

Sortation Level	OEL Example
Additional required human-readable text for use with combined mailings of USPS Marketing Mail and Periodical flats:	
5-Digit Scheme (and other sortation levels as appropriate) .....	*****SCH 5-DIGIT 12345 MIX COMAIL.
5-Digit Scheme (Automation FSS flats) .....	*****SCH 5-DIGIT 12345 FSSD COMAIL.
5-Digit (Nonautomation FSS flats) .....	*****SCH 5-DIGIT 12345 FSSE COMAIL.
3-Digit (Automation FSS flats) .....	*****SCH 5-DIGIT 12345 FSSF COMAIL.
3-Digit (Nonautomation FSS flats) .....	*****SCH 5-DIGIT 12345 FSSG COMAIL.
ADC (Automation FSS flats) .....	*****SCH 5-DIGIT 12345 FSSK COMAIL.
ADC (Nonautomation FSS flats) .....	*****SCH 5-DIGIT 12345 FSS COMAIL.
Carrier Route high density plus (FSS flats) .....	*****SCH 5-DIGIT 12345.
FSSG COMAIL .....	*****SCH 5-DIGIT 12345 FSSA COMAIL.
Carrier Route high density (FSS flats) .....	*****SCH 5-DIGIT 12345 FSSB COMAIL.
FSSC COMAIL .....	*****SCH 5-DIGIT 12345 FSSA COMAIL.
Carrier Route high density (FSS flats) .....	*****SCH 5-DIGIT 12345 FSSC COMAIL.
Carrier Route basic .....	*****SCH 5-DIGIT 12345 FSSC COMAIL.

\* \* \* \* \*

**7.1.8 Required OEL Use in Combined Mailings of USPS Marketing Mail and Periodicals Flats**

\* \* \* The following additional standards also apply:

\* \* \* \* \*

[Revise item c to read as follows.]

c. When combined mailings of USPS Marketing Mail and Periodicals flats are prepared to FSS zones under 705.15.1.11, each mailpiece must bear an optional endorsement line in human-readable text, including the correct ZIP code listed in Column B of L006, as described in Exhibit 7.1.1.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

\* \* \* \* \*

**Stanley F. Mires,**

*Attorney, Federal Compliance.*

[FR Doc. 2016-30381 Filed 12-20-16; 8:45 am]

**BILLING CODE 7710-12-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2016-0543 FRL-9956-98-Region 9]

**Determination of Attainment of the 2008 Ozone National Ambient Air Quality Standards; Eastern San Luis Obispo, California**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing our determination that the San Luis Obispo (Eastern San Luis Obispo) ozone nonattainment area (NAA) in California has attained the 2008 ozone National

Ambient Air Quality Standards (NAAQS or “standards”) by the applicable attainment date of July 20, 2016. This determination is based on complete, quality-assured and certified data for the 3-year period preceding that attainment date. Based on this determination, the Eastern San Luis Obispo NAA will not be reclassified to a higher ozone classification.

**DATES:** This rule will be effective on January 20, 2017.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2016-0543. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly-available, e.g., 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 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:** Nancy Levin, EPA Region IX, (415) 972-3848, [levin.nancy@epa.gov](mailto:levin.nancy@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to the EPA.

**Table of Contents**

- I. Summary of Proposed Rule
- II. Public Comments and EPA Responses
- III. Final Action
- IV. Statutory and Executive Order Reviews

**I. Summary of Proposed Rule**

On October 12, 2016 (81 FR 70382), the EPA proposed to determine that the Eastern San Luis Obispo ozone NAA has attained the 2008 ozone standard by the applicable attainment date of July 20,

2106, based on complete, quality-assured and certified ambient air quality monitoring data for the 2013–2015 monitoring period. San Luis Obispo County is the northern-most county within the air basin designated by California as the South Central Coast Air Basin. The NAA encompasses roughly the eastern half of San Luis Obispo County. For the precise boundaries of the Eastern San Luis Obispo 2008 ozone NAA, see 40 CFR 81.305.

Our proposed rule provided background information on the 2008 ozone standards,<sup>1</sup> the EPA’s classification of the Eastern San Luis Obispo NAA under the Clean Air Act (CAA) as “Marginal” for the 2008 ozone standard, and the EPA’s prior approval of an extension of the applicable attainment date for the area from July 20, 2015 to July 20, 2016 (81 FR 26697, May 4, 2016). In our proposed rule, we described our obligation under CAA section 181(b)(2)(A) to determine whether an ozone NAA attained the ozone NAAQS by the applicable attainment date within six months of that date; how we determine whether an area’s air quality meets the 2008 ozone standard; and the relevant air quality monitoring agencies in the Eastern San Luis Obispo ozone NAA, their monitoring network plans, and the relevant ozone monitoring sites. We also discussed our previous review of the networks and network plans, the annual certifications of ambient air monitoring data, and our determination of completeness for 2013–2015 data from the two ozone monitoring sites within the Eastern San Luis Obispo NAA.

Our proposed rule included a table of ozone “design values” at the two ozone monitoring sites in the Eastern San Luis

<sup>1</sup> Since the primary and secondary 2008 ozone standards are the same, we hereafter refer to them herein using the singular “2008 ozone standard.”

Obispo NAA.<sup>2</sup> See 81 FR 70382, at 70384. As explained in our proposed rule, the 2008 ozone standard is attained in an area when the design value is less than or equal to 0.075 parts per million (ppm), as determined in accordance with 40 CFR part 50, appendix P, at each monitoring site within the area. See 40 CFR 50.15. Based on our review of the monitoring data, which showed a design value for the area of 0.073 ppm (based on data collected at the Red Hills site) for 2013–2015, and taking into account the extent and reliability of the applicable ozone monitoring network, we proposed to determine that the Eastern San Luis Obispo NAA has attained the 2008 ozone standard by the applicable attainment date of July 20, 2016 based on complete, certified and quality-assured data for the 2013–2015 period. Lastly, we noted that if we finalize our proposed determination, then the Marginal Eastern San Luis Obispo NAA would not be subject to reclassification to “Moderate” for the 2008 ozone standard, that a determination of attainment by the applicable attainment date would not constitute a redesignation, and that the designation status of the Eastern San Luis Obispo area would remain nonattainment for the 2008 ozone standard until such time as the EPA determines that the area meets the CAA requirements for redesignation to attainment. Please see our proposed rule for more information concerning these topics.

## II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments.

## III. Final Action

Under CAA section 181(b)(2)(A), and based on the rationale presented in our proposed rule and summarized above, the EPA is finalizing our determination that the Eastern San Luis Obispo ozone NAA has attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2016. The EPA is making this determination based on complete, quality-assured and certified ambient air quality monitoring data for the 2013–2015 monitoring period. As a result of this determination, the Eastern San Luis Obispo 2008 ozone NAA will

not be reclassified to a higher classification for the 2008 ozone standard.

## IV. Statutory and Executive Order Reviews

This action is a determination based on air quality data 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 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 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 February 21, 2017. 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, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: December 8, 2016.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

Chapter I, title 40 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 F—California

■ 2. Section 52.282 is amended by adding paragraph (i) to read as follows:

#### § 52.282 Control strategy and regulations: Ozone

\* \* \* \* \*

(i) *Determination of attainment.* The EPA has determined that, as of January 20, 2017, the San Luis Obispo (Eastern San Luis Obispo) 2008 8-hour ozone nonattainment area in California has attained the 2008 ozone standard by the July 20, 2016 applicable attainment date, based upon complete, quality-

<sup>2</sup> The design value is a statistic that describes the air quality status of a given location relative to the level of the NAAQS. For the purpose of comparison with the 2008 ozone standard, the design value for a site is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentrations. The design value for a given area is based on the monitoring site with the highest design value.

assured and certified data for 2013–2015. Therefore, the EPA has met its obligation pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. As a result of this determination, the San Luis Obispo (Eastern San Luis Obispo) 2008 ozone nonattainment area in California will not be reclassified for failure to attain by the July 20, 2016 applicable attainment date under section 181(b)(2)(A).

[FR Doc. 2016–30476 Filed 12–20–16; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2013–0799; FRL–9956–90–Region 4]

### Air Plan Approval; Tennessee; 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 Tennessee through the Tennessee Department of Environment and Conservation (TDEC) on April 19, 2013. Tennessee's April 19, 2013, 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 Tennessee'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 January 20, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2013–0799. 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:** Michele Notarianni, 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. Ms. Notarianni can be reached by phone at (404) 562–9031 and via electronic mail at [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under the Regional Haze Rule,<sup>1</sup> each state was required to submit its first implementation plan addressing regional haze visibility impairment to EPA no later than December 17, 2007. See 40 CFR 51.308(b). Tennessee submitted its regional haze plan on April 4, 2008, and like many other states subject to the Clean Air Interstate Rule (CAIR), relied on CAIR to satisfy best available retrofit technology (BART) requirements for emissions of sulfur dioxide and nitrogen oxides from electric generating units in the State.

On April 24, 2012, EPA finalized a limited approval of Tennessee's April 4, 2008, regional haze plan as meeting some of the applicable regional haze requirements as set forth in sections 169A and 169B of the CAA and in 40 CFR 51.300–51.308.<sup>2</sup> Also in this April 24, 2012, action, EPA finalized a limited disapproval of Tennessee's regional haze plan because of deficiencies arising from the State's reliance on CAIR to satisfy certain regional haze requirements. See 77 FR 24392. On June

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

<sup>2</sup> This April 24, 2012, action did not include the BART determination for Eastman Chemical Company (Eastman). On November 27, 2012, EPA finalized approval of the BART requirements for Eastman that were provided in the April 4, 2008, regional haze SIP, as later modified and supplemented on May 14, 2012, and May 25, 2012 (77 FR 70689).

7, 2012, EPA promulgated Federal Implementation Plans (FIPs) to replace reliance on CAIR with reliance on the Cross State Air Pollution Rule (CSAPR) to address deficiencies in CAIR-dependent regional haze plans of several states, including Tennessee's regional haze plan.<sup>3</sup> See 77 FR 33642.

Each state is also required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area 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 its existing regional haze plan. See 40 CFR 51.308(h). The first progress report was due five years after submittal of the initial regional haze plan.

On April 19, 2013, as required by 40 CFR 51.308(g), TDEC submitted to EPA, in the form of a revision to Tennessee's SIP, a report on progress made towards the RPGs for Class I areas in the State and for Class I areas outside the State that are affected by emissions from sources within the State. This submission also includes a negative declaration pursuant to 40 CFR 51.308(h)(1) that the State's regional haze plan is sufficient in meeting the requirements of the Regional Haze Rule.

In a notice of proposed rulemaking (NPRM) published on September 28, 2016 (81 FR 66596), EPA proposed to approve Tennessee's Progress Report on the basis that it satisfies the requirements of 40 CFR 51.308(g) and 51.308(h). No comments were received on the September 28, 2016, proposed rulemaking. The details of Tennessee's submittal and the rationale for EPA's action is further explained in the NPRM. See 81 FR 66596 (September 28, 2016).

##### II. Final Action

EPA is finalizing approval of Tennessee's Regional Haze Progress Report SIP revision, submitted by the State on April 19, 2013, as meeting the applicable regional haze requirements

<sup>3</sup> Although a number of parties challenged the legality of CSAPR and the D.C. Circuit initially vacated and remanded CSAPR to EPA in *EME Homer City Generation, L.P. v. EPA*, 696 F.3d 7 (D.C. Cir. 2012), the United States Supreme Court reversed the D.C. Circuit's decision on April 29, 2014, and remanded the case to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, and CSAPR is now in effect. *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118 (D.C. Cir. 2015).