

**SUPPLEMENTARY INFORMATION:** On August 24, 2017 (82 FR 40072), EPA published a direct final rule approving a SIP revision submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM). EPA took a direct final action to approve the portions of the May 7, 2012, submission that made changes to ADEM Administrative Code Rule 335-3-14-.04—"Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)]." In particular, the revision adds a definition of "replacement unit" and provides that a replacement unit is a type of existing unit under the definition of "emissions unit," consistent with Federal regulations.

In the direct final rule, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rule would be effective generally 30 days after the close of the public comment period, without further notice unless the Agency received adverse comment by the close of the public comment period. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the direct final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on this action.

EPA received two adverse comments on the aforementioned rule. As a result of these comments received, EPA is withdrawing the direct final rule approving the aforementioned changes to the Alabama SIPs. EPA will address the comments in a separate final action based on the proposed action also published on August 24, 2017 (82 FR 40085). EPA will not open a second comment period for this action.

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 29, 2017.

**Onis "Trey" Glenn, III,**  
*Regional Administrator, Region 4.*

■ Accordingly, the amendments to 40 CFR 52.50(c) published on August 24, 2017 (82 FR 40072), which was to become effective October 23, 2017, is withdrawn.

[FR Doc. 2017-21940 Filed 10-11-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA-R03-OAR-2017-0453; FRL-9969-45—Region 3]

#### Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions From Existing Hospital/Medical/ Infectious Waste Incinerator Units

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to notify the public that it has received a negative declaration for hospital/medical/infectious waste incinerator (HMIWI) units within the City of Philadelphia. This negative declaration certifies that HMIWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdictional boundaries of the Philadelphia Air Management Service (AMS). EPA is accepting the negative declaration in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on December 11, 2017 without further notice, unless EPA receives adverse written comment by November 13, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2017-0453 at <http://www.regulations.gov>, or via email to [aquino.marcos@epa.gov](mailto:aquino.marcos@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Mike Gordon, (215) 814-2039, or by email at [gordon.mike@epa.gov](mailto:gordon.mike@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines (EG) for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

On October 6, 2009 (74 FR 51368), EPA promulgated HMIWI unit new source performance standards, 40 CFR part 60, subpart Ec, and emission guidelines, subpart Ce. These regulations were amended in an April 4, 2011 final rule (76 FR 18407).

The designated facilities to which the EG apply are existing HMIWI units that: (1) Commenced construction on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or (2) commenced construction after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010, with limited

exceptions as provided in paragraphs 40 CFR 60.32e(b) through (h).

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Also, 40 CFR part 62 provides the procedural framework for the submission of these plans. When designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect (*i.e.*, negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a 111(d)/129 plan.

## II. State Submittal and EPA Analysis

Philadelphia AMS has determined that there are no HMIWI units subject to the requirements of Sections 111(d) and 129 of the CAA in its respective air pollution control jurisdiction. Accordingly, Philadelphia AMS submitted a negative declaration letter to EPA certifying this fact on August 2, 2011. The negative declaration letter and EPA's technical support document for this action are available in the docket for this the docket for this rulemaking and available online at [www.regulations.gov](http://www.regulations.gov).

## III. Final Action

In this direct final action, EPA is amending part 62 to reflect receipt of the negative declaration letter from Philadelphia AMS. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of this **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on December 11, 2017 without further notice unless EPA receives adverse comment by November 13, 2017. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

## IV. Statutory and Executive Order Reviews

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely notifies the public of EPA receipt of a negative declaration from an air pollution control agency without any existing HMIWI units in their jurisdiction. This action imposes no requirements. Accordingly, EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action does not impose any additional enforceable duty beyond that required by state law, it 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). This action also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves the negative declaration for existing HMIWI units from the Philadelphia AMS and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This action also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

With regard to negative declarations for designated facilities received by EPA from states, EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62

accordingly. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to approve or disapprove a CAA section 111(d)/129 plan negative declaration submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a CAA section 111(d)/129 negative declaration, to use VCS in place of a section 111(d)/129 negative declaration that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### B. Submission to Congress and the Comptroller General

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).

### C. Petitions for Judicial Review

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 December 11, 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. 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 this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule

and address the comment in the proposed rulemaking.

This action approving a negative declaration submitted by Philadelphia AMS for HMIWI units may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: September 19, 2017.

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*

40 CFR part 62 is amended as follows:

#### PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

#### Subpart NN—Pennsylvania

■ 2. Add § 62.9663 to read as follows:

##### § 62.9663 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted August 2, 2011, certifying that there are no existing hospital/medical/infectious waste incinerator units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart Ce.

[FR Doc. 2017-22129 Filed 10-11-17; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[WT Docket No. 02–55, FCC 04–168]

#### Improving Public Safety Communications in the 800 MHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with § 90.675. This document is consistent with the Report and Order, which stated

that the Commission would publish a document in the **Federal Register** announcing the effective date of the rule.

**DATES:** 47 CFR 90.675, published at 69 FR 67823, Nov. 22, 2004, is effective October 12, 2017.

**FOR FURTHER INFORMATION CONTACT:** John A. Evanoff, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-0848 or [john.evanoff@fcc.gov](mailto:john.evanoff@fcc.gov). For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418-2991.

**SUPPLEMENTARY INFORMATION:** A summary of the 800 MHz Report and Order was published in the **Federal Register** on November 22, 2004, 69 FR 67823. The 800 MHz Report and Order adopted rules designed to abate interference to public safety entities. The summary stated that with the exception of certain rules requiring OMB approval, the rules adopted in the 800 MHz Report and Order would become effective January 21, 2005. With regard to rules requiring OMB approval, the Commission stated it will publish a document in the **Federal Register** announcing the effective date of these rules. The information collection requirements in §§ 22.972, 22.973, 90.674, 90.675, 90.676 and 90.677 were approved by OMB under OMB Control No. 3060-1080. In a separate document published in the **Federal Register** on February 8, 2005, 70 FR 6762, the Commission announced that OMB approved the information collection requirements adopted in the 800 MHz Report and Order. On February 8, 2005, 70 FR 6761, the Commission announced the effective date of §§ 22.972, 22.973, 90.674, 90.676 and 90.677. However, the announcement inadvertently omitted to announce the effective date for the information collection requirements in § 90.675. With publication of the instant document in the **Federal Register**, all rules adopted in the 800 MHz Report and Order are now effective. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060-1080, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files,

audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on January 27, 2005, for the information collection requirements contained in the modifications to 47 CFR 90.675.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1080.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-1080.

*OMB Approval Date:* January 27, 2005.

*OMB Expiration Date:* October 31, 2017.

*Title:* Improving Public Safety Communications in the 800 MHz Band.  
*Form Number:* N/A.

*Respondents:* Business or other for profit entities; Not-for-profit institutions, and State, Local or Tribal governments.

*Number of Respondents and Responses:* 428 respondents; 2,143 responses.

*Estimated Time per Response:* 0.5 hours-10 hours (4.5 hours average).

*Frequency of Response:* On occasion reporting requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 160, 251-254, 303, and 332.

*Total Annual Burden:* 7,411 hours.

*Total Annual Cost:* \$7,200.

*Nature and Extent of Confidentiality:* The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary or public safety sensitive information are resolved in a manner consistent with the Commission's rules. See 47 CFR 0.459.

*Privacy Act:* No impact(s).

*Needs and Uses:* The information sought under §§ 22.972, 22.973, 90.674,