

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
*	*	*	*	*
<b>Chapter 129—Standards for Sources</b>				
*	*	*	*	*
<b>Sources of VOCs</b>				
Section 129.51 .....	General .....	10/22/16	3/23/18 [Insert <b>Federal Register</b> citation].	Amendments add alternative compliance methods for the requirements of Section 129.52e. Previous approval dated 6/25/2015.
*	*	*	*	*
Section 129.52e .....	Control of VOC emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations.	10/22/16	3/23/18 [Insert <b>Federal Register</b> citation].	New section is added. This section does not remove or replace any permits approved under 52.2020(d).
*	*	*	*	*

\* \* \* \* \*  
 [FR Doc. 2018-05872 Filed 3-22-18; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2017-0413; FRL-9975-88—Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2015 Ozone National Ambient Air Quality Standards**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the State of West Virginia state implementation plan (SIP). The revisions update the effective date by which the West Virginia regulations incorporate by reference the national ambient air quality standards (NAAQS), additional monitoring methods, and additional equivalent monitoring methods. This update will effectively add the following to the West Virginia SIP: The 2015 ozone NAAQS, monitoring reference and equivalent methods pertaining to fine particulate matter (PM<sub>2.5</sub>), Carbon Monoxide (CO), and course particulate matter (PM<sub>10</sub>), and it will revise the ozone monitoring season, the Federal Reference Method (FRM), the Federal Equivalent Method (FEM), and the Photochemical

Assessment Monitoring Stations (PAMS) network. The SIP revision will also change a reference from the “West Virginia Department of Environmental Protection,” to the “Division of Air Quality.” EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on April 23, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2017-0413. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (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://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.  
**FOR FURTHER INFORMATION CONTACT:** Joseph Schulingkamp, (215) 814-2021, or by email at [schulingkamp.joseph@epa.gov](mailto:schulingkamp.joseph@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On June 13, 2017, the State of West Virginia through the West Virginia

Department of Environmental Protection (WVDEP) submitted a formal revision to West Virginia’s SIP pertaining to amendments of Legislative Rule, 45 CSR 8—Ambient Air Quality Standards. The SIP revision consists of revising the effective date of the incorporation by reference of 40 CFR parts 50 and 53.

**II. Summary of SIP Revision and EPA Analysis**

West Virginia has submitted this SIP revision to update the State’s incorporation by reference of 40 CFR part 50, which contains the Federal NAAQS, and 40 CFR part 53, which contains the ambient air monitoring reference methods and equivalent reference methods. Currently, the version of 45 CSR 8 in the West Virginia SIP incorporates by reference 40 CFR parts 50 and 53 as effective on June 1, 2013; this SIP revision will update the effective date to June 1, 2016.

In the June 13, 2017 SIP submittal, WVDEP submitted amendments to the legislative rule which include the following changes: To section 45-8-1 (General), the filing and effective dates are changed to reflect the update of the legislative rule; to section 45-8-3 (Adoption of Standards), the effective dates for the incorporation by reference of 40 CFR part 50 and part 53 are changed; to section 45-8-4 (Inconsistency Between Rules), the reference to the “West Virginia Department of Environmental Protection,” is changed to the “Division of Air Quality.” West Virginia has amended 45 CSR 8 to revise the filing

and effective dates of the rule to May 15, 2017 and June 1, 2017 respectively. The effective date of the incorporation by reference of 40 CFR parts 50 and 53 changed from June 1, 2013 to June 1, 2017. EPA finds the revised version of 45 CSR 8 with new effective dates incorporating by reference 40 CFR part 50 and part 53, as well as the changes to the reference of the state air agency, are in accordance with requirements in section 110 of the CAA.<sup>1</sup>

This update will effectively add the following to the West Virginia SIP: The 2015 ozone NAAQS, monitoring reference and equivalent methods pertaining to PM<sub>2.5</sub>, CO, and PM<sub>10</sub>, and it will revise the ozone monitoring season to March 1st through October 31st, the FRM, the FEM, and the PAMS network.

On October 16, 2017 (82 FR 47981 and 82 FR48033), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the State of West Virginia approving the SIP revision. EPA received five comments on the rulemaking and withdrew the DFR prior to the effective date of December 15, 2017.

### III. Response to Comments

During the comment period, EPA received several anonymous comments on EPA's rulemaking. EPA is responding to comments submitted on the proposed revision to the West Virginia SIP specific to this action. All other comments received were either supportive of or not specific to this action and thus are not addressed here.

*Comment #1:* The commenter expressed a desire for EPA to, “[s]uspend or rescind the [past] admin rule.” The commenter then continued with statements not specific to this action by copying sections from EPA's “Policy Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides, External Review Draft” (August 2017, EPA-452/P-17-003) (Draft PA) without providing any specific argument.

*Response #1:* The comment lacks any specifics regarding what action EPA should take regarding our proposal to incorporate by reference for the West Virginia SIP 45 CSR 8 which incorporates all NAAQS. Based on the context of the comment, it appears the comment is requesting that EPA suspend or rescind the 2010 Sulfur

Dioxide (SO<sub>2</sub>) NAAQS due to a lack of available information.

EPA is not in this action revising any SO<sub>2</sub> NAAQS nor any NAAQS and as such the references to the Draft PA are irrelevant. In this action, EPA is approving, in accordance with CAA section 110, West Virginia's request to incorporate by reference NAAQS EPA has previously promulgated in separate unrelated rulemakings. As the comment regarding suspending or rescinding prior “admin” rules such as the NAAQS is not germane to this rulemaking, EPA provides no further response.

*Comment #2:* A second comment stated that EPA should not add the 2015 ozone standard to any state's SIP as the Administrator has publicly stated the he intends to repeal the ozone standard. The commenter believes that his announcement can be interpreted as a promulgation by the Agency, and EPA should not act until the review is completed. The commenter also stated that EPA must hold off on any ozone action until a court review is completed.

*Response #2:* EPA disagrees with the commenter's assertion that the Agency has promulgated a repeal of the 2015 ozone NAAQS through public announcement. Until the Agency, through public notice and rulemaking, revises any NAAQS, including the 2015 ozone NAAQS, the NAAQS remain in place and states may seek to incorporate such NAAQS into their SIPs under CAA section 110. In 45 CSR 8, West Virginia updated the effective date of its incorporation by reference of the most recent version of the Code of Federal Regulations (CFR) so that West Virginia could incorporate by reference in its SIP all updated EPA NAAQS. While judicial action is pending relating to implementation of the 2015 ozone NAAQS, nothing prohibits a state like West Virginia from incorporating by reference the 2015 ozone NAAQS into its SIP.

*Comment #3:* The final comment expressed a desire for EPA to allow the state to incorporate the Federal standards (*i.e.*, NAAQS) on an ongoing basis so that the State does not have to expend taxpayer dollars and resources each time EPA updates 40 CFR parts 50 and 53 with new or revised NAAQS. The commenter also expressed a desire for EPA to, “slow down the regulatory changes and allow states to meet the current standards before imposing new burdens on the states.”

*Response #3:* Nothing in the CAA requires states to incorporate the Federal standards each time EPA updates a NAAQS in 40 CFR parts 50 and 53. West Virginia has decided to incorporate the NAAQS in 45 CSR 8

that are effective as of a certain date. West Virginia's action is responsive to state concerns and limitations and is consistent with the CAA, thus this SIP submittal can be approved in this final action.

### IV. Final Action

EPA is approving the amendments to Legislative Rule, 45 CSR 8—Ambient Air Quality Standards, into the West Virginia SIP pursuant to section 110 of the CAA.

### V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the update to West Virginia's Legislative Rule, 45 CSR 8, as effective on June 1, 2017. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update of the SIP compilation.<sup>2</sup>

### VI. Statutory and Executive Order Reviews

#### A. General Requirements

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);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory

<sup>1</sup> This action, which approves West Virginia's rules incorporating by reference the NAAQS as of a certain date, is not affected by the recent decision in *South Coast Air Quality Mgmt. Dist. v. EPA*, No. 15-1115 (D.C. Cir. Feb. 16, 2018).

<sup>2</sup> 62 FR 27968 (May 22, 1997).

action because SIP approvals are exempted under Executive Order 12866.

- 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 CAA; 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that

it will not impose substantial direct costs on tribal governments or preempt tribal law.

*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 May 22, 2018. 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, to approve West Virginia’s SIP revisions to update of the effective date by which the State regulations incorporate by reference the Federal NAAQS,

additional monitoring methods, and additional equivalent monitoring methods, which effectively adds the 2015 ozone NAAQS and ambient air monitoring reference and equivalent methods pertaining to PM<sub>2.5</sub>, PM<sub>10</sub>, and CO, and changing the reference to the state air agency, 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, Carbon monoxide, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 13, 2018.

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*

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 XX—West Virginia**

■ 2. In § 52.2520, the table entitled “EPA-Approved Regulations in the West Virginia SIP” in paragraph (c) is amended by revising the entries for sections 45–8–1 through 45–8–4 to read as follows:

**§ 52.2520 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP**

State citation [chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
*	*	*	*	*
<b>[45 CSR] Series 8 Ambient Air Quality Standards</b>				
Section 45–8–1 .....	General .....	6/1/17	3/23/18, [Insert <b>Federal Register</b> Citation].	Filing and effective dates are revised.
Section 45–8–2 .....	Definitions .....	6/1/17	3/23/18, [Insert <b>Federal Register</b> Citation].	Previous Approval 9/22/2014.
Section 45–8–3 .....	Adoption of Standards.	6/1/17	3/23/18, [Insert <b>Federal Register</b> Citation].	Effective date is revised.
Section 45–8–4 .....	Inconsistency Between Rules.	6/1/17	3/23/18, [Insert <b>Federal Register</b> Citation].	Replaced “West Virginia Department of Environmental Protection” with “Division of Air Quality.”
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[FR Doc. 2018-05877 Filed 3-22-18; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket Nos. 14-50, 09-182, 07-294 and 04-256; FCC 16-107]

### 2014 Quadrennial Regulatory Review

**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 the request for the information collection requirements contained in the Commission's *2014 Quadrennial Regulatory Review Second Report and Order*, FCC 16-107. This document is consistent with the *Second Report and Order*, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of these rules.

**DATES:** 47 CFR 73.3526, published at 81 FR 76220, November 1, 2016, is effective on March 23, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Cathy Williams by email at [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov) and telephone at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** This document announces that, on March 12, 2018, OMB approved the request that the Commission submitted pertaining to the revisions to § 73.3526 contained in the Commission's *Second Report and Order*, FCC 16-107, published at 81 FR 76220, November 1, 2016. The OMB Control Number is 3060-0214. The changes to OMB control number 3060-0214 modified the burden hours and annual costs to the information collection. The Commission publishes this document as an announcement of the effective date of the rules.

*Synopsis:* As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that OMB approved changes to information collection requirements contained in 47 CFR 73.3526. 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 3060-0214.

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:* 3060-0214.  
*OMB Approval Date:* March 12, 2018.  
*OMB Expiration Date:* March 31, 2021.

*Title:* Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 73.1212, 76.1701 and 73.1943, Political Files.

*Form Number:* None.

*Respondents:* Business or other for profit entities; Not for profit institutions; State, Local or Tribal government; Individuals or households.

*Number of Respondents and Responses:* 24,013 respondents; 63,261 responses.

*Estimated Time per Response:* 1-52 hours.

*Frequency of Response:* On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority that covers this information collection is contained in Sections 151, 152, 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 2,067,853 Hours.

*Total Annual Cost:* \$27,168.

*Privacy Impact Assessment:* The Commission prepared a system of records notice (SORN), FCC/MB-2, "Broadcast Station Public Inspection Files," that covers the PII contained in the broadcast station public inspection files located on the Commission's website. The Commission will revise appropriate privacy requirements as necessary to include any entities and information added to the online public file in this proceeding.

*Nature and Extent of Confidentiality:* Most of the documents comprising the public file consist of materials that are not of a confidential nature. Respondents complying with the information collection requirements may request that the information they submit be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission's rules, 47 CFR 0.459.

In addition, the Commission has adopted provisions that permit respondents subject to the information collection requirement for Shared Service Agreements to redact confidential or proprietary information from their disclosures.

*Needs and Uses:* The information collection requirements included under this OMB Control Number 3060-0214, requires commercial broadcast stations to maintain for public inspection a file containing the material set forth in 47 CFR 73.3526.

This revised collection reflects the burden associated with the Shared Service Agreement disclosure requirements adopted in the *2014 Quadrennial Regulatory Review* (81 FR 76220, Nov. 1, 2016, FCC 16-107, rel. Aug. 25, 2016) and affirmed in the *2014 Quadrennial Regulatory Review Order on Reconsideration* (83 FR 733, Jan. 8, 2018, FCC 17-156, rel. Nov. 20, 2017). The collection requires commercial television stations to place in their online public inspection file a copy of every Shared Service Agreement for the station (with the substance of oral agreements reported in writing), regardless of whether the agreement involves commercial television stations in the same market or in different markets, with confidential or proprietary information redacted where appropriate. For purposes of this collection, a Shared Service Agreement is any agreement or series of agreements in which (1) a station provides any station-related services, including, but not limited to, administrative, technical, sales, and/or programming support, to a station that is not directly or indirectly under common de jure control permitted under the Commission's regulations; or (2) stations that are not directly or indirectly under common de jure control permitted under the Commission's regulations collaborate to provide or enable the provision of station-related services, including, but not limited to, administrative, technical, sales, and/or programming support, to one or more of the collaborating stations. For purposes of this collection, the term "station" includes the licensee, including any subsidiaries and affiliates, and any other individual or entity with an attributable interest in the station.

This information collection requirement will provide the Commission and the public with more comprehensive information about the prevalence and content of Shared Service Agreements between television stations, which will improve the Commission's and the public's ability to assess the potential impact of these agreements on the Commission's rules and policies.

The information collection requirements contained under 47 CFR