

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 the 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not 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. The 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 September 15, 2014. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the

proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (*See CAA section 307(b)(2).*)

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

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxides, Particulate Matter, Reporting and recordkeeping requirements, and Volatile organic compounds.

Dated: July 2, 2014.

**Dennis J. McLerran,**  
*Regional Administrator, Region 10.*

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations 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 N—Idaho**

- 2. Section 52.670 is amended in paragraph (e) by adding two entries to the end of the table to read as follows:

**§ 52.670 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Portneuf Valley PM <sub>10</sub> Nonattainment Area Plan and Maintenance Plan .....	Portneuf Valley .....	7/13/06	71 FR 39574 .....	
Portneuf Valley PM <sub>10</sub> Maintenance Plan—Revision .....	Portneuf Valley .....	04/21/14	07/17/14 [Insert page number where the document begins].	

- 3. Section 52.672 is amended by adding paragraph (e)(2) to read as follows:

**§ 52.672 Approval of plans.**

\* \* \* \* \*  
(e) \* \* \*

(2) The EPA approves as a revision to the Idaho State Implementation Plan, the Portneuf Valley PM<sub>10</sub> Maintenance Plan Amendment submitted by the State on April 21, 2011, revising the Portneuf Valley PM<sub>10</sub> Nonattainment Area Plan

and Maintenance Plan that was approved at 71 FR 39574 (July 13, 2006).

\* \* \* \* \*  
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**NATIONAL TRANSPORTATION SAFETY BOARD**

**49 CFR Part 821**

[Docket No. NTSB-GC-2011-0001]

RIN 3147-AA00

**Rules of Practice in Air Safety Proceedings; Correction**

**AGENCY:** National Transportation Safety Board (NTSB or Board).

**ACTION:** Final rule; correction.

**SUMMARY:** The NTSB is correcting a final rule published October 16, 2012, which

inadvertently removed a portion of text from a paragraph within a section. This correction is a minor technical change.

**DATES:** Effective July 17, 2014.

**ADDRESSES:** Members of the public may contact the NTSB Office of General Counsel concerning this correction at 490 L'Enfant Plaza SW., Washington, DC 20594.

**FOR FURTHER INFORMATION CONTACT:** David Tochen, General Counsel, (202) 314-6080.

**SUPPLEMENTARY INFORMATION:** In its October 16, 2012 final rule, 77 FR 63245, in which the NTSB published rule changes concerning several sections in part 821, including email submission of documents, petitions for reconsideration, consideration of evidence concerning the existence of an emergency in cases proceeding under part 821, subpart I of the NTSB rules, the NTSB erroneously truncated the text of a paragraph within § 821.54(b). The NTSB intended to keep the final sentence of § 821.54(b), in addition to a new sentence immediately preceding it, which provides the respondent may include attachments to a petition for review of the Administrator's emergency determination. Also, the final sentence of paragraph (b) should continue to state, "The petition must be filed with the Board by overnight delivery service or facsimile and simultaneously served on the Administrator by the same means." The NTSB's removal of this sentence in the October 16, 2012 final rule was an unintentional oversight.

#### List of Subjects in 49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

Accordingly, the NTSB amends 49 CFR part 821 by making the following correcting amendment:

#### PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

- 1. The authority citation for part 821 continues to read as follows:

**Authority:** 49 U.S.C. 1101-1155, 44701-44723, 46301, Pub. L. 112-153, unless otherwise noted.

- 2. In § 821.54, revise paragraph (b) to read as follows:

#### § 821.54 Petition for review of Administrator's determination of emergency.

\* \* \* \* \*

(b) *Form, content and service of petition.* The petition may be in letter form. A copy of the Administrator's order, from which review of the emergency determination is sought,

must be attached to the petition. If a copy of the order is not attached, the petition will be dismissed. While the petition need only request that the Board review the Administrator's determination as to the existence of an emergency requiring the order be effective immediately, it may also enumerate the respondent's reasons for believing that the Administrator's emergency determination is not warranted in the interest of aviation safety. The respondent may include attachments to the petition for review (e.g., affidavits, other documents or records) limited to evidence the respondent believes supports the reasons enumerated in the petition for why the Administrator's emergency determination is not warranted in the interest of aviation safety. The petition must be filed with the Board by overnight delivery service or facsimile and simultaneously served on the Administrator by the same means.

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**Christopher A. Hart,**

*Acting Chairman.*

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#### NATIONAL TRANSPORTATION SAFETY BOARD

#### 49 CFR Part 821

[Docket No. NTSB-GC-2011-0001]

RIN 3147-AA00

#### Rules of Practice in Air Safety Proceedings; Correction

**AGENCY:** National Transportation Safety Board (NTSB or Board).

**ACTION:** Final rule; correction.

**SUMMARY:** The NTSB is correcting a final rule published September 19, 2013, which inadvertently included an incorrect pronoun. This correction is a minor change to ensure consistency in the NTSB's references to the Administrator of the Federal Aviation Administration.

**DATES:** Effective July 17, 2014.

**ADDRESSES:** Members of the public may contact the NTSB Office of General Counsel concerning this correction at 490 L'Enfant Plaza SW., Washington, DC 20594.

**FOR FURTHER INFORMATION CONTACT:** David Tochen, General Counsel, (202) 314-6080.

**SUPPLEMENTARY INFORMATION:** In its September 19, 2013, final rule implementing changes to 49 CFR 821.19, the NTSB finalized an

amendment to paragraph (d) of that section. 78 FR 57527. In the revision of paragraph (d), paragraph (d)(1) contains the pronoun "it," which refers to the noun "the Administrator." This is incorrect. As a result, by this correction, the NTSB makes a technical correction to this sentence, to use the correct pronoun in the sentence.

#### List of Subjects in 49 CFR Part 821

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Accordingly, the NTSB amends 49 CFR part 821 by making the following correcting amendment:

#### PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

- 1. The authority citation for part 821 continues to read as follows:

**Authority:** 49 U.S.C. 1101-1155, 44701-44723, 46301, Pub. L. 112-153, unless otherwise noted.

- 2. In § 821.19, revise paragraph (d) to read as follows:

#### § 821.19 Depositions and other discovery.

\* \* \* \* \*

(d) *Failure to provide copy of releasable portion of Enforcement Investigative Report (EIR).* (1) Except as provided in § 821.55 with respect to emergency proceedings, where the respondent requests the EIR and the Administrator fails to provide the releasable portion of the EIR to the respondent by the time he or she serves the complaint on the respondent, the respondent may move to dismiss the complaint or for other relief and, unless the Administrator establishes good cause for that failure, the law judge shall order such relief as he or she deems appropriate, after considering the parties' arguments.

(2) The releasable portion of the EIR shall include all information in the EIR, except for the following:

- (i) Information that is privileged;
- (ii) Information that constitutes work product or reflects internal deliberative process;
- (iii) Information that would disclose the identity of a confidential source;
- (iv) Information of which applicable law prohibits disclosure;
- (v) Information about which the law judge grants leave to withhold as not relevant to the subject matter of the proceeding or otherwise, for good cause shown; or
- (vi) Sensitive security information, as defined at 49 U.S.C. 40119 and 49 CFR 15.5.

(3) Nothing in this section shall be interpreted as preventing the Administrator from releasing to the