

proposing to make a determination that the submittal meets the requirements of the identified elements. A detailed summary of EPA's review and rationale for approving West Virginia's submittal may be found in the technical support document (TSD) for this proposed rulemaking action which is available online at [www.regulations.gov](http://www.regulations.gov), docket number EPA-R03-OAR-2019-0103.

#### IV. Proposed Action

EPA is proposing to approve West Virginia's September 14, 2018 submittal which provides the basic program elements, or portions thereof, specified in section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) necessary to implement, maintain, and enforce the 2015 ozone NAAQS. This proposed rulemaking action does not include action on section 110(a)(2)(I) which pertains to the nonattainment planning requirements of part D, title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA and will be addressed in a separate process. This proposed rulemaking action also does not address section 110(a)(2)(D)(i)(I) which pertains to the interstate transport of emissions; EPA will propose action on West Virginia's 2015 Transport SIP in a later separate action. EPA is soliciting public comments on the issues discussed in this document which will be considered before taking final rulemaking action.

#### V. Statutory and Executive Order Reviews

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 proposed 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 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 (Pub. L. 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 proposed rule, pertaining to West Virginia's section 110(a)(2) infrastructure requirements for the 2015 ozone NAAQS, 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.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

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

Dated: December 12, 2019.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 27

[WT Docket No. 18-120; Report No. 3135; FRS 16304]

### Petitions for Reconsideration of Action in Proceeding

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for Reconsideration.

**SUMMARY:** Petitions for Reconsideration (Petitions) have been filed in the Commission's proceeding listed below by Kevin J. Allis, on behalf of National Congress of American Indians, Burt Q.C. Lum, on behalf of The Hawaii Broadband Initiative and Keith Krueger, *et al.*, on behalf of the Schools, Health & Libraries Broadband Coalition, Consortium for School Networking, State Educational Technology Directors Association, American Library Association, Nation Digital Inclusion Alliance, the Nebraska Department of Education, Utah Education and Telehealth Network, Council of Chief State School Officers, A Better Wireless, and Access Humboldt.

**DATES:** Oppositions to the Petitions must be filed on or before January 2, 2020. Replies to an opposition must be filed on or before January 13, 2020.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** John Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau at (202) 418-0797.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, Report No. 3135, released December 05, 2019. The full text of the Petitions are available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY-A257, Washington, DC 20554. Petitions also may be accessed online via the Commission's Electronic Comment Filing System at: <http://apps.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. because no rules are being adopted by the Commission.

*Subject:* Transforming the 2.5 GHz Band, FCC 19-62, published at 84 FR 57343, published October 25, 2019, *correction published* at 84 FR 64209, November 21, 2019, in WT Docket No. 18-120.

*Number of Petitions Filed:* 3.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

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