

(3) All vessels authorized to enter or transit the zones must operate at the minimum safe speed necessary to maintain steerage and reduce wake.

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement periods.* This section will be enforced from April 30, 2018, through June 30, 2018.

Dated: April 12, 2018.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2018-08110 Filed 4-17-18; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-2017; FRL-9975-70-Region 4]

Air Plan Approval; Florida; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Florida state implementation plan (SIP). The regulations affected by this update have been previously submitted by Florida and approved by EPA. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This action is effective April 18, 2018.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303; and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>. To view the materials at the Region 4 Office, EPA request that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, 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. Mr. Lakeman can be reached via telephone at (404) 562-9043 or via electronic mail at lakeman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52 “Approval and Promulgation of Implementation Plans,” title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is “incorporated by reference.” This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on proposed revisions containing new and/or revised state regulations. A submission from a state can revise one or more rules in their entirety or portions of rules, even change a single word. The state indicates the changes in the submission (such as, by using redline/strikethrough) and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on www.regulations.gov.

On May 22, 1997, (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each state SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA’s updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain “SIP Compilations” that contain the federally-approved regulations and source specific permits submitted by each state agency. These SIP Compilations are updated primarily on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular state. EPA applied the 1997 revised procedures to Florida on June 16, 1999 (64 FR 32346).

II. EPA Action

This action represents EPA’s publication of the Florida SIP Compilation update, appearing in 40 CFR part 52: Specifically, the materials of paragraphs (c) and (d) at 40 CFR 52. In addition, notice is provided of correcting typographical errors, state effective dates, EPA approval dates and **Federal Register** citations listed in to Table (c) paragraph of paragraph 52.520, as described below:

A. Under the “State effective date” and “EPA approval date” changing the 2-digit year to reflect a 4-digit year (for consistency) and correcting numerous **Federal Register** citation to reflect the first page of the preamble opposed to the regulatory text page.

B. 62-204.220 Title is revised to read “Ambient Air Quality Protection.”

C. 62-210.920 entry is removed from table. See 82 FR 46682

D. 62-244.100 State effective date is revised to read “2/21/1990”.

E. 62-244.200 State effective date is revised to read “2/21/1990”.

F. 62-244.300 State effective date is revised to read “2/21/1990”.

G. 62-244.400 State effective date is revised to read “2/21/1990”.

H. 62-244.500 State effective date is revised to read “2/21/1990”.

I. 62-244.600 State effective date is revised to read “2/21/1990”.

J. 62-296.509 entry is removed from table because EPA previously approved removal of the rule from the Florida SIP. See 74 FR 26103 (June 1, 2009).

III. Good Cause Exemption

EPA has determined that this action falls under the “good cause” exemption

in the section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs and corrects typographical errors appearing in the CFR. Under section 553(b)(3)(B) of the APA, an agency may find good cause where procedures are “impracticable, unnecessary, or contrary to the public interest.” Public comment for this administrative action is “unnecessary” and “contrary to the public interest” since the codification (and typographical corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Florida SIP Compilation and notice of typographical corrections to the Florida “Identification of Plan” portion of the **Federal Register**. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP compilation and the CFR “Identification of plan” section (which includes table entry corrections).

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of previously EPA-approved regulations promulgated by Florida and federally effective prior to October 1, 2017. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 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 CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. See 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. This notification of administrative change 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 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).

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).

EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Florida SIP compilations previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA believes judicial review of this action under section 307(b)(1) is not available.

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: January 29, 2018.

Onis “Trey” Glenn, III

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority for citation for part 52 continues to read as follows:

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

Subpart K—Florida

- 2. In § 52.520, paragraphs (b) through (d) are revised to read as follows:

§ 52.520 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to October 1, 2017, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after October 1, 2017, for Florida will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the

dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street SW, Atlanta, GA 30303. To obtain the material, please call (404) 562-9022. You may inspect the material with an EPA approval date

prior to October 1, 2017, for Florida at the National Archives and Records Administration. For information on the availability of this material at NARA go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) *EPA Approved Florida Regulations.*

EPA APPROVED FLORIDA REGULATIONS

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
Chapter 62–204 Air Pollution Control—General Provisions				
62–204.100 ...	Purpose and Scope	3/13/1996	6/16/1999, 64 FR 32353.	
62–204.200 ...	Definitions	2/12/2006	6/27/2008, 73 FR 36435.	
62–204.220 ...	Ambient Air Quality Protection	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.240 ...	Ambient Air Quality Standards	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.260 ...	Prevention of Significant Deterioration Maximum Allowable Increases (PSD Increments).	2/12/2006	6/27/2008, 73 FR 36435.	
62–204.320 ...	Procedures for Designation and Redesignation of Areas.	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.340 ...	Designation of Attainment, Non-attainment, and Maintenance Areas.	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.360 ...	Designation of Prevention of Significant Deterioration Areas.	3/13/1996	6/16/1999, 64 FR 32346.	
62–204.400 ...	Public Notice and Hearing Requirements for State Implementation Plan Revisions.	11/30/1994	6/16/1999, 64 FR 32353.	
62–204.500 ...	Conformity	8/31/1998	8/11/2003, 68 FR 47468	Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule.
Chapter 62–210 Stationary Sources—General Requirements				
62–210.200 ...	Definitions	3/28/2012	10/6/2017, 82 FR 46682	Selected definitions are approved into the SIP.
62–210.220 ...	Small Business Assistance Program.	10/6/08	7/3/2017, 82 FR 30767.	
62–210.300 ...	Permits Required	5/9/2007	6/1/2009, 63 FR 26103.	
62–210.310 ...	Air General Permits	6/29/2011	10/6/2017, 82 FR 46682.	
62–210.350 ...	Public Notice and Comment	10/12/2008	10/6/2017, 82 FR 46682	Excludes revisions state effective February 11, 1999, which added 62–210.350(1)(c) avs 62–210.350(4)(a)2, and revised 62–210.350(4)(b).
62–210.360 ...	Administrative Permit Corrections	11/23/1994	6/16/1999, 64 FR 32346.	
62–210.370 ...	Emissions Computation and Reporting.	2/2/2006	6/27/2008, 73 FR 36435.	
62–210.550 ...	Stack Height Policy	11/23/1994	6/16/1999, 64 FR 32346.	
62–210.650 ...	Circumvention	10/15/1992	10/20/1994, 59 FR 52916.	
62–210.700 ...	Excess Emissions	11/23/1994	6/16/1999, 64 FR 32346.	
62–210.900 ...	Forms and Instructions	2/9/1993	11/7/1994, 59 FR 46157.	
Chapter 62–212 Stationary Sources—Preconstruction Review				
62–212.300 ...	General Preconstruction Review Requirements.	6/29/2009	4/12/2011, 76 FR 20239.	
62–212.400 ...	Prevention of Significant Deterioration.	3/28/2012	9/19/2012, 77 FR 58027	As of September 19, 2012, 61–212.400 does not include Florida's revision to adopt the PM _{2.5} SILs threshold and provisions (as promulgated in the October 20, 2010, PM _{2.5} PSD Increment-SILs-SMC Rule at 40 CFR 52.21(k)(2)).
62–212.500 ...	Preconstruction Review for Non-attainment Areas.	2/2/2006	6/27/2008, 73 FR 36435.	
62–212.720 ...	Actuals Plantwide Applicability Limits (PALs).	12/17/2013	7/3/2017, 82 FR 30767.	

EPA APPROVED FLORIDA REGULATIONS—Continued

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
Chapter 62–243 Tampering With Motor Vehicle Air Pollution Control Equipment				
62–243.100 ...	Purpose and Scope	5/29/1990	6/9/1992, 57 FR 24370.	
62–243.200 ...	Definitions	1/2/1991	6/9/1992, 57 FR 24378.	
62–243.300 ...	Exemptions	1/2/1991	6/9/1992, 57 FR 24378.	
62–243.400 ...	Prohibitions	1/2/1991	6/9/1992, 57 FR 24378.	
62–243.500 ...	Certification	1/2/1991	6/9/1992, 57 FR 24378.	
62–243.600 ...	Enforcement	1/2/1991	6/9/1992, 57 FR 24378.	
62–243.700 ...	Penalties	5/29/1990	6/9/1992, 57 FR 24370.	
Chapter 62–244 Visible Emissions From Motor Vehicles				
62–244.100 ...	Purpose and Scope	2/21/1990	6/9/1992, 57 FR 24370.	
62–244.200 ...	Definitions	2/21/1990	6/9/1992, 57 FR 24370.	
62–244.300 ...	Exemptions	2/21/1990	6/9/1992, 57 FR 24370.	
62–244.400 ...	Prohibitions	2/21/1990	6/9/1992, 57 FR 24370.	
62–244.500 ...	Enforcement	2/21/1990	6/9/1992, 57 FR 24370.	
62–244.600 ...	Penalties	2/21/1990	6/9/1992, 57 FR 24370.	
Chapter 62–252 Gasoline Vapor Control				
62–252.300 ...	Gasoline Dispensing Facilities Stage I Vapor Recovery.	5/1/2015	8/12/2015, 80 FR 48259.	
Chapter 62–256 Open Burning and Frost Protection Fires				
62–256.100 ...	Declaration and Intent	12/09/1975	11/1/1977, 42 FR 57124.	
62–256.200 ...	Definitions	11/30/1994	6/16/1999, 64 FR 32346.	
62–256.300 ...	Prohibitions	11/30/1994	6/16/1999, 64 FR 32346.	
62–256.400 ...	Agricultural and Silvicultural Fires	7/1/1971	5/31/1972, 37 FR 10842.	
62–256.450 ...	Burning for Cold or Frost Protection.	6/27/1991	9/9/1994, 59 FR 46552.	
62–256.500 ...	Land Clearing	11/30/1994	6/16/1999, 64 FR 32346.	
62–256.600 ...	Industrial, Commercial, Municipal, and Research Open Burning.	7/1/1971	5/31/1972, 37 FR 10842.	
62–256.700 ...	Open Burning Allowed	11/30/1994	6/16/1999, 64 FR 32346.	
62–256.800 ...	Effective Date	7/1/1971	5/31/1972, 37 FR 10842.	
Chapter 62–296 Stationary Sources—Emission Standards				
62–296.100 ...	Purpose and Scope	10/6/2008	10/6/2017, 82 FR 46682.	
62–296.320 ...	General Pollutant Emission Limiting Standards.	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.340 ...	Best Available Retrofit Technology	1/31/2007	8/29/2013, 78 FR 53250.	
62–296.401 ...	Incinerators	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.402 ...	Sulfuric Acid Plants	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.403 ...	Phosphate Processing	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.404 ...	Kraft (Sulfate) Pulp Mills and Tall Oil Plants.	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.405 ...	Fossil Fuel Steam Generators with more than 250 million Btu per Hour Heat Input.	3/2/1999	10/6/2017, 82 FR 46682.	
62–296.406 ...	Fossil Fuel Steam Generator with less than 250 million Btu per Hour Heat Input, New and Existing Emissions Units.	3/2/1999	10/6/2017, 82 FR 46682.	
62–296.408 ...	Nitric Acid Plants	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.409 ...	Sulfur Recovery Plants	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.410 ...	Carbonaceous Fuel Burning Equipment.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.412 ...	Dry Cleaning Facilities	3/11/2010	10/6/2017, 82 FR 46682.	
62–296.414 ...	Concrete Batching Plants	1/10/2007	10/6/2017, 82 FR 46682.	
62–296.415 ...	Soil Thermal Treatment Facilities	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.418 ...	Bulk Gasoline Plants	3/11/2010	10/6/2017, 82 FR 46682.	
62–296.470 ...	Implementation of Federal Clean Air Interstate Rule.	4/1/2007	10/12/07, 72 FR 58016.	
62–296.500 ...	Reasonably Available Control Technology (RACT)—Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO _x) Emitting Facilities.	3/11/2010	10/6/2017, 82 FR 46682.	

EPA APPROVED FLORIDA REGULATIONS—Continued

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
62–296.501 ...	Can Coating	11/23/1994	6/16/1999, 64 FR 32346.	Amendments effective 10/6/08.
62–296.502 ...	Coil Coating	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.503 ...	Paper Coating	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.504 ...	Fabric and Vinyl Coating	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.505 ...	Metal Furniture Coating	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.506 ...	Surface Coating of Large Appliances.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.507 ...	Magnet Wire Coating	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.508 ...	Petroleum Liquid Storage	10/6/2008	10/6/2017, 82 FR 46682	
62–296.510 ...	Bulk Gasoline Terminals	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.511 ...	Solvent Metal Cleaning	6/5/1996	01/16/2003, 68 FR 2204.	
62–296.512 ...	Cutback Asphalt	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.513 ...	Surface Coating of Miscellaneous Metal Parts and Products.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.514 ...	Surface Coating of Flat Wood Paneling.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.515 ...	Graphic Arts Systems	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.516 ...	Petroleum Liquid Storage Tanks with External Floating Roofs.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.570 ...	Reasonably Available Control Technology (RACT)—Requirements for Major VOC and NO _x —Emitting Facilities.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.600 ...	Reasonably Available Control Technology (RACT)—Lead.	3/13/1996	6/16/1999, 64 FR 32346.	
62–296.601 ...	Lead Processing Operations in General.	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.602 ...	Primary Lead Acid Battery Manufacturing Operations.	3/13/1996	9/18/1996, 61 FR 49064.	
62–296.603 ...	Secondary Lead Smelting Operations.	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.604 ...	Electric Arc Furnace Equipped Secondary Steel Manufacturing Operations.	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.605 ...	Lead Oxide Handling Operations	8/8/1994	9/18/1996, 61 FR 49064.	
62–296.700 ...	Reasonably Available Control Technology (RACT)—Particulate Matter.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.701 ...	Portland Cement Plants	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.702 ...	Fossil Fuel Steam Generators	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.703 ...	Carbonaceous Fuel Burners	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.704 ...	Asphalt Concrete Plants	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.705 ...	Phosphate Processing operations	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.706 ...	Glass Manufacturing Process	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.707 ...	Electric Arc Furnaces	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.708 ...	Sweat of Pot Furnaces	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.709 ...	Lime Kilns	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.710 ...	Smelt Dissolving Tanks	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.711 ...	Materials Handling, Sizing, Screening, Crushing and Grinding operations.	11/23/1994	6/16/1999, 64 FR 32346.	
62–296.712 ...	Miscellaneous Manufacturing Process Operations.	11/23/1994	6/16/1999, 64 FR 32346.	

Chapter 62–297 Stationary Sources—Emissions Monitoring

62–297.310 ...	General Emissions Test Requirements.	3/9/2015	10/6/2017, 82 FR 46682.	
62–297.400 ...	EPA Methods Adopted by Reference.	11/23/1994	6/16/1999, 64 FR 32346.	
62–297.401 ...	Compliance Test Methods	3/13/1996	6/16/1999, 64 FR 32346.	
62–297.440 ...	Supplementary Test Procedures ..	11/23/1994	6/16/1999, 64 FR 32346.	
62–297.450 ...	EPA VOC Capture Efficiency Test Procedures.	3/2/1999	10/6/2017, 82 FR 46682.	
62–297.620 ...	Exceptions and Approval of Alternate Procedures and Requirements.	11/23/1994	6/16/1999, 64 FR 32346.	

EPA APPROVED FLORIDA REGULATIONS—Continued

State citation (section)	Title/subject	State effective date	EPA approval date	Explanation
State Statutes				
112.3143(4) ..	Voting Conflict	4/19/2012	7/30/2012, 77 FR 44485	To satisfy the requirements of sections 128 and 110(a)(2)(E)(ii).
112.3144	Full and Public Disclosure of Financial Interests.	4/19/2012	7/30/2012, 77 FR 44485	To satisfy the requirements of sections 128 and 110(a)(2)(E)(ii).
403.131	Injunctive relief, remedies	4/19/2012	7/30/2012, 77 FR 44485	To satisfy the requirements of section 110(a)(2)(G).
120.569	Decisions which affect substantial interests.	4/19/2012	7/30/2012, 77 FR 44485	To satisfy the requirements of section 110(a)(2)(G).

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED FLORIDA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Harry S Truman, animal import center.	NA	11/26/1996	1/19/2000, 65 FR 2882.	
Martin Gas Sales, Inc	0570477–007–AC	1/17/2003	5/1/2003, 68 FR 23209.	
Broward County Aviation Department.	.....	8/15/2003	6/17/2003, 69 FR 33862 ..	Order Granting Variance from Rule 62–252.400.
Lockheed Martin Aeronautics Company.	.....	4/16/2005	11/28/2006, 71 FR 68745	Requirement that Lockheed Martin Aeronautics Company comply with EPA's Aerospace CTG at its Pinellas County facility.
Combs Oil Company .....	.....	7/31/2009	9/25/2015, 80 FR 57727 ..	Order Granting Variance from Rule 62–296.418(2)(b)2.
Mosaic Fertilizer, LLC	Air Permit No. 0570008–080–AC.	1/15/2015	7/3/2017, 82 FR 30749	Specific Conditions pertaining to: EU004; EU005; and EU006.
Rayonier Performance Fibers, LLC.	Air Permit No. 0890004–036–AC.	4/12/2012	7/3/2017, 82 FR 30749	Specific Conditions pertaining to: EU005; EU006; and EU022.
Tampa Electric Company—Big Bend Station.	Air Permit No. 0570039–074–AC.	2/26/2015	7/3/2017, 82 FR 30749	Specific Conditions pertaining to: EU001; EU002; EU003 and EU004.
WestRock, LLC	Air Permit No. 0890003–046–AC.	1/9/2015	7/3/2017, 82 FR 30749	Specific Conditions pertaining to: EU006; EU015; EU007 and EU011.

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LEGAL SERVICES CORPORATION

45 CFR Part 1603

Requests for Documents and Testimony

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule governs subpoenas and requests for LSC documents and testimony by non-federal litigants in cases in which LSC is not a party. This rule provides the public with guidance on where to send requests and establishes procedures by which those requests will be processed.

DATES: This final rule is effective on May 18, 2018.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

LSC proposed to create a new regulation, known as a *Touhy* regulation, that would establish a process by which litigants in cases where LSC is not a party could obtain documents or testimony from LSC and its employees. Arising from the Supreme Court's decision in *U.S. ex rel Touhy v. Ragen*, 340 U.S. 462 (1951), *Touhy* regulations define agencies' procedures for responding to document or testimony requests, as well as individual agency employees' obligation to follow such procedures.

Between 2013 and 2017, LSC and its Office of the Inspector General (OIG) received several subpoenas and requests for testimony or documents but did not

have internal or external guidance in place regarding such requests. At the OIG's recommendation, LSC added rulemaking on requests for documents and testimony to its rulemaking agenda in 2015. On October 15, 2017, the Operations and Regulations Committee (Committee) of LSC's Board of Directors (Board) voted to recommend that the Board authorize rulemaking on part 1603. On October 17, 2017, the Board authorized LSC to begin rulemaking.

Regulatory action was justified for four reasons. First, a *Touhy* regulation would promote efficiency and timeliness by identifying those LSC officials with the authority to respond to requests or subpoenas for documents or testimony and establishing a procedure for LSC's consideration of such requests. Second, it would minimize the possibility of involving LSC in controversies not related to its functions. Third, it would prevent the