> NAAQS on September 21, 2010; 2008 Pb NAAQS on January 19, 2012; 2008 ozone NAAQS on January 31, 2013; 2010 NO<sub>2</sub> NAAQS on January 31, 2013; 2010 SO<sub>2</sub> NAAQS on June 2, 2013; and 2012 PM<sub>2.5</sub> on December 4, 2015. The State’s Infrastructure SIP is approved with respect to the 1997 and 2006 PM<sub>2.5</sub> NAAQS with respect to CAA Section 110(a)(1) and element (D)(ii) of Section 110(a)(2). The State’s Infrastructure SIP is approved with respect to the 2008 ozone NAAQS with respect to CAA Section 110(a)(1) and the following elements of Section 110(a)(2): (A), (B), (C), (D)(i)(II) prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). The State’s Infrastructure SIP is approved with respect to the 2008 Pb, 2010 SO<sub>2</sub>, 2010 NO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS with respect to CAA Section 110(a)(1) and the following elements of Section 110(a)(2): (A), (C), (D)(i)(II) prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2016–18154 Filed 8–1–16; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R04–OAR–2015–0361; FRL–9950–01–Region 4]

**Air Plan Approval; Florida; Regional Haze Progress Report**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) on March 10, 2015. Florida’s March 10, 2015, SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and EPA’s rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of a state’s existing SIP addressing regional haze (regional haze plan). EPA is approving Florida’s Progress Report on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

**DATES:** This rule will be effective September 1, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0361. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index,

some information may not be publicly available, *i.e.*, Confidential Business Information 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 form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached by phone at (404) 562–9043 and via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under the Regional Haze Rule,<sup>1</sup> each state is required to submit a progress

<sup>1</sup> Located in 40 CFR part 51, subpart P.

report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area (also referred to as Class I area in this rulemaking) within the state and for each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. See 40 CFR 51.308(g). Each state is also required to submit, at the same time as the progress report, a determination of the adequacy of the state's existing regional haze plan. See 40 CFR 51.308(h). The first progress report is due five years after submittal of the initial regional haze plan. On March 19, 2010, FDEP submitted the State's first regional haze plan in accordance with 40 CFR 51.308(b).<sup>2</sup>

On March 10, 2015, FDEP submitted its regional haze progress report, reporting progress made in the first implementation period towards the RPGs for Class I Federal areas in the State and for Class I Federal areas outside the State that are affected by emissions from sources within Florida. This submittal also includes a negative declaration pursuant to 40 CFR 51.308(h)(1) that the State's regional haze plan requires no substantive revision to achieve the established regional haze visibility improvement goals for 2018. In a notice of proposed rulemaking (NPRM) published on May 24, 2016 (81 FR 32702), EPA proposed to approve Florida's Progress Report on the basis that it satisfies the requirements of 40 CFR 51.308(g) and (h). No comments were received on the May 24, 2016, proposed rulemaking. The details of Florida's submittal and the rationale for EPA's actions are further explained in the NPRM. See 81 FR 32702 (May 24, 2016).

## II. Final Action

EPA is approving Florida's Regional Haze Progress Report SIP revision, submitted by the State on March 10, 2015, as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and (h).

## 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.*);

- 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 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).

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 3, 2016. 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, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: July 20, 2016.

**Heather McTeer Toney**,  
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 K—Florida

■ 2. Section 52.520(e), is amended by adding the entry "March 2015 Regional Haze Progress Report" at the end of the table to read as follows:

#### § 52.520 Identification of plan.

*	*	*	*	*
(e) * * *				

<sup>2</sup> On August 29, 2013, EPA fully approved Florida's regional haze plan (as amended on August

31, 2010, and September 17, 2012). See 78 FR 53250.

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register notice	Explanation
March 2015 Regional Haze Progress Report ..	3/10/2015 ...	8/2/2016	[Insert citation of publication] .....	

[FR Doc. 2016-18155 Filed 8-1-16; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 97**

[FRL-9949-93-OAR]

**Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2016 Compliance Year**

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

**ACTION:** Final rule; notice of data availability (NODA).

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs) and is responding to objections to preliminary calculations. EPA has completed final calculations for the first round of NUSA allowance allocations for the 2016 compliance year and has posted spreadsheets containing the calculations on EPA's Web site. The final allocations are unchanged from the preliminary calculations. EPA will record the allocated allowances in sources' Allowance Management System (AMS) accounts by August 1, 2016.

**DATES:** August 2, 2016.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this action should be addressed to Robert Miller at (202) 343-9077 or [miller.robert1@epa.gov](mailto:miller.robert1@epa.gov) or to Kenon Smith at (202) 343-9164 or [smith.kenon@epa.gov](mailto:smith.kenon@epa.gov).

**SUPPLEMENTARY INFORMATION:** Under the CSAPR FIPs, a portion of each state budget for each of the four CSAPR emissions trading programs is reserved as a NUSA from which allowances are allocated to eligible units through an annual one- or two-round process. In a NODA published in the **Federal Register** on May 27, 2016 (81 FR 33636), EPA described the allocation process and provided notice of preliminary

calculations for the first-round 2016 NUSA allowance allocations. EPA also described the process for submitting any objections to the preliminary calculations.

In response to the May 27 NODA, EPA received one written objection addressing CSAPR NO<sub>x</sub> annual and NO<sub>x</sub> ozone season allowance recordations for 2016 to Missouri's existing CSAPR units, and the number of allowances shown as available for allocation to Missouri's new units in 2016 in the May 27 NODA under those programs. Due to an allowance recordation error, two facilities in Missouri with existing units did not receive the CSAPR NO<sub>x</sub> annual and ozone season existing unit allowance allocations specified in Missouri's approved 2016 CSAPR State Implementation Plan (SIP). This error in turn impacted the number of NUSA allowances shown in the May 27 NODA as available for allocation to Missouri's new units for 2016 under those programs. EPA corrected the recordation error to the existing units by recording a total of four additional CSAPR NO<sub>x</sub> Annual allowances and two additional CSAPR NO<sub>x</sub> Ozone Season allowances to two facilities in Missouri, consistent with the allocations for those facilities specified by Missouri in their 2016 CSAPR SIP. EPA in turn adjusted downward the number of allowances available for allocation in Missouri's 2016 CSAPR NO<sub>x</sub> Annual and CSAPR NO<sub>x</sub> Ozone Season NUSA's by four and two allowances, respectively. Since the downward correction to the number of allowances available in Missouri's 2016 NUSAs was relatively small, the number of allowances allocated to new units in Missouri in the first round was not affected.

The final unit-by-unit data and allowance allocation calculations are set forth in Excel spreadsheets titled "CSAPR\_NUSA\_2016\_NOx\_Annual\_1st\_Round\_Final\_Data", "CSAPR\_NUSA\_2016\_NOx\_OS\_1st\_Round\_Final\_Data", and "CSAPR\_NUSA\_2016\_SO2\_1st\_Round\_Final\_Data", available on EPA's Web site at <http://www.epa.gov/crossstaterule/actions.html>. The three spreadsheets show EPA's final determinations of first-round 2016

NUSA allocations under the CSAPR NO<sub>x</sub> annual, NO<sub>x</sub> ozone season, and SO<sub>2</sub> (Group 1 and Group 2) trading programs, respectively.

Pursuant to CSAPR's allowance recordation timing requirements, the allocated NUSA allowances will be recorded in sources' AMS accounts by August 1, 2016. EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that NUSA allocations are subject to potential correction if a unit to which NUSA allowances have been allocated for a given compliance year is not actually an affected unit as of January 1 (or May 1 in the case of the NO<sub>x</sub> ozone season program) of the compliance year.<sup>1</sup>

(Authority: 40 CFR 97.411(b), 97.511(b), 97.611(b), and 97.711(b).)

Dated: July 18, 2016.

**Reid P. Harvey,**

*Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.*

[FR Doc. 2016-18152 Filed 8-1-16; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

**EPA-HQ-OPP-2012-0843; FRL-9947-78J**

**Cloquintocet-mexyl; Pesticide Tolerances**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of cloquintocet-mexyl and its acid metabolite in or on multiple commodities which are identified and discussed later in this document when cloquintocet-mexyl is used as an inert ingredient (herbicide safener) in pesticide formulations containing the new active ingredient halauxifen-methyl (XDE-729 methyl).

<sup>1</sup> See 40 CFR 97.411(c), 97.511(c), 97.611(c), and 97.711(c).