

small entities, consistent with the objectives of other applicable statutes. In deciding whether change is necessary, RFA section 610(b) establishes five factors that agencies will consider in reviewing existing regulations for which a regulatory flexibility analysis was prepared:

- (1) Whether the rule is still needed;
- (2) What type of public complaints or comments were received concerning the rule;
- (3) How complex is the rule;
- (4) How much the rule overlaps, duplicates or conflicts with other federal rules, and, to the extent feasible, with state and local governmental rules; and
- (5) How long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

For rules that were certified under RFA section 605, ONMS is not required to conduct a review under RFA section 610. However, ONMS may exercise its discretion to prepare an assessment to determine whether changed conditions may mean that the existing rules now do have a significant economic impact on a substantial number of small entities. The assessment of certified rules may further consider whether the existing rules should be left unchanged, or whether they should be revised or rescinded to minimize significant economic impacts on a substantial number of small entities, consistent with the objectives of other applicable statutes.

#### Plan for Periodic Review of Rules

ONMS will conduct reviews in such a way as to ensure that all rules for which a Final Regulatory Flexibility Analysis was prepared are reviewed within 10 years of the year in which they were originally issued. During this same period, ONMS may exercise its discretion to also review rules certified under RFA section 605 as not having significant impacts. ONMS may evaluate whether changed conditions may mean that the existing rules now do have a significant economic impact on a substantial number of small entities and therefore should be reviewed under RFA section 610. ONMS intends that it will conduct section 610 reviews on applicable regulations on an annual basis. ONMS will make RFA Section 610 review reports available at the following website: <http://sanctuaries.noaa.gov/library/alldocs.html>.

#### ONMS Regulation Requiring Review for 2020

Two rulemakings finalized in 2010 were certified under RFA section 605 and are being assessed by ONMS to determine whether changed conditions may mean that the existing rules now do have a significant economic impact on a substantial number of small entities and therefore should be reviewed under RFA section 610. The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these rules would not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not required, and none were prepared for the following actions:

1. "Gray's Reef National Marine Sanctuary Spearfishing Regulations". RIN 0648-AX37 (75 FR 7361; February 19, 2010). This final rule prohibited the use of spearfishing gear in Gray's Reef National Marine Sanctuary (GRNMS or sanctuary). Possession of spearfishing gear is also prohibited except for vessels passing through the sanctuary without interruption. The final rule also facilitated enforcement of an existing prohibition against the use of powerheads within the sanctuary.
2. "Florida Keys National Marine Sanctuary Discharge Regulations." RIN 0648-AX58 (75 FR 72655; November 26, 2010). This rule eliminated the exemption that allowed discharges from within the boundary of the sanctuary of biodegradable effluent incidental to vessel use and generated by marine sanitation devices (MSDs) approved under the Clean Water Act (CWA), and required that MSDs be secured to prevent discharges of treated and untreated sewage.

ONMS invites comments on these rules, and whether any conditions have changed for any of these rules, or for small business conducting activities in these areas that would require ONMS to conduct RFA section 610 review of those regulations. ONMS will evaluate comments on whether those rules now have a significant impact and therefore should be reviewed under RFA section 610. Unless we publish a notice stating otherwise, ONMS will make any reports available at <http://sanctuaries.noaa.gov/library/alldocs.html>.

**John Armor,**  
Director, Office of National Marine Sanctuaries.

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R10-OAR-2019-0403; FRL-9998-95-Region 10]

#### Air Plan Approval: ID; Update to CRB Fee Billing Procedures

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve state implementation plan (SIP) revisions submitted by the State of Idaho's Department of Environmental Quality on June 5, 2019. The changes provide Idaho Department of Environmental Quality a more streamlined administrative process and were based on recommendation from Idaho's Crop Residue Advisory Committee. Specifically, the revisions proposed for approval in this action implement changes to when fees for open burning of crop residue are paid. We note that this action does not address the other revisions contained in Idaho's June 5, 2019 submission. The remaining portions of that submittal will be addressed in separate, future actions.

**DATES:** Written comments must be received on or before October 3, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2019-0403 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The 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. The 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:** Randall Ruddick, EPA Region X, 1200

Sixth Avenue-Suite 155, Seattle, WA 98101, at [ruddick.randall@epa.gov](mailto:ruddick.randall@epa.gov), or (206) 553-1999.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, it is intended to refer to the EPA. For further information, please see the direct final action, of the same title, which is located in the Rules section of this issue of the **Federal Register**. The EPA is approving the State’s SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule.

If the EPA receives adverse comments, the EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: August 15, 2019.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

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**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2019-0429; FRL-9999-08-Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Regulatory Definition of Volatile Organic Compounds**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Delaware. This revision pertains to amendments made to the definition of volatile organic

compounds (VOC) in the Delaware Administrative Code to conform with EPA’s regulatory definition of VOC. EPA found that certain compounds have a negligible photochemical reactivity and, therefore, has exempted them from the regulatory definition of VOC in several rulemaking actions. This revision to the Delaware SIP requests the exemption of eight compounds from the regulatory definition of VOC to match the actions EPA has taken. In addition, the revision also requests to remove the recordkeeping, reporting, modeling, and inventory requirements for t-butyl acetate (TBAC). This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before October 3, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2019-0429 at <https://www.regulations.gov>, or via email to [Spielberger.Susan@epa.gov](mailto:Spielberger.Susan@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://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 <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Erin Malone, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2190.

Ms. Malone can also be reached via electronic mail at [Malone.Erin@epa.gov](mailto:Malone.Erin@epa.gov).

**SUPPLEMENTARY INFORMATION:** On March 25, 2019, the State of Delaware, through the Department of Natural Resources and Environmental Control (DNREC),

formally submitted a revision to its SIP requesting that the definition of VOC in the Delaware SIP be updated to conform with several EPA rulemakings that exempted multiple compounds from the Federal definition of VOC in 40 CFR 51.100(s). The March 25, 2019 SIP revision requested that the definition of VOC in the Delaware SIP be updated to add the following compounds to the list of compounds excluded from the definition of VOC: trans-1,3,3,3-tetrafluoropropene (HFO-1234ze); HFE-134 (HCF<sub>2</sub>OCF<sub>2</sub>H); HFE-236cal2 (HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H); HFE-338pcc13 (HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H); H-Galden 1040X or H-Galden ZT 130 or (150 or 180) (HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; and 2-amino-2-methyl-1-propanol. These compounds were excluded from the Federal regulatory definition of VOC in 40 CFR 51.100(s) by EPA in several rulemakings, which are discussed in more detail later in this notice of proposed rulemaking (NPRM). DNREC’s March 25, 2019 SIP revision also requested to delete the recordkeeping, reporting, and modeling requirements for TBAC.

**I. Background**

VOCs are organic compounds of carbon that, in the presence of sunlight, react with sources of oxygen molecules, such as nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO), in the atmosphere to produce tropospheric ozone, commonly known as smog. Common sources that may emit VOCs include paints, coatings, housekeeping and maintenance products, and building and furnishing materials. Outdoor emissions of VOCs are regulated by EPA primarily to prevent the formation of ozone.

VOCs have different levels of volatility, depending on the compound, and react at different rates to produce varying amounts of ozone. VOCs that are non-reactive or of negligible reactivity to form ozone react slowly and/or form less ozone; therefore, reducing their emissions has limited effects on local or regional ozone pollution. Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of VOC and what compounds shall be treated as VOCs for regulatory purposes.

It is EPA’s policy that organic compounds with a negligible level of reactivity should be excluded from the regulatory definition of VOC in order to focus control efforts on compounds that significantly affect ozone concentrations. EPA uses the reactivity of ethane as the threshold for