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SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

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I. Background

On October 24, 2013, EPA conditionally approved, pending submission by Rhode Island of a technical demonstration that Rhode Island’s January 18, 2011 SIP revisions as they relate to major new and modified stationary sources of regulated NSR pollutants other than GHGs, are as least as stringent as EPA’s NSR reform. See 78 FR 63383. On February 27, 2015, the State Rhode Island submitted a technical demonstration, pursuant to 40 CFR 51.166(a)(7), that Rhode Island’s PSD and nonattainment new source review permitting programs are at least as stringent in all respects as EPA’s NSR Reform provisions for stationary sources of regulated NSR pollutants other than GHGs.

II. What is a conditional approval?

Under section 110(k)(4) of the Clean Air Act, the EPA may conditionally approve a plan based on a commitment from the State to adopt specific enforceable measures by a date certain no later than one year from the date of final conditional approval. If the EPA subsequently determines that the State has met its commitment, EPA publishes a document in the **Federal Register** notifying the public that EPA is converting the conditional approval to a full approval. However, if the State fails to timely meet its commitment, then the conditional approval automatically converts to a disapproval by operation of law without further action required by EPA. If that were to occur, EPA would then notify the state by letter. At that time, the conditionally approved SIP revisions would not be part of the state’s approved SIP. EPA subsequently would publish a notice in the **Federal Register** notifying the public that the conditional approval automatically converted to a disapproval.

III. What are the terms of the conditional approval?

The EPA conditionally approved Rhode Island’s January 18, 2011 SIP revision as it relates to major new and modified stationary sources of regulated NSR pollutants other than GHGs on October 24, 2013. See 78 FR 63383. Our conditional approval was based on a commitment letter submitted by RI DEM on September 18, 2013. Specifically, RI DEM committed to submit a revised technical demonstration (described above) no later than one year from the date on which EPA finalized the conditional approval.

IV. Were the terms of the conditional approval met?

RI DEM failed to submit the technical demonstration in a timely manner, therefore our conditional approval, by operation of law, became a disapproval on December 23, 2014. However, on February 27, 2015, RI DEM submitted the technical demonstration pursuant to 40 CFR 51.166(a)(7), showing that Rhode Island’s PSD and nonattainment new source review permitting programs are at least as stringent in all respects as EPA’s NSR Reform provisions for stationary sources of regulated NSR pollutants other than GHGs. Rhode Island’s technical demonstration is included in the docket and administrative record for this action.

EPA therefore has determined that RI DEM met the conditions of the conditional approval.

V. Final Action

EPA is converting the conditional approval to a full approval with this action. Rhode Island’s February 27, 2015 submission cured, as a legal matter, the disapproval that automatically occurred on December 23, 2014. Thus, the provisions of Rhode Island’s SIP that EPA conditionally approved on October 24, 2013 are now fully approved into the State’s SIP.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 26, 2015.

H. Curtis Spalding,

Regional Administrator, EPA New England.

[FR Doc. 2015-09017 Filed 4-20-15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2015-0209; FRL-9926-47-Region 6]

Approval and Promulgation of Implementation Plans; North Carolina; Charlotte; Base Year Emissions Inventory and Emissions Statement for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the state implementation plan (SIP) revision submitted by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (NC DENR) on July 7, 2014, to address the base year emissions inventory and emissions statement requirements for the State’s portion of the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area (hereafter referred to as the “bi-state Charlotte Area” or “Area”). Annual emissions reporting (*i.e.*, emission statement) and a base year emissions inventory are required for all ozone nonattainment areas. The Area is comprised of the entire county of Mecklenburg and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in North Carolina; and a portion of York County in South Carolina. EPA will consider and take action on the South Carolina submission for the emissions inventory and emissions statement for its portion of this Area in a separate action.

DATES: This direct final rule is effective June 22, 2015 without further notice, unless EPA receives adverse comment by May 21, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2015-0209, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email*: R4-ARMS@epa.gov.

3. *Fax*: (404) 562-9019.

4. *Mail*: “EPA-R04-OAR-2015-0209,” Air Regulatory Management Section, (formerly the Regulatory Development Section), Air Planning and

Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2015–0209. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through www.regulations.gov or email, information that you consider to be CBI or otherwise protected. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, *i.e.*, 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 either electronically in www.regulations.gov or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jane Spann, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Spann can be reached at (404) 562–9029 and via electronic mail at spann.jane@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in Appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the Clean Air Act (CAA or Act) requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The bi-state Charlotte Area was designated nonattainment for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012) using 2009–

2011 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the bi-state Charlotte Area was classified as a Marginal nonattainment area for the 2008 8-hour ozone NAAQS. On February 13, 2015, EPA finalized a rule entitled "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements" (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 ozone NAAQS.¹ *See* 80 FR 12264 (March 6, 2015). This rule establishes ozone nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA, including an attainment date three years after the July 20, 2012, effective date for areas classified as marginal areas for the 2008 8-hour NAAQS. Therefore, the attainment date for the bi-state Charlotte Area is July 20, 2015.

Based on the nonattainment designation, North Carolina was required to develop a nonattainment SIP revision addressing certain CAA requirements. Specifically, pursuant to CAA section 182(a)(3)(B) and section 182(a)(1), North Carolina was required to submit a SIP revision addressing emissions statements and emissions inventory requirements, respectively.

Ground level ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_x) and volatile organic compounds (VOC) in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_x and VOC. Section 182(a)(3)(B) of the CAA requires each state with ozone nonattainment areas to submit a SIP revision requiring annual emissions statements to be submitted to the state by the owner or operator of each NO_x or VOC stationary source² located within a nonattainment area showing the actual emissions of NO_x and VOC from that source. The first

¹ The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

² A state may waive the emission statement requirement for any class or category of stationary sources which emit less than 25 tons per year of VOCs or NO_x if the state meets the requirements of section 182(a)(3)(B)(ii).

statement is due three years from the area's nonattainment designation, and subsequent statements are due at least annually thereafter. Section 182(a)(1) of the CAA requires states with areas designated nonattainment for the ozone NAAQS to submit a SIP revision providing a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area.

On July 7, 2014, North Carolina submitted a SIP revision containing a base year emissions inventory and addressing emissions statement requirements related to its portion of the bi-state Charlotte Area. EPA is now taking action to approve this SIP revision as meeting the requirements of sections 110, 182(a)(1), and 182(a)(3)(B) of the CAA. More information on EPA's analysis of North Carolina's SIP revision is provided below.

II. Analysis of State's Submittal

(a) Base Year Emission Inventory

As discussed above, section 182(a)(1) of the CAA requires states to submit a comprehensive, accurate, and current

inventory of actual emissions from all sources of the relevant pollutant or pollutants in each ozone non-attainment area. The section 182(a)(1) base year inventory is defined in the SIP Requirements Rule as "a comprehensive, accurate, current inventory of actual emissions from sources of VOC and NO_x emitted within the boundaries of the nonattainment area as required by CAA section 182(a)(1)." See 40 CFR 51.1100(bb). The inventory year must be selected consistent with the baseline year for the RFP plan as required by 40 CFR 51.1110(b),³ and the inventory must include actual ozone season day emissions as defined in 40 CFR 51.1100(cc)⁴ and contain data elements consistent with the detail required by 40 CFR part 51, subpart A. See 40 CFR 51.1115(a), (c), (e). In addition, the point source emissions included in the inventory must be reported according to the point source emissions thresholds of the Air Emissions Reporting Requirements (AERR) in 40 CFR part 51, subpart A. See 40 CFR 51.1115(d).

North Carolina selected 2011 as the base year for the section 182(a)(1)

emissions inventory which is the year corresponding with the first triennial inventory under 40 CFR part 51, subpart A. This base year is one of the three years of ambient data used to designate the Area as a nonattainment area and therefore represents emissions associated with nonattainment conditions. The emissions inventory is based on data developed and submitted by NC DENR and Mecklenburg County Air Quality to EPA's 2011 National Emissions Inventory (NEI), and it contains data elements consistent with the detail required by 40 CFR part 51, subpart A.⁵

North Carolina's emissions inventory for its portion of the Area provides 2011 typical average summer day emissions data for NO_x and VOCs for the following general source categories: stationary point, area, non-road mobile, and on-road mobile. A detailed discussion of the inventory development is located in Appendix B to North Carolina's submittal which is provided in the docket for this action. The table below provides a summary of the emissions inventory.

TABLE 1—2011 POINT AND AREA SOURCES EMISSIONS FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE AREA
[Tons per summer day]

County	Point		Area		Non-road mobile		On-road mobile	
	NO _x	VOC	NO _x	VOC	NO _x	VOC	NO _x	VOC
Cabarrus*	1.10	0.89	0.44	4.53	2.43	1.62	11.85	6.32
Gaston*	26.44	1.74	0.55	4.94	2.30	1.83	13.39	6.93
Iredell*	4.63	0.97	0.22	1.95	0.96	0.84	5.45	2.62
Lincoln*	0.43	1.23	0.12	1.72	0.88	0.83	4.33	2.49
Mecklenburg	7.76	1.53	4.48	23.47	16.31	14.76	57.01	26.06
Rowan*	6.21	3.81	0.40	3.95	1.94	1.96	10.78	5.74
Union*	0.60	1.20	0.47	6.13	3.93	2.56	9.32	5.19

* Indicates emissions for the nonattainment portion of the county.

The emissions reported for Cabarrus, Gaston, Iredell, Lincoln, Rowan, and Union Counties reflect the emissions for only the nonattainment portion of the counties. The inventory contains point source emissions data for facilities located within the North Carolina portion of the Area based on Geographic Information Systems mapping. For the remaining emissions categories, emissions for the North Carolina portion

of the Area were determined based on the population of the nonattainment townships within each partial county. For Mecklenburg County, the emissions for the entire county are provided. More detail on the inventory emissions for individual sources categories is provided below and in Appendix B to North Carolina's SIP submittal.

Point sources are large, stationary, identifiable sources of emissions that

release pollutants into the atmosphere. The point source emissions inventory for North Carolina's portion of the bi-state Charlotte Area was developed using facility-specific emissions data. The point source emissions inventory for North Carolina's portion of the bi-state Charlotte Area data is located in the docket for today's action. The point source emissions data meets the point

³ 40 CFR 51.1110(b) states that "at the time of designation for the 2008 ozone NAAQS the baseline emissions inventory shall be the emissions inventory for the most recent calendar year for which a complete triennial inventory is required to be submitted to EPA under the provisions of subpart A of this part. States may use an alternative baseline emissions inventory provided the state demonstrates why it is appropriate to use the alternative baseline year, and provided that the year selected is between the years 2008 to 2012."

⁴ "Ozone season day emissions" is defined as "an average day's emissions for a typical ozone season work weekday. The state shall select, subject to EPA approval, the particular month(s) in the ozone season and the day(s) in the work week to be represented, considering the conditions assumed in the development of RFP plans and/or emissions budgets for transportation conformity." See 40 CFR 51.1100(cc).

⁵ Data downloaded from the EPA EIS from the 2011 NEI was subjected to quality assurance procedures described under *quality assurance details* under *2011 NEI Version 1 Documentation details* located at <http://www.epa.gov/ttn/chief/net/2011inventory.html#inventorydoc>. The quality assurance and quality control procedures and measures associated with this data are outlined in the State's EPA-approved Emission Inventory Quality Assurance Project Plan.

source emissions thresholds of 40 CFR part 51, subpart A.

Area sources are small emission stationary sources which, due to their large number, collectively have significant emissions (e.g., dry cleaners, service stations). Emissions for these sources were estimated by multiplying an emission factor by such indicators of collective emissions activity as production, number of employees, or population. These emissions were estimated at the county level. North Carolina developed its inventory according to the current EPA emissions inventory guidance for area sources.⁶

On-road mobile sources include vehicles used on roads for transportation of passengers or freight. North Carolina developed its on-road emissions inventory using EPA's Motor Vehicle Emissions Simulator (MOVES) model for each ozone nonattainment county.⁷ County level on-road modeling was conducted using county-specific vehicle population and other local data. North Carolina developed its inventory according to the current EPA emissions inventory guidance for on-road mobile sources.⁸

Non-road mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation, and other purposes that do not use roadways (e.g., lawn mowers, construction equipment, railroad locomotives, and aircraft). North Carolina calculated emissions for most of the non-road mobile sources using EPA's NONROAD2008a model⁹ and developed its non-road mobile source inventory according to the current EPA

emissions inventory guidance for non-road mobile sources.¹⁰

For the reasons discussed above, EPA has determined that North Carolina's emissions inventory meets the requirements under CAA section 182(a)(1) and the SIP Requirements Rule for the 2008 8-hour ozone NAAQS.

(b) Emissions Statements

Pursuant to section 182(a)(3)(B), states with ozone nonattainment areas must require annual emissions statements from NO_x and VOC stationary sources within those nonattainment areas. This requirement applies to all ozone nonattainment areas regardless of classification (e.g., Marginal, Moderate).

North Carolina regulation 15A North Carolina Administrative Code (NCAC) 02Q.0207 requires all owners or operators of stationary sources with actual emissions of 25 tons per year or more of VOC or NO_x located in the counties listed therein to submit a statement to the State by June 30 of each year identifying actual NO_x and VOC emissions for the previous calendar year. In 1995, EPA approved North Carolina's regulation and incorporated it into the SIP. See 60 FR 22283 (May 5, 1995). At that time, the regulation applied to stationary sources within Davidson County, Durham County, Forsyth County, Gaston County, Guilford County, Mecklenburg County, Wake County, the Dutchville Township portion of Granville County, and that part of Davie County bounded by the Yadkin River, Dutchman's Creek, North Carolina Highway 801, Fulton Creek, and back to the Yadkin River. North Carolina subsequently amended the regulation to expand its coverage to include Cabarrus, Lincoln, Rowan, and Union Counties in their entireties and Davidson Township and Coddle Creek Township in Iredell County. EPA concluded that the amended regulation met the requirements of section 182(a)(3)(B) for the 1997 8-hour ozone standard and incorporated the amendments into the SIP in 2012. See 77 FR 24382 (April 24, 2012). In its July 7, 2014 SIP revision, North Carolina noted that it continues to operate under 15A NCAC 02Q.0207 as approved into the SIP in 2012. EPA has reviewed this SIP-approved regulation and determined that it covers the entire North Carolina portion of the Area and meets the requirements of section 182(a)(3)(B) for the 2008 ozone NAAQS.¹¹

III. Final Action

EPA is approving the SIP revision submitted by North Carolina on July 7, 2014, addressing the base year emissions inventory and emissions statement requirements for the State's portion of the bi-state Charlotte Area. EPA has concluded that the State's submission meets the requirements of sections 110 and 182 of the CAA. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 22, 2015 without further notice unless the Agency receives adverse comments by May 21, 2015.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 22, 2015 and no further action will be taken on the proposed rule.

Please note that if EPA receives 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 Agency may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

Under the CAA, 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, 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:

statement rules in force and approved by EPA for the 1997 ozone NAAQS or the 1-hour ozone NAAQS provided that the rules remain adequate and cover all portions of the 2008 ozone NAAQS nonattainment areas. See 80 FR 12291.

⁶ This guidance includes: *Procedures for the Preparation of Emission Inventories of Carbon Monoxide and Precursors of Ozone*, Vol. 1, EPA-450/4-91-016 (May 1991) and *Emissions Inventory Improvement Program (EIIP) Technical Report, Vol. 3, Area Sources* (Revised January 2001, updated April 2001).

⁷ North Carolina used MOVES version 2010b because this was the latest version available at the time that the State submitted its SIP revision.

⁸ This guidance includes: *Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations*, EPA-454/R-05-001 (August 2005, updated November 2005); *Policy Guidance on the Use of MOVES2010 for State Implementation Plan Development, Transportation Conformity, and Other Purposes*, EPA-420-B-09-046 (December 2009); and *Technical Guidance on the Use of MOVES2010 for Emission Inventory Preparation in State Implementation Plans and Transportation Conformity*, EPA-420-B-10-023 (April 2010).

⁹ For consistency with the NEI, North Carolina included emissions data for locomotives at rail yards and aircraft (where they are reported to occur at the locations of the airports where they are generated) with the point source data in the base year inventory. See Appendix B.1 and Appendix B.4 of the State's SIP revision for a detailed discussion of the methodology used to calculate aircraft and locomotive emissions.

¹⁰ This guidance includes: *Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources*, EPA-450/4-81-026d (July 1991).

¹¹ As discussed in the preamble to the SIP Requirements Rule, a state may rely on emissions

- 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); 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, the SIP is not approved to apply on any Indian reservation land or in any other area where 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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).

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 June 22, 2015. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section

of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 9, 2015.

Heather McTeer Toney,
Regional Administrator, Region 4.

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 II—North Carolina

■ 2. In § 52.1770, paragraph (e) is amended by adding two entries for “North Carolina portion of bi-state Charlotte; 2008 8-Hour Ozone Base Year Emissions Inventory” and “North Carolina portion of bi-state Charlotte; 2008 8-Hour Ozone Annual Emission Reporting (Emission Statement)” at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *
(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register notice	Explanation
* * *				
North Carolina portion of bi-state Charlotte Area; 2008 8-Hour Ozone Base Year Emissions Inventory.	07/07/2014	April 21, 2015	[Insert citation of publication].	
North Carolina portion of bi-state Charlotte Area; 2008 8-Hour Ozone Annual Emissions Reporting (Emissions Statements).	07/07/2014	April 21, 2015	[Insert citation of publication].	