

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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 15, 2017.  
**Michelle L. Pirzadeh,**  
*Acting Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 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 N—Idaho**

- 2. In § 52.670, the table in paragraph (e) is amended by:
  - a. Revising the entry entitled “Idaho State Board SIP Revision; Executive Order 2013–06; dated June 26, 2013”.
  - b. Adding an entry at the end of the table for “Section 110(a)(2) Infrastructure Requirements—2012 PM<sub>2.5</sub> NAAQS”.

The revision and addition 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
*	*	*	*	*
<b>Chapter VIII—Nonattainment Area Plans</b>				
*	*	*	*	*
Idaho State Board SIP Revision; Executive Order 2013–06; dated June 26, 2013.	State-wide .....	9/16/2013	10/24/2013, 78 FR 63394.	To satisfy the requirements of CAA section 128(a)(1) and CAA section 110(a)(2)(E)(ii) for all criteria pollutants. Renewed on December 14, 2016, expiring December 14, 2020, unless renewed by subsequent Executive Order. See Executive Order 2016–07.
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements—2012 PM <sub>2.5</sub> NAAQS.	State-wide .....	12/23/2015	12/4/2017, [insert <b>Federal Register</b> citation].	Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2012 PM <sub>2.5</sub> NAAQS.

[FR Doc. 2017–25930 Filed 12–1–17; 8:45 am]  
**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R09–OAR–2017–0130; FRL–9970–68–Region 9]

**Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Emission Reduction Credit Banking**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing action on a revision to the Bay Area Air Quality Management District (BAAQMD or District) portion of the California State Implementation Plan (SIP). We are

finalizing a conditional approval of one rule. This revision consists of updates to provisions governing the issuance and banking of Emission Reduction Credits for use in the review and permitting of major sources and major modifications under part D of title I of the Clean Air Act (CAA).

**DATES:** This rule will be effective on January 3, 2018.

**ADDRESSES:** The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2017–0130. 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., 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://](http://www.regulations.gov)

[www.regulations.gov](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:** Laura Yannayon, EPA Region 9, (415) 972–3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

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

**Table of Contents**

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Proposed Action**

On September 14, 2017 (82 FR 43202), the EPA proposed a conditional approval of the following rule that was submitted for incorporation into the BAAQMD portion of the California SIP.

TABLE 1—SUBMITTED RULE

Regulation and rule No.	Rule title	Adopted/ amended	Submitted
Regulation 2, Rule 4 (Rule 2–4)	Permits, Emissions Banking	12/19/12	4/22/13

We proposed a conditional approval of Regulation 2, Rule 4 because we determined that, separate from the deficiencies listed in Section II.B of our proposed rulemaking action, the rule: ensures that issued ERCs will meet the criteria laid out in 40 CFR 51.165(a)(3)(ii)(C)(1)(i) at the time of ERC issuance; satisfies the requirements of 40 CFR 51.165(a)(3)(i); satisfies the applicable requirements found in EPA’s Emissions Trading Policy Statement; and satisfies the requirements of 40 CFR 51.165(a)(3)(ii)(C)(1)(ii), which requires pre-base year shutdown credits to be explicitly added back in to the most recent applicable air quality plans. Moreover, we concluded that if the District submits the changes it committed to submit in its August 28, 2017 commitment letter, the identified deficiencies will be cured.

**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. EPA Action**

No comments were submitted. Therefore, as authorized in sections 110(k)(4) and 301(a) of the Act, the EPA is finalizing conditional approval of Regulation 2, Rule 4 into the BAAQMD portion of the California SIP. If the State meets its commitment to submit the required measures, the revisions to Rule 2–4 will remain a part of the SIP until EPA takes final action approving or disapproving the new SIP revisions. However, if the State fails to submit these revisions within the required timeframe, the conditional approval will automatically become a disapproval, and EPA will issue a finding of disapproval. EPA is not required to propose the finding of disapproval.

There are no sanctions or Federal Implementation Plan (FIP) implications should the conditional approval become a disapproval. Sanctions would not be imposed under CAA section 179(b) because the submittal of Rule 2–4 is discretionary (i.e., not required to be included in the SIP). See ETPS, 51 FR 43,813 at 43,825 (“[S]tates are by no means required to adopt banking procedures, but . . . banks may help states and communities realize important planning and environmental

benefits.”). A FIP would not be imposed under CAA section 110(c)(1) because the disapproval does not reveal a deficiency in the SIP that such a FIP must correct. Specifically: (1) The deficiencies identified herein do not impact or undermine the requirement that offsets satisfy the requirements of 40 CFR 51.165, including the requirement that offsets must satisfy the offset integrity criteria enumerated in 40 CFR 51.165(a)(3)(ii)(C)(1)(i) at the time of use; and (2) Rule 2–4 is not a required CAA submittal because states and air districts have the discretion, but are not required, to adopt banking rules. This final action will incorporate the submitted rule into the SIP, including those provisions identified as deficient.

In addition, because we are finalizing our proposed action, we are removing existing Regulation 2, Rule 4 from the BAAQMD portion of the California SIP.

**IV. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of BAAQMD Regulation 2, Rule 4 (Permits, Emissions Banking), as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, this document generally available electronically through [www.regulations.gov](http://www.regulations.gov) and in hard copy at the U.S. Environmental Protection Agency, Region IX (Air–3), 75 Hawthorne Street, San Francisco, CA 94105–3901.

**V. Statutory and Executive Order Reviews**

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

**A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review**

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

**B. Paperwork Reduction Act (PRA)**

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

**C. Regulatory Flexibility Act (RFA)**

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

**D. Unfunded Mandates Reform Act (UMRA)**

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

**E. Executive Order 13132: Federalism**

This action does not have federalism implications. It will 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.

**F. Executive Order 13175: Coordination With Indian Tribal Governments**

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

**G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks**

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern

environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

*K. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

*L. Petitions for Judicial Review*

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 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, New Source Review, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 31, 2017.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

Part 52, 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 52.220 is amended by adding paragraphs (c)(199)(i)(A)(10) and (c)(429)(i)(E)(3) to read as follows:

**§ 52.220 Identification of plan—in part.**

\* \* \* \* \*

(c) \* \* \*  
(199) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(10) Previously approved on January 26, 1999 in paragraph (c)(199)(i)(A)(8) of this section and now deleted with replacement in (c)(429)(i)(E)(3), Regulation 2, Rule 4 adopted on June 15, 1994.

\* \* \* \* \*

(429) \* \* \*  
(i) \* \* \*  
(E) \* \* \*

(3) Regulation 2, “Permits,” Rule 4, “Emissions Banking,” adopted on December 19, 2012.

\* \* \* \* \*

■ 3. Section 52.248 is amended by adding paragraph (c) to read as follows:

**§ 52.248 Identification of plan—conditional approval.**

\* \* \* \* \*

(c) The EPA is conditionally approving a California State Implementation Plan (SIP) revision submitted on April 22, 2013, updating Regulation 2—Permits, Rule 4—Emissions Banking. The conditional approval is based on a commitment from the State to submit a SIP revision that will correct the identified deficiencies in this rule. If the State fails to meet its commitment by November 1, 2018, the conditional approval is treated as a disapproval.

[FR Doc. 2017–25927 Filed 12–1–17; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 174**

[EPA–HQ–OPP–2017–0113; FRL–9970–43]

**Bacillus thuringiensis Cry14Ab–1 Protein in or on Soybean; Temporary Exemption From the Requirement of a Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a temporary exemption from the requirement of a tolerance for residues of the *Bacillus thuringiensis* Cry14Ab–1 protein in or on soybean, when used as a plant-incorporated protectant (PIP) in soybean plants, in accordance with the terms of Experimental Use Permit (EUP) No. 264–EUP–151. Bayer CropScience LP., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the temporary tolerance exemption. This regulation eliminates the need under FFDCA to establish a maximum permissible level for residues of Cry14Ab–1 protein. The temporary tolerance exemption expires on April 1, 2020.

**DATES:** This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the

**SUPPLEMENTARY INFORMATION).**

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0113, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone