

**Subpart PP—South Carolina**

■ 2. In § 52.2120(c), amend the table under the heading “Regulation No.

62.5” by revising the entries for “Standard No. 7” and “Standard No. 7.1” to read as follows:

**§ 52.2120 Identification of plan.**  
\* \* \* \* \*  
(c) \* \* \*

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED SOUTH CAROLINA LAWS AND REGULATIONS

| State citation       | Title/subject                            | State effective date | EPA approval date                            | Explanation   |
|----------------------|--|----------------------|--|---|
| Regulation No. 62.5. | Air Pollution Control Standards.         |                      |  |   |
| Standard No. 7 ..    | Prevention of Significant Deterioration. | 11/26/2021           | 8/23/2023, [Insert citation of publication]. | Except for the project emissions accounting provisions at paragraphs (A)(2)(d)(vi) and (A)(2)(d)(vii).  |
| Standard No. 7.1     | Nonattainment New Source Review.         | 11/26/2021           | 8/23/2023, [Insert citation of publication]. | Except for the ethanol production facilities exclusion in paragraphs (A)(11)(t) and (B)(22)(c)(xx) and the project emissions accounting provisions at paragraphs (A)(8) and (A)(9). |

\* \* \* \* \*  
[FR Doc. 2023–18120 Filed 8–22–23; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R09–OAR–2022–0682; FRL–10126–02–R9]

**Air Plan Approval; California; San Diego County Air Pollution Control District; Oxides of Nitrogen**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the San Diego County Air Pollution Control District (SDCAPCD) portion of the California State Implementation Plan (SIP). The California Air Resources Board (CARB) submitted the rule, on behalf of SDCAPCD, to the EPA as part of the requirement to implement major source

reasonable available control technology (RACT) for emissions of oxides of nitrogen (NO<sub>x</sub>) for the San Diego County ozone nonattainment area. This revision concerns NO<sub>x</sub> emissions from boilers, process heaters, and steam generators. We are approving a local rule to regulate these emission sources under the Clean Air Act (CAA or the “Act”).

**DATES:** This rule is effective September 22, 2023.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2022–0682. All documents in the docket are listed on the <https://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 <https://www.regulations.gov>, or please contact

the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** La Kenya Evans-Hopper, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3245 or by email at [evanshopper.lakenya@epa.gov](mailto:evanshopper.lakenya@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to the 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 January 30, 2023 (88 FR 5833), the EPA proposed to approve the following rule into the California SIP.

TABLE 1—SUBMITTED RULE

| Local agency  | Rule No. | Rule title  | Adopted  | Submitted |
|---------------|----------|---|----------|-----------|
| SDCAPCD ..... | 69.2.2   | Medium Boilers, Process Heaters, and Steam Generators ..... | 09/09/21 | 03/09/22  |

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

**II. Public Comments and EPA Responses**

The EPA’s proposed action provided a 30-day public comment period. During this period, we received three comments, two of which were

submitted by the same commenter. The full text of all three comments is available in the docket for this rulemaking. The comments were broadly supportive of SIPs, in the general sense, as a necessary tool to

address air pollution, particularly NO<sub>x</sub> emissions, although they were not specific to this rulemaking action. After stating the need for the EPA to approve and enforce SIPs to ensure areas meet the national ambient air quality standards (NAAQS), one comment contained a general statement that SIPs could be argued to be overly burdensome because of their economic impacts on businesses and consumers. After reviewing this comment, the EPA has determined that the comment does not raise issues germane to our proposed finding that SDCAPCD Rule 69.2.2 satisfies the requirements of CAA sections 110 and part D, which focuses the rule evaluation on enforceability, stringency, and interference with CAA requirements. Therefore, we have determined that this comment does not necessitate a response, and the EPA will not provide a specific response to the comment in this document.

### III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action that this rule meets CAA requirements and is consistent with relevant guidance regarding enforceability, RACT, and SIP revisions. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into 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 San Diego County Air Pollution Control District, Rule 69.2.2, “Medium Boilers, Process Heaters, and Steam Generators,” adopted on September 9, 2021, which regulates NO<sub>x</sub> emissions from boilers, process heaters, and steam generators with a heat input rating greater than 2 million British thermal unit (Btu) per hour to less than 5 million Btu per hour that are manufactured, sold, offered for sale or distributed, or installed for use within San Diego County. The EPA has made, and will continue to make, these documents available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the

provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 14094 (88 FR 21879, April 11, 2023);
  - 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 subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
  - 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 Clean Air Act.
- In addition, 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. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the

greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

This action is subject to the Congressional Review Act, 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).

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 October 23, 2023. 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 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 17, 2023.

**Cheree Peterson,**

*Acting Regional Administrator, Region IX.*

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations 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 paragraph (c)(604) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(604) The following regulations were submitted on March 9, 2022, by the Governor's designee as an attachment to a letter dated March 9, 2022.

(i) *Incorporation by reference.* (A) San Diego County Air Pollution Control District.

(1) Rule 69.2.2, "Medium Boilers, Process Heaters, and Steam Generators," adopted on September 9, 2021.

(2) [Reserved]

(B) [Reserved]

(ii) [Reserved]

[FR Doc. 2023-18110 Filed 8-22-23; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[WC Docket No. 21-450; FCC 22-87; FR ID 164120]

### Affordable Connectivity Program; Emergency Broadband Benefit Program

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection titled Affordable Connectivity Program (ACP) Transparency Data Collection, which is associated with the rules contained in the Fourth Report and Order, FCC 22-

87 (Nov. 23, 2022) (*Fourth Report and Order*), which was summarized in a document published on January 13, 2023. This document is consistent with the *Fourth Report and Order* and its summary.

**DATES:** The amendments to § 54.1813(b) through (d) (instruction 3), published at 88 FR 2248, January 13, 2023, and the amendments to § 54.1813(c) and (g) in this final rule, are effective August 23, 2023.

**FOR FURTHER INFORMATION CONTACT:** Eric Wu, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400 or [eric.wu@fcc.gov](mailto:eric.wu@fcc.gov). For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418-2991 or [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission submitted information collection requirements for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, on June 7, 2023, which were approved by OMB on August 11, 2023. The information collection requirements are found in the Commission's *Affordable Connectivity Program; Emergency Broadband Benefit Program*, WC Docket No. 21-450, Fourth Report and Order, FCC 22-87 (Nov. 23, 2022) (*Fourth Report and Order*), which was summarized in 88 FR 2248, January 13, 2023. The OMB Control Number is 3060-1310. If you have any comments on the burden estimates listed in the following, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Please include the OMB Control Number, 3060-1310, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on August 11, 2023, for the information collection requirements contained in 47 CFR 54.1813, published at 88 FR 2248, January 13, 2023.

Section 54.1813(g) of title 47 of the Code of Federal Regulations provides that compliance with § 54.1813(b) through (d) wouldn't be required until § 54.1813(g) is removed or contains a compliance date, which wouldn't occur until after OMB completes review pursuant to the PRA. Since OMB has completed its review of the information collection requirements, this document removes § 54.1813(g). This document further revises § 54.1813(c) to delete the reference to paragraph (g) and to add the compliance date for the ACP Transparency Data Collection.

These amendments to § 54.1813(c) and (g) are effective on the date this document is published in the **Federal Register**. The amendments are minor corrections, and the public was given notice in the November 2022 *Fourth Report and Order* that the rules would need to be amended to reflect completion of OMB review under the Paperwork Reduction Act. Additionally, the Commission separately announced the compliance date for the ACP Transparency Data Collection in a Public Notice issued on August 11, 2023. These amendments impose no immediate burdens or obligations on members of the public, and making them effective upon publication will enhance notice to the public by incorporating the compliance date sooner into the Code of Federal Regulations. There is thus good cause under 5 U.S.C. 553(d)(3) for the amendments to be effective less than 30 days after their publication.

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.

Additionally, 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 3060-1310.

The foregoing notification 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:* 3060-1310.

*OMB Approval Date:* August 11, 2023.

*OMB Expiration Date:* August 31, 2026.

*Title:* Affordable Connectivity Program (ACP) Transparency Data Collection.

*Form Number:* FCC Form 5651.

*Type of Review:* New information collection.