

CFR part 51, appendix S. Therefore, EPA proposes that Wisconsin has met all of the applicable PSD requirements for the 1997 PM<sub>2.5</sub>, 1997 ozone, 2006 PM<sub>2.5</sub>, 2008 lead, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS for transport prong 3 related to section 110(a)(2)(D)(i)(II).

### 3. Section 110(a)(2)(J)—Consultation With Government Officials; Public Notifications; PSD; Visibility Protection

States must meet applicable requirements of section 110(a)(2)(C) related to PSD. WDNR's PSD program in the context of infrastructure SIPs has already been discussed in the paragraphs addressing section 110(a)(2)(C) and 110(a)(2)(D)(i)(II), and EPA notes that the proposed actions for those sections are consistent with the proposed actions for this portion of section 110(a)(2)(J). Therefore, EPA proposes that Wisconsin has met all of the infrastructure SIP requirements for PSD associated with section 110(a)(2)(J) for the 1997 PM<sub>2.5</sub>, 1997 ozone, 2006 PM<sub>2.5</sub>, 2008 lead, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS.

### III. What action is EPA taking?

EPA is proposing to approve revisions to Wisconsin's SIP that implement the PM<sub>2.5</sub> increment requirements and also incorporates NO<sub>x</sub> as an ozone precursor. These revisions were made to meet EPA's requirements for Wisconsin's PSD and NSR program and are consistent with Federal regulations. Specifically, EPA is proposing to approve the following:

- (i) NR 404.05(2)(intro) and (am)
- (ii) NR 404.05(3)(intro) and (am)
- (iii) NR 404.05(4)(intro) and (am)
- (iv) NR 405.02(3) and (21)(a)
- (v) NR 405.02(21m)(a) and (c)
- (vi) NR 405.02(22)(b)
- (vii) NR 405.02(22m)(a)1. and 3., and (b)1.
- (viii) NR 405.02(27)(a)6.
- (ix) NR 405.07(8)(a)3m and 3m(Note)
- (x) NR 405.07(8)(a)5.(Note)

The revisions pertaining to PM<sub>2.5</sub> increment will fully address the requirements of the PM<sub>2.5</sub> PSD Increments, SILs, and SMC Rule and the deficiencies identified in EPA's August 11, 2014, Finding of Failure to Submit. The revisions pertaining to NO<sub>x</sub> as a precursor to ozone will, in conjunction with EPA's October 6, 2015 approval, address all of the PSD requirements of the "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2".

EPA is also proposing to approve the PSD related infrastructure requirements found in CAA sections 110(a)(2)(C),

(D)(i)(II), and (J) for Wisconsin's 1997 PM<sub>2.5</sub>, 1997 ozone, 2006 PM<sub>2.5</sub>, 2008 lead, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS submittals.

### 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 the WDNR rules regarding revisions to the PSD and NSR programs discussed in section I of this preamble. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov), and/or at the National Archives and Records Administration (NARA), and/or at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). For information on the availability of this material at NARA, go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

### VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 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 (Public Law 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 21, 2016.

**Robert A. Kaplan,**

*Acting Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 435

[EPA–HQ–OW–2016–0598; FRL–9953–25–OW]

[RIN 2040–AF68]

### Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category—Implementation Date Extension

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to extend the implementation deadline for certain

facilities subject to the final rule establishing pretreatment standards under the Clean Water Act (CWA) for discharges of pollutants into publicly owned treatment works (POTWs) from onshore unconventional oil and gas (UOG) extraction facilities. EPA proposes these revisions in response to new information received after promulgation of the rule suggesting that there are likely facilities subject to the final rule not presently meeting the zero discharge requirements in the final rule.

**DATES:** Written comments must be received by October 31, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. [EPA-HQ-OW-2016-0598], at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be

edited or removed from *Regulations.gov*. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on

making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** For more information, see EPA's Web site: <https://www.epa.gov/eg/unconventional-oil-and-gas-extraction-effluent-guidelines>. For technical information, contact Karen Milam, Engineering and Analysis Division (4303T), Office of Water, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone: 202-566-1915; email: [milam.karen@epa.gov](mailto:milam.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this action apply to me?**

Entities potentially regulated by this final action include:

Category	Example of regulated entity	North American Industry Classification System (NAICS) code
Industry .....	Crude Petroleum and Natural Gas Extraction .....	211111
Industry .....	Natural Gas Liquid Extraction .....	211112

**II. Why is EPA issuing this proposed rule?**

This document proposes to establish a compliance date for pretreatment standards for existing onshore unconventional oil and gas extraction facilities within the Oil and Gas Extraction Point Source Category that differs from the date specified in the preamble to that final rule (81 FR 41845, June 28, 2016). We have published a direct final rule to extend the compliance date to August 29th, 2019 for existing sources that were lawfully discharging UOG wastewater to POTWs on or between the date of the **Federal Register** Notice of the proposed rule (April 7, 2015) and the date of the **Federal Register** Notice of the final rule (June 28, 2016) in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. For purposes of this proposed rule, compliance date and implementation date are used interchangeably. We have explained our reasons for this action in the preamble to the direct final rule.

If no adverse comments are received, the direct final rule will go into effect. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. EPA will not consider any comment submitted on the proposed rule

published today on any topic other than the appropriateness of an extension of the compliance date; any other comments will be considered to be outside the scope of this rulemaking.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

**III. Where is the location of regulatory text for this proposal?**

The regulatory text for this proposal is identical to that for the direct final rule published in the Rules and Regulations section of the **Federal Register**. For further supplemental information, the detailed rationale for the proposal, and the regulatory revisions, see the information provided in the direct final rule published in the Rules and Regulations section of this **Federal Register**.

**IV. Statutory and Executive Order Reviews**

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of this **Federal Register**.

**List of Subjects in 40 CFR Part 435**

Environmental protection, Pretreatment, Waste treatment and

disposal, Water pollution control, Unconventional oil and gas extraction.

Dated: September 22, 2016.

**Gina McCarthy**,  
Administrator.

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Safety and Environmental Enforcement**

**43 CFR Part 2**

[Docket ID: BSEE-2016-0001; 167E1700D2 EEA010000 ET1EX0000.SZH000]

RIN 1014-AA29

**Privacy Act Regulations; Exemption for the Investigations Case Management System**

**AGENCY:** Bureau of Safety and Environmental Enforcement, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Interior is amending its regulations to exempt certain records in the Investigations Case Management System from one or more provisions of the Privacy Act because of civil and administrative law enforcement requirements.

**DATES:** Submit written comments on or before November 29, 2016.