

documented in the docket for this action as required by section 6(a)(3)(E) of Executive Order 12866.

B. Paperwork Reduction Act (PRA)

In the **Federal Register** on March 12, 2018 (83 FR 10719) (FRL-9975-24), EPA announced the availability of and solicited comment on the draft ICR entitled "Guidance on Expanded Access to TSCA Confidential Business Information" (EPA ICR No. 2570.01 and OMB Control No. 2070-(new)). The ICR identifies the information collection activities contained in the draft guidance and provides EPA's estimates for the related burden and costs. The ICR, after addressing comments received, will be submitted to OMB for review and approval under the PRA, 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This action is not subject to the APA but is subject to TSCA, which does not require notice and comment rulemaking to take this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. As such, the requirements of UMRA sections 202, 203, 204, or 205, 2 U.S.C. 1531-1538, do not apply to this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications because it will not have any effect on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as

specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2-202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate environmental health risks or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on energy supply, distribution, or use. This action is proposing service fees for TSCA, which will not have a significant effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note) does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

Authority: 15 U.S.C. 2613(c).

Dated: March 12, 2018,

Charlotte Bertrand,

Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-SFUND-2018-08; FRL-9975-49-Region 9]

Anaconda Copper Mine, Yerington, NV: Proposed Settlement Agreement and Order on Consent

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: This notice announces the availability for review and comment of an administrative Settlement Agreement and Order on Consent ("Settlement") under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), between the U.S. Environmental Protection Agency ("EPA"), and Atlantic Richfield Company regarding the Anaconda Copper Mine Site ("Site") in Yerington, Nevada. The Settlement requires Atlantic Richfield Company to reimburse EPA \$3,000,000 for Past Response Costs at the Site.

DATES: Comments must be received on or before April 16, 2018.

ADDRESSES: The Settlement Agreement is available for public inspection at the United States Environmental Protection Agency, Superfund Records Center, 75 Hawthorne Street, Room 3110, San Francisco, California 94105. Telephone: 415-947-8717. A copy of the Settlement is also available at the following link: <https://semspub.epa.gov/work/09/100005264.pdf>. Comments should be addressed to Dustin Minor, Assistant Regional Counsel, Office of Regional Counsel (ORC-3), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105; or Email: minor.dustin@epa.gov; and should reference the Anaconda Copper Mine Site, EPA R9-2018-08.

FOR FURTHER INFORMATION CONTACT: Dustin Minor, Assistant Regional Counsel, Office of Regional Counsel (ORC-3), Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105; tel: (415) 972-3888; Minor.Dustin@epa.gov.

SUPPLEMENTARY INFORMATION: EPA deferred the non-tribal portion of the Site to the Nevada Division of Environmental Protection (NDEP) on February 5, 2018. In addition to requiring Atlantic Richfield Company to reimburse EPA \$3,000,000, the Settlement terminates the existing administrative orders referred to in the Settlement. EPA terminated the existing administrative orders because future

work at the non-tribal portion of the Site will be overseen by NDEP. EPA is only seeking comment on the cost recovery component of the Settlement. EPA will consider all comments submitted by the date set forth above regarding Section V. (Payment of Response Costs) and EPA may withhold consent from, or seek to modify, all or part of Section V. (Payment of Response Costs) if comments received disclose facts or considerations that indicate that Section V. (Payment of Response Costs) is inappropriate, improper, or inadequate.

Dated: March 5, 2018.

Enrique Manzanilla,
Director, Superfund Division, U.S.
Environmental Protection Agency, Region 9.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-R08-OAR-2018-0027; FRL-9975-08—Region 8]

Adequacy Determination for the Denver-North Front Range 2008 Ozone Attainment Plan's Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: In this notice, the Environmental Protection Agency (EPA) is notifying the public that the EPA has found the Metro-Denver/North Front Range (Metro-Denver/NFR) Moderate 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) attainment plan and its motor vehicle emissions budgets (MVEBs) adequate for transportation conformity purposes. As more fully explained in the Supplementary Information section of this notice, this finding will affect future transportation conformity determinations.

DATES: This finding is effective on April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6479, or russ.tim@epa.gov.

SUPPLEMENTARY INFORMATION: Transportation conformity is required by section 176(c) of the Clean Air Act to ensure that federally funded highway and transit projects are consistent with the air quality goals established by the

state implementation plan (SIP). The EPA's conformity rule provisions at 40 CFR part 93, subpart A, establish the criteria and procedures for determining whether transportation plans, programs and projects conform to the SIP. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the applicable NAAQS.

The criteria by which the EPA determines whether a SIP revision's MVEBs are adequate for transportation conformity purposes are outlined at 40 CFR 93.118(e)(4), and the adequacy review process is described at 40 CFR 93.118(f)(1). We applied these criteria and followed this process in making the determinations announced in this notice.

This notice is simply an announcement of findings that the EPA has already made, as described below.

The State of Colorado submitted the Metro-Denver/NFR Moderate 2008 8-hour ozone NAAQS attainment plan, and its associated MVEBs, on May 16, 2017. As part of our adequacy review, we posted the Metro-Denver/NFR Moderate 2008 8-hour ozone NAAQS attainment plan, with its identified nitrogen oxides (NO_x) and volatile organic compounds (VOC) MVEBs, for adequacy review on the EPA Office of Transportation and Air Quality's transportation conformity website (<https://www.epa.gov/state-and-local-transportation/adequacy-review-state-implementation-plan-sip-submissions-conformity>) on December 8, 2017. The EPA requested public comments by January 8, 2018; we did not receive any comments. We sent a letter to the Colorado Department of Public Health and Environment (CDPHE) on January 30, 2018, stating that the submitted Metro-Denver/NFR Moderate 2008 8-hour ozone NAAQS attainment plan and its MVEBs were adequate for transportation conformity purposes.

For the Metro-Denver/NFR Moderate 2008 8-hour ozone NAAQS attainment plan, the MVEBs we found adequate were as identified and described in Chapter 11 of the ozone attainment plan. We find that the Total Nonattainment Area Budgets of 73 tons per day (tpd) of NO_x and 55 tpd of VOC for 2017 are adequate, in accordance with 40 CFR 93.118. We also find the nonattainment area's Northern Subarea Budgets of 12 tpd of NO_x and 8 tpd of VOCs and the Southern Subarea Budgets of 61 tpd of NO_x and 47 tpd of VOCs, all for 2017, are adequate.

In addition, and as described in Chapter 11 of the Metro-Denver/NFR

Moderate 2008 8-hour NAAQS ozone attainment plan, the Denver Regional Council of Governments (DRCOG) Metropolitan Planning Organization (MPO) and the North Front Range MPO (NFRMPO) may switch from using the combined nonattainment-area-wide MVEBs to using the sub-area MVEBs for determining transportation conformity. To switch to use of the sub-area MVEBs (or to subsequently switch back to use of the combined nonattainment-area-wide MVEBs), the DRCOG and the NFRMPO must use the process described in Chapter 11 of the Metro-Denver/NFR ozone Moderate 2008 8-hour NAAQS ozone attainment plan on pages 11-5 through 11-6.

Following the effective date listed in the **DATES** section of this notice, the DRCOG, the NFRMPO, the Colorado Department of Transportation, and the U.S. Department of Transportation are required to use the MVEBs discussed above for future transportation conformity determinations for projects in the Metro-Denver/NFR Moderate 2008 8-hour NAAQS ozone nonattainment area. Please refer to 40 CFR 81.306 for a description of the nonattainment area boundary. On the effective date of this notice of adequacy, the previously-approved NO_x and VOC MVEBs (76 FR 47443; August 5, 2011) for the Metro-Denver/NFR 1997 8-hour ozone NAAQS nonattainment area will no longer be applicable for transportation conformity purposes.

Please note that our adequacy review of the MVEBs is separate from our future rulemaking action on the Metro-Denver/NFR Moderate 2008 8-hour NAAQS ozone attainment plan SIP revision and should not be used to prejudice our ultimate approval or disapproval of that SIP revision. Even if we find the Metro-Denver/NFR Moderate 2008 8-hour NAAQS ozone attainment plan and its MVEBs adequate for transportation conformity purposes now, we may later find it necessary to disapprove the SIP revision. Should this situation arise, we would revisit our adequacy finding.

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

Dated: March 13, 2018.

Douglas H. Benevento,
Regional Administrator, Region 8.

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