

send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

#### (j) Related Information

For more information about this AD, contact Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7742; fax: (781) 238-7199; email: [nicholas.j.paine@faa.gov](mailto:nicholas.j.paine@faa.gov).

#### (k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) International Aero Engines (IAE) Non-Modification Service Bulletin (NMSB) No. V2500-ENG-72-0713, Revision 1, dated January 26, 2021.

(ii) IAE NMSB No. V2500-E5-72-0015, dated December 15, 2020.

(3) For IAE service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (800) 565-0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); website: <http://fleetcare.pw.utc.com>.

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on May 19, 2021.

#### Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-11960 Filed 6-7-21; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0098; Project Identifier MCAI-2020-01121-T; Amendment 39-21564; AD 2021-11-02]

RIN 2120-AA64

#### Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2019-22-07, which applied to all MHI RJ Aviation ULC Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL-600-2D15 (Regional Jet Series 705) airplanes, Model CL-600-2D24 (Regional Jet Series 900) airplanes, and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. AD 2019-22-07 required revising the existing airplane flight manual (AFM) to include a limitation and an abnormal operating procedure for the Automatic Flight Control System (AFCS). This AD requires revising the existing AFM and adding airplanes to the applicability. This AD was prompted by a finding that the limitation and abnormal operating procedure did not include reference to a certain mode. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective July 13, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 13, 2021.

**ADDRESSES:** For Bombardier service information identified in this final rule, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free telephone +1-844-272-2720 or direct-dial telephone +1-514-855-8500; fax +1-514-855-8501; email [thd.crj@mhjrj.com](mailto:thd.crj@mhjrj.com); internet <https://mhjrj.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA,

call 206-231-3195. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0098.

#### Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0098; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7367; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF-2018-32R1, dated August 21, 2020 (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all MHI RJ Aviation ULC Model CL-600-2B19 (Regional Jet Series 100 & 440), CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes. You may examine the MCAI in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0098.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019-22-07, Amendment 39-19786 (85 FR 439, January 6, 2020) (AD 2019-22-07). AD 2019-22-07 applied to all MHI RJ Aviation ULC Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL-600-2D15 (Regional Jet Series 705) airplanes, Model CL-600-2D24 (Regional Jet Series 900) airplanes, and Model CL-600-2E25 (Regional Jet Series 1000)

airplanes. The NPRM published in the **Federal Register** on February 24, 2021 (86 FR 11165). The NPRM was prompted by a finding that the limitation and abnormal operating procedure did not include reference to (V) ALTV CAP mode and a finding that the MHI RJ Aviation ULC Model CL-600-2C11 (Regional Jet Series 550) airplanes are also affected by the same unsafe condition (Model CL-600-2B19 airplanes do not have (V) ALTS CAP or (V) ALTV CAP mode). The risk of the unsafe condition also exists during (V) ALTV CAP mode. The NPRM proposed to require revising the existing AFM and adding airplanes to the applicability. The FAA is issuing this AD to address an engine failure, if it occurs during or before a climb while in ALTS CAP, (V) ALTS CAP, or (V) ALTV CAP mode, which may cause the airspeed to drop significantly below the safe operating speed, possibly resulting in reduced control of the airplane. See the MCAI for additional background information.

**Comments**

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comment received. The Air Line Pilots Association, International (ALPA) stated that it supports the NPRM.

**Conclusion**

The FAA reviewed the relevant data, considered the comment received, and

determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

**Related Service Information Under 1 CFR Part 51**

Bombardier has issued the following service information, which describes procedures for revising the existing AFM by including a limitation that specifies a warning for the AFCS and an abnormal operating procedure if an engine failure occurs during or before a climb while in ALTS CAP mode, (V) ALTS CAP mode, or (V) ALTV CAP mode, as applicable. These documents are distinct since they apply to different airplane models.

- Section 02-08, “System Limitations,” of Chapter 2, “LIMITATIONS”; and Section 05-02, “In-Flight Engine Failures,” of Chapter 5, “ABNORMAL PROCEDURES”; of the Bombardier CRJ Series Regional Jet Model CL-600-2B19 AFM, CSP A-012, Volume 1, Revision 73, dated January 3, 2020.
- Section 02-08, “System Limitations,” of Chapter 2, “LIMITATIONS”; and Section 05-02, “In-Flight Engine Failures,” of Chapter 5, “ABNORMAL PROCEDURES”; of the Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) AFM, CSP B-012, Revision 31, dated May 8, 2020.
- Section 02-08, “System Limitations,” of Chapter 2, “LIMITATIONS”; and Section 05-02, “In-Flight Engine Failures,” of Chapter 5, “ABNORMAL PROCEDURES”; of the Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and CL-600-2D15 (Series 705) AFM, CSP C-012, Volume 1, Revision 24, dated March 27, 2020.
- Section 02-08, “System Limitations,” of Chapter 2, “LIMITATIONS”; and Section 05-02, “In-Flight Engine Failures,” of Chapter 5, “ABNORMAL PROCEDURES”; of the Bombardier CRJ Series Regional Jet Model CL-600-2E25 (Series 1000) AFM, CSP D-012, Revision 23, dated February 14, 2020.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

The FAA estimates that this AD affects 992 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

**Costs of Compliance**

**Costs of Compliance**

The FAA estimates that this AD affects 992 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
New actions .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$84,320

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or

develop on products identified in this rulemaking action.

**Regulatory Findings**

The FAA determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by:  
 ■ a. Removing Airworthiness Directive (AD) 2019-22-07, Amendment 39-19786 (85 FR 439, January 6, 2020); and  
 ■ b. Adding the following new AD:  
**2021-11-02 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.):** Amendment 39-21564; Docket No. FAA-2021-0098; Project Identifier MCAI-2020-01121-T.

**(a) Effective Date**

This airworthiness directive (AD) is effective July 13, 2021.

**(b) Affected ADs**

This AD replaces AD 2019-22-07, Amendment 39-19786 (85 FR 439, January 6, 2020) (AD 2019-22-07).

**(c) Applicability**

This AD applies to the MHI RJ Aviation ULC airplanes identified in paragraphs (c)(1) through (6) of this AD, certificated in any category, all manufacturer serial numbers.

- (1) Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes.
- (2) Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) airplanes.
- (3) Model CL-600-2C11 (Regional Jet Series 550) airplanes.
- (4) Model CL-600-2D15 (Regional Jet Series 705) airplanes.
- (5) Model CL-600-2D24 (Regional Jet Series 900) airplanes.
- (6) Model CL-600-2E25 (Regional Jet Series 1000) airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 22, Auto Flight.

**(e) Reason**

This AD was prompted by a report that during the Automatic Flight Control System (AFCS) ALTS CAP, (V) ALTS CAP, or (V) ALTV CAP mode, the flight guidance/autopilot does not account for engine failure while capturing an altitude. The FAA is issuing this AD to address an engine failure, if it occurs during or before a climb while in ALTS CAP, (V) ALTS CAP, or (V) ALTV CAP

mode, which may cause the airspeed to drop significantly below the safe operating speed, possibly resulting in reduced control of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Revision of the Airplane Flight Manual (AFM)**

Within 60 days after the effective date of this AD: Revise the existing AFM to include the information in Subject 2, "AUTOMATIC FLIGHT CONTROL SYSTEM (AFCS)," of Section 02-08, "System Limitations," of Chapter 2, "LIMITATIONS"; and Subject 1.C, "Engine Failure in Climb During ALTS CAP," or Subject 1.D, "Engine Failure in Climb During (V) ALTS CAP or (V) ALTV CAP," of Section 05-02, "In-flight Engine Failures," of Chapter 5, "ABNORMAL PROCEDURES"; as applicable; of the applicable AFM identified in figure 1 to paragraph (g) of this AD.

**Figure 1 to paragraph (g) - AFM Revision**

<b>MHI RJ Aviation ULC Airplane Model</b>	<b>Bombardier AFM</b>	<b>AFM Revision</b>
CL-600-2B19	Bombardier CRJ Series Regional Jet Model CL-600-2B19 AFM, CSP A-012, Volume 1	Revision 73, dated January 3, 2020
CL-600-2C10 CL-600-2C11	Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) AFM, CSP B-012	Revision 31, dated May 8, 2020
CL-600-2D15 CL-600-2D24	Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and CL-600-2D15 (Series 705) AFM, CSP C-012, Volume 1	Revision 24, dated March 27, 2020
CL-600-2E25	Bombardier CRJ Series Regional Jet Model CL-600-2E25 (Series 1000) AFM, CSP D-012	Revision 23, dated February 14, 2020

**(h) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraph (g) of this AD, if those

actions were performed before the effective date of this AD, using the applicable AFM

specified in figure 2 to paragraph (h) of this AD.

**Figure 2 to paragraph (h) - Credit for Previous AFM Revision**

<b>MHI RJ Aviation ULC Airplane Model</b>	<b>Bombardier AFM</b>	<b>CRJ Series Regional Jet AFM Revision</b>
CL-600-2B19	Bombardier CRJ Series Regional Jet Model CL-600-2B19 AFM, CSP A-012, Volume 1	Revision 70, dated July 13, 2018; or Revision 68, dated August 4, 2017
CL-600-2C10 CL-600-2C11	Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) AFM, CSP B-012	Revision 29, dated September 20, 2019
CL-600-2D15 CL-600-2D24	Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and CL-600-2D15 (Series 705) AFM, CSP C-012, Volume 1	Revision 22, June 7, 2019
CL-600-2E25	Bombardier CRJ Series Regional Jet Model CL-600-2E25 (Series 1000) AFM, CSP D-012	Revision 22, dated September 6, 2019

**(i) Other FAA AD Provisions**

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or MHI RJ Aviation ULC's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(j) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD

CF-2018-32R1, dated August 21, 2020, for related information. This MCAI may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0098.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7367; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (4) of this AD.

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Section 02-08, "System Limitations," of Chapter 2, "LIMITATIONS," of Bombardier CRJ Series Regional Jet Model CL-600-2B19 Airplane Flight Manual (AFM), CSP A-012, Volume 1, Revision 73, dated January 3, 2020.

(ii) Section 05-02, "In-flight Engine Failures," of Chapter 5, "ABNORMAL

PROCEDURES," of Bombardier CRJ Series Regional Jet Model CL-600-2B19 Airplane Flight Manual (AFM), CSP A-012, Volume 1, Revision 73, dated January 3, 2020.

(iii) Section 02-08, "System Limitations," of Chapter 2, "LIMITATIONS," of Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) AFM, CSP B-012, Revision 31, dated May 8, 2020.

(iv) Section 05-02, "In-flight Engine Failures," of Chapter 5, "ABNORMAL PROCEDURES," of Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) AFM, CSP B-012, Revision 31, dated May 8, 2020.

(v) Section 02-08, "System Limitations," of Chapter 2, "LIMITATIONS," of Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and Model CL-600-2D15 (Series 705) AFM, CSP C-012, Volume 1, Revision 24, dated March 27, 2020.

(vi) Section 05-02, "In-flight Engine Failures," of Chapter 5, "ABNORMAL PROCEDURES," of Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and Model CL-600-2D15 (Series 705) AFM, CSP C-012, Volume 1, Revision 24, dated March 27, 2020.

(vii) Section 02-08, "System Limitations," of Chapter 2, "LIMITATIONS," of Bombardier CRJ Series Regional Jet Model

CL-600-2E25 (Series 1000) AFM, CSP D-012, Revision 23, dated February 14, 2020.

(viii) Section 05-02, "In-flight Engine Failures," of Chapter 5, "ABNORMAL PROCEDURES," of Bombardier CRJ Series Regional Jet Model CL-600-2E25 (Series 1000) AFM, CSP D-012, Revision 23, dated February 14, 2020.

(3) For Bombardier service information identified in this AD, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free telephone +1-844-272-2720 or direct-dial telephone +1-514-855-8500; fax +1-514-855-8501; email [thd.crj@mhirj.com](mailto:thd.crj@mhirj.com); internet <https://mhirj.com>.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on May 11, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021-11956 Filed 6-7-21; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2021-0002; FRL-10024-54-Region 8]

### Approval and Promulgation of Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules; Regional Haze

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing approval on a revision to the North Dakota State Implementation Plan (SIP) submitted by the State of North Dakota on November 11, 2016 and supplemented on March 15, 2021, that addresses amendments to the regional haze provisions of the North Dakota Administrative Code (NDAC). These revisions were submitted to remove certain regional haze requirements related to Best Available Retrofit Technology (BART) in the first planning period. EPA is also finalizing approval on a revision to the North Dakota SIP submitted on August

3, 2020, that addresses additional amendments to the regional haze provisions of the NDAC. The 2020 SIP revision was submitted to update the incorporation by reference date for regional haze definitions, add emission reduction requirements to make reasonable progress during the second and subsequent regional haze planning periods, and revise the regional haze monitoring, recordkeeping, and reporting requirements to be applicable under the second and subsequent planning period. EPA is taking this action pursuant to section 110 and Part C of the Clean Air Act (CAA).

**DATES:** This rule is effective on July 8, 2021.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2021-0002. 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., 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:** Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6252, [dobrahner.jaslyn@epa.gov](mailto:dobrahner.jaslyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" means the EPA.

### I. Background

The background for this action is discussed in detail in our April 1, 2021 proposal (86 FR 17101). In that document we proposed to approve North Dakota's regional haze SIP revision submitted by the State of North Dakota on November 11, 2016 and supplemented on March 15, 2021. Specifically, we proposed to approve North Dakota's removal of NDAC section 33-15-25-02.1 (requirement pertaining to the submittal of a regional haze BART analysis) and section 33-15-25-03 (requirement that references the federal guidelines for BART determinations under the regional haze

rule) from the regional haze provisions provided in NDAC section 33-15-25.<sup>1</sup>

We also proposed to approve a portion of North Dakota's August 3, 2020, SIP revision that addresses NDAC section 33.1-15-25 of the Air Pollution Control Rules for regional haze.<sup>2</sup> Specifically, we proposed to approve the following revisions to NDAC: Section 33.1-15-25-01 which updates the incorporation by reference date for regional haze definitions; section 33.1-15-25-03 which adds emission reduction requirements to make reasonable progress for the second and subsequent planning periods; and section 33.1-15-25-04 which revises the regional haze monitoring, recordkeeping, and reporting requirements to be applicable under the second and subsequent planning periods.

We did not receive any comments on the proposed rule.

### II. Final Action

In this action, EPA is finalizing approval on SIP amendments to North Dakota Air Pollution Control Rules, shown in Table 1, submitted by the State of North Dakota on November 11, 2016, and supplemented March 15, 2021, and August 3, 2020.

#### TABLE 1—LIST OF NORTH DAKOTA AMENDMENTS THAT EPA IS APPROVING

**Amended Sections in the November 11, 2016 Submittal, Supplemented March 15, 2021**  
NDAC section 33-15-25-02.1,<sup>3</sup> NDAC section 33-15-25-03.<sup>4</sup>

**Amended Sections in the August 3, 2020 Submittal**  
NDAC section 33.1-15-25-01, NDAC section 33.1-15-25-03, NDAC section 33.1-15-25-04.

### III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation

<sup>1</sup> On August 6, 2018, North Dakota submitted a SIP to EPA that recodified the Air Pollution Control Rules, including those that address regional haze, from NDAC section 33-15 to NDAC section 33.1-15. EPA approved the recodification on February 5, 2019 (84 FR 1610). The recodification made the regional haze section of NDAC to be changed from section 33-15-25 to section 33.1-15-25. The 2018 SIP reflected the deletions of section 33.1-15-25-02.1 and section 33.1-15-25-03 (formerly referred to as section 33-15-25-02.1 and section 33-15-25-03).

<sup>2</sup> EPA will act on the remaining portions of the ND August 3, 2020, SIP in a separate future rulemaking.

<sup>3</sup> Since North Dakota's NDAC recodification in 2018, section 33-15-25-02.1 is referred to as section 33.1-15-25-02.1.

<sup>4</sup> Since North Dakota's NDAC recodification in 2018, section 33-15-25-03 is referred to as section 33.1-15-25-03.