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Stacy L. Ruble,  
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[FR Doc. 2019-03929 Filed 3-4-19; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 49**

[EPA-R08-OAR-2019-0037; FRL-9990-08-Region 8]

**Revision to Approval of Application Submitted by Eastern Shoshone Tribe and Northern Arapaho Tribe for Treatment in a Similar Manner as a State Under the Clean Air Act**

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

**ACTION:** Notification of final action.

**SUMMARY:** This document announces that the EPA Regional Administrator for Region 8 has revised the EPA's December 6, 2013 approval of an application submitted by the Northern Arapaho Tribe and Eastern Shoshone Tribe (Tribes) of the Wind River Indian Reservation for treatment in a similar manner as a state (TAS) pursuant to the Clean Air Act and the EPA's implementing regulations for purposes of certain Clean Air Act provisions. This revision is in accordance with a decision of the United States Court of Appeals for the Tenth Circuit holding that a 1905 Congressional Act diminished the Wind River Indian Reservation.

**DATES:** The EPA's revision to the decision approving the Tribes' TAS application was issued and took effect on February 25, 2019.

**ADDRESSES:** You may review a copy of the EPA's revision to the December 6, 2013 Wind River TAS decision, as well as copies of the original December 6, 2013 TAS Decision Document and associated attachments and supporting information, at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, Colorado 80202-1129. If you wish to review the documents in hard copy, the EPA requests that you contact the individual listed below to view these documents. You may view the hard copies of these documents Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the day of your visit. Additionally, these

documents are available electronically. The EPA has established a docket for this notice under Docket ID No. EPA-R08-OAR-2019-0037. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., 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 form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. These documents are also available electronically at: <http://www2.epa.gov/region8/tribal-assistance-program>.

**FOR FURTHER INFORMATION CONTACT:** Monica Morales, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6936, [monica.morales@epa.gov](mailto:monica.morales@epa.gov).

**SUPPLEMENTARY INFORMATION:** On December 17, 2008, as supplemented on December 23, 2008, the Tribes submitted their TAS application as authorized by Clean Air Act section 301(d) (42 U.S.C. 7601(d)) and EPA regulations at 40 CFR part 49. In their application, the Tribes requested TAS eligibility for purposes of Clean Air Act provisions that generally relate to grant funding (e.g., for air quality planning purposes) (section 105 (42 U.S.C. 7405)); involvement in EPA national ambient air quality redesignations for the Reservation (section 107(d)(3) (42 U.S.C. 7407(d)(3))); receiving notices of, reviewing, and/or commenting on certain nearby permitting and sources (sections 505(a)(2) (42 U.S.C. 7661d(a)(2)) and 126 (42 U.S.C. 7426); receiving risk management plans of certain stationary sources (section 112(r)(7)(B)(iii) (42 U.S.C. 7412(r)(7)(B)(iii))); and participation in certain interstate and regional air quality bodies (sections 169B (42 U.S.C. 7492), 176A (42 U.S.C. 7506a) and 184 (42 U.S.C. 7511c). On December 6, 2013, the EPA Region 8 Regional Administrator approved the Tribes' TAS application for purposes of administering the specified functions with respect to the Wind River Indian Reservation. See 78 FR 76829 (December 19, 2013). As required by EPA regulations, the EPA's TAS decision included a determination of the geographic scope of the Tribes' Reservation. Several parties filed timely

challenges to the geographic scope of the EPA's TAS decision in the United States Court of Appeals for the Tenth Circuit. Those challenges resulted in a final court decision holding that a 1905 Congressional Act (33 Stat. 1016 (1905)) diminished the Wind River Indian Reservation. *Wyoming v. EPA*, 875 F.3d 505 (10th Cir. 2017), *cert. denied*, 138 S. Ct. 2677 (2018). In accordance with that final judicial decision, on February 25, 2019, the EPA Region 8 Regional Administrator revised the geographic scope of the original TAS approval by excluding lands addressed in Article I of the 1905 Act that have not been placed into trust status. This revision rendered the EPA's TAS approval consistent with the Tenth Circuit's decision.

**Judicial Review:** Pursuant to section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)), Petitioners may seek judicial review of this revision to the TAS approval decision in the United States Court of Appeals for the appropriate circuit. Any petition for judicial review shall be filed within 60 days from the date this document appears in the **Federal Register**, i.e., not later than May 6, 2019.

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

Dated: February 27, 2019.

**Douglas Benevento,**  
Regional Administrator, EPA Region 8.

[FR Doc. 2019-03865 Filed 3-4-19; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R04-OAR-2018-0544; FRL-9990-31-Region 4]

**Air Plan Approval; Alabama; 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 Alabama through the Alabama Department of Environmental Management (ADEM) with a letter dated June 26, 2018. Alabama's SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the State's existing SIP addressing regional

haze (regional haze plan). EPA is approving Alabama's determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time.

**DATES:** This rule is effective April 4, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2018-0544. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. 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:** Brad Akers, 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. Akers can be reached via telephone at (404) 562-9089 or electronic mail at [akers.brad@epa.gov](mailto:akers.brad@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

States are required to submit regional haze progress reports that evaluate progress towards the RPGs for each mandatory Class I Federal area<sup>1</sup> (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the

state. See 40 CFR 51.308(g). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as a 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The first progress report is due five years after submittal of the initial regional haze plan and must be submitted as a SIP revision. On June 26, 2018, ADEM submitted its Progress Report which, among other things, detailed the progress made in the first period toward implementation of the long term strategy outlined in the State's regional haze plan; the visibility improvement measured at the Sipsey Wilderness Area (the only Class I area within Alabama); and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on December 18, 2018 (83 FR 64797), EPA proposed to approve Alabama's Progress Report. The details of Alabama's submission and the rationale for EPA's action is explained in the NPRM. Comments on the proposed rulemaking were due on or before January 8, 2019. EPA received no adverse comments on the proposed action. EPA received two supportive comments which are included in the docket for this final rule.

**II. Final Action**

EPA is finalizing approval of Alabama's June 26, 2018, Progress Report 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. 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 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).

<sup>1</sup> Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

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 May 6, 2019. 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 dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 20, 2019.

Mary S. Walker,

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 B—Alabama

■ 2. Section 52.50(e), is amended by adding an entry for “June 2018 Regional Haze Progress Report” at the end of the table to read as follows:

#### § 52.50 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

#### EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS

| Name of nonregulatory SIP provision      | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approval date                                    | Explanation |
|------------------------------------------|---------------------------------------------|--------------------------------------|------------------------------------------------------|-------------|
| * * *                                    | * * *                                       | * * *                                | * * *                                                | * * *       |
| June 2018 Regional Haze Progress Report. | Alabama .....                               | 6/26/2018                            | 3/5/2019, [Insert <b>Federal Register</b> citation]. |             |

[FR Doc. 2019–03853 Filed 3–4–19; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 63

[EPA–R03–OAR–2018–0304; FRL–9990–12–Region 3]

#### Commonwealth of Pennsylvania; Allegheny County Health Department, Withdrawal of Section 112(l) Delegation Authority for the Chemical Accident Prevention Regulations

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is notifying the public that the Allegheny County Health Department (ACHD) has completed the regulatory process for voluntary withdrawal from EPA’s delegation of authority to enforce the chemical accident prevention regulations under the Clean Air Act (CAA). The EPA is therefore amending the Code of Federal Regulations (CFR) to indicate that ACHD no longer has the delegated authority to implement and enforce the regulatory requirements. EPA is also notifying the public that each facility subject to the previously approved ACHD delegated chemical accident prevention program is required to

maintain continuous compliance with applicable requirements. This action is being taken under the CAA.

**DATES:** This final rule is effective on April 4, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2018–0304. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (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 form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** David Talley, (215) 814–2117, or by email at [talley.david@epa.gov](mailto:talley.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 112(l) of the Clean Air Act (CAA) and 40 CFR part 63, subpart E, authorizes EPA to approve of State, and local, rules and programs to be implemented and enforced in place of certain CAA requirements, including the chemical accident prevention

provisions set forth at 40 CFR part 68 (Chemical Accident Prevention Regulations). EPA promulgated the Chemical Accident Prevention Regulations (or risk management program (RMP) regulations) (RMP regulations) pursuant to CAA Section 112(r)(7). By letter dated June 15, 2001, ACHD requested delegation of authority to implement and enforce the RMP regulations for all sources, among other requests for delegation of other programs. On January 30, 2002, EPA issued a direct final rule, which became effective on April 1, 2002, approving ACHD’s request for delegation of authority to implement and enforce EPA’s RMP regulations, which had been adopted by reference from 40 CFR part 68, for all sources within Allegheny County, Pennsylvania, subject to such regulations. *See* 67 FR 4363 (January 30, 2002).

By letter dated July 28, 2017, ACHD formally notified EPA of its intent to voluntarily withdraw from EPA’s delegation of authority to enforce the RMP regulations. On June 22, 2018 (83 FR 29085), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA notified the public that ACHD had completed the regulatory process for voluntary withdrawal from EPA’s delegation of authority to implement and enforce the RMP provisions of CAA section 112(r) and proposed a revision to 40 CFR 63.99(a)(39)(v), codifying the