

13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a “significant regulatory action” under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus SAS: Docket No. FAA–2022–1167; Project Identifier MCAI–2022–00461–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 4, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0065, dated April 7, 2022 (EASA AD 2022–0065).

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Unsafe Condition

This AD was prompted by reports indicating that protective caps were found on engine fire extinguishing pipes in the engine core zone (zone 2) after airplane delivery. The FAA is issuing this AD to address the possibility that protective caps are present on engine fire extinguishing pipes. This

condition, if not addressed, could prevent the extinguishment of an engine fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0065.

(h) Exceptions to EASA AD 2022–0065

(1) Where EASA AD 2022–0065 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2022–0065 does not apply to this AD.

(3) Where EASA AD 2022–0065 defines an affected engine, replace the text “as listed in Appendix 1 of the Rolls-Royce NMSB, as applicable” with “as listed in Appendix 1 of Rolls-Royce Alert Non-Modification Service Bulletin TRENT XWB 26–AK834, dated March 9, 2022; or Rolls-Royce Alert Non-Modification Service Bulletin TRENT XWB 26–AK835, dated March 10, 2022; as applicable.”

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0065 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any service information referenced in EASA AD 2022–0065 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply

with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Related Information

(1) For EASA AD 2022–0065, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at regulations.gov by searching for and locating Docket No. FAA–2022–1167.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email dan.rodina@faa.gov.

Issued on September 13, 2022.

Christina Underwood,

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

[FR Doc. 2022–20206 Filed 9–19–22; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2022–0321, FRL–10144–01–R2]

Approval and Promulgation of Implementation Plans; New York; Particulate Matter Control Strategy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the New York State Implementation Plan (SIP) for the purposes of implementing control of air pollution by particulate matter (PM). The proposed SIP revisions consist of amendments to existing regulations outlined within New York’s Codes, Rules, and Regulations (NYCRR) that implement control measures for sources

of PM. These actions are being taken in accordance with the requirements of the Clean Air Act.

DATES: Written comments must be received on or before October 20, 2022.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2022–0321 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Fausto Taveras, Environmental Protection Agency, Region 2, Air Programs Branch, 290 Broadway, New York, New York 10007–1866, at (212) 637–3378, or by email at Taveras.Fausto@epa.gov.

SUPPLEMENTARY INFORMATION: The **SUPPLEMENTARY INFORMATION** section is arranged as follows:

- I. What action is the EPA proposing?
- II. What is the background for this proposed rulemaking?
- III. What did New York submit?
- IV. What is the EPA's evaluation of Subpart 227–1, “Stationary Combustion Installations”?
- A. Background
- B. What are the new requirements of Subpart 227–1?
- C. What is the EPA's evaluation?
- V. What other revisions did New York make?
- VI. What is the EPA's conclusion?
- VII. Incorporation by Reference
- VIII. Statutory and Executive Order Reviews

I. What action is the EPA proposing?

The EPA is proposing to approve revisions to the New York SIP submitted by the State of New York on March 26, 2021. This SIP revision includes revisions to an existing regulation, Title 6 of the New York Code of Rules and

Regulations (NYCRR) Subpart 227–1, “Stationary Combustion Installations,” which establishes PM emission standards for existing and new stationary combustion installations. The attendant revisions to 6 NYCRR Part 200, “General Provisions,” section 200.9, “Referenced material,” Table 1, for 6 NYCRR Subpart 227–1 has been addressed under a separate rulemaking at 87 FR 52337, effective September 26, 2022.

These revisions include additional control strategies that will reduce PM emissions from major sources throughout the State. The EPA is proposing to approve New York's SIP submittals, which applies to major sources of PM, as a SIP-strengthening measure for New York's PM SIP.

II. What is the background for this proposed rulemaking?

Particulate Matter (PM) NAAQS Revisions

On September 21, 2006, the EPA retained the primary and secondary 24-hour PM₁₀ standard of 150 micrograms per cubic meter of air (µg/m³), as an average over a 24-hour period, not to be exceeded more than once per year on average over a 3-year period, that was initially promulgated on June 2, 1987. *See* 71 FR 61144 (October 17, 2006); *see also* 52 FR 24634 (July 1, 1987).

On October 17, 2006, the EPA strengthened the primary and secondary 24-hour PM_{2.5} NAAQS to 35 µg/m³. *See* 71 FR 61144. On November 13, 2009, the EPA promulgated designations for the revised 24-hour PM_{2.5} standard set in 2006, designating the NY-NJ-CT area as “nonattainment.” *See* 74 FR 58688. On June 27, 2013, New York submitted a request to redesignate the New York portion of the NY-NJ-CT nonattainment area, NYMA, from “nonattainment” to “attainment.” As part of this request, New York also submitted a maintenance plan to ensure that New York's portion of the NYMA would continue attainment through 2025. On April 18, 2014, the EPA took final action to approve New York's SIP revision to redesignate the New York portion of the NYMA to “attainment” for the 2006 24-hour PM_{2.5} NAAQS. *See* 79 FR 21857.

On December 14, 2012, the EPA promulgated a revised primary NAAQS for PM_{2.5} for the annual standard, setting the level at 12 micrograms per cubic meter (µg/m³) calculated as an annual average, which is averaged over a three-year period. *See* 78 FR 3086.

On January 15, 2015, the EPA finalized its attainment/nonattainment designations for areas across the country with respect to the revised primary

PM_{2.5} NAAQS and on April 15, 2015, the designations became effective. *See* 80 FR 2206. The NYMA was designated by the EPA as an “Unclassifiable/Attainment” area for the revised primary PM_{2.5} NAAQS. *See id.*

III. What did New York submit?

On March 26, 2021, the New York State Department of Environmental Conservation (NYSDEC or New York) submitted to the EPA proposed revisions to the SIP, which included State adopted revisions to Subpart 227–1, “Stationary Combustion Installations,” with an effective date of February 25, 2021. In this submittal, New York also made attendant revisions to Part 200, Section 200.9, “General Provisions, Referenced material.” These revisions include additional control strategies that will reduce PM_{2.5} emissions statewide and provide support for New York State to maintain its attainment of the PM NAAQS.

IV. What is EPA's evaluation of Subpart 227–1, “Stationary Combustion Installations”?

A. Background

NYSDEC has repealed and replaced 6 NYCRR Subpart 227–1, “Stationary Combustion Installations,” to impose more stringent PM emission limits for existing and new stationary combustion installations that either precede, or are not subject to, a federal New Source Performance Standard (NSPS) and/or National Emissions Standard for Hazardous Air Pollutants (NESHAP). The revisions to Subpart 227–1 contain PM emission limits for oil and solid fuel fired stationary installations and establishes an opacity limit for all stationary combustion installations. New York has also revised Subpart 227–1 to correct minor typographical errors and to incorporate changes into the air permitting regulations that have occurred over the past 20 years. The purpose of this revision is to further reduce the emissions of the precursors of PM_{2.5}, which will help New York State maintain its attainment of the PM NAAQS.

B. What are the new requirements of Subpart 227–1?

The Subpart 227–1 revisions include the definitions applied to this Subpart, a change in the applicability and prohibitions regarding stationary combustion installations, a change in PM emission limits for new and existing stationary combustion installations, the establishment of an opacity limit for all stationary combustion installations, and revisions to compliance testing,

monitoring, and recordkeeping provisions.

Section 227–1.2 was revised to incorporate the applicability and prohibitions outlined in Subpart 227–1. The revised Subpart 227–1 will apply to stationary combustion installations except for those that are already subject to the NSPS under 40 CFR part 60 and/or NESHAP under 40 CFR part 63. The PM standards outlined within the NSPS and NESHAP both meet and exceed the PM emission limits established within New York’s revised Subpart 227–1. This revision is also modified to prohibit owner or operators to construct, install, modify, or cause to be constructed, installed, or modified, any hand-fed stationary combustion installation designed to fire bituminous coal.

Section 227–1.3 was revised to incorporate PM emission limits for stationary combustion installations. The emission limits outlined within this subpart apply to stationary combustion installations with a maximum heat input capacity equal or exceeding: (1) one million BTU per hour firing any amount of solid fuel or (2) 50 million BTU per hour firing oil or oil in combination with other liquid or gaseous fuels. Upon promulgation of Subpart 227–1, owners or operators of existing stationary combustion installations that fire oil or oil in combination with other liquid or gaseous fuels shall not emit PM in excess of 0.10 pounds per million BTU (lb/MMBTU) heat input. Within four years of the promulgation of Subpart 227–1, owners or operators of existing stationary combustion installations firing solid fuel shall not emit PM in excess of 0.10 lb/MMBTU heat input. NYSDEC has chosen the increased compliance period of four years for existing stationary combustion installations firing solid fuel, to accommodate owners or operators of the affected facilities by providing time to implement retrofits of controls equipment. Upon promulgation of Subpart 227–1, owners or operators of any new stationary combustion installation shall not be allowed to emit PM in excess of 0.10 lb/MMBTU heat input. Section 227–1.3 is revised to require all stationary combustion installations subject to the requirements of Subpart 227–1 to perform an annual tune-up. Section 227–1.3 is also revised to provide clarity of applicability for stationary combustion installations connected to a common air cleaning device and/or stack.

Section 227–1.4 was revised to establish the opacity limits that owners or operator of new and existing stationary combustion installations

must comply with. No owner or operator shall operate a stationary combustion installation that exhibits greater than 20% opacity (six-minute average), except for one six-minute period per hour of not more than 27% opacity. Section 227–1.4 was also revised to outline how compliance of the opacity limits for the units may be determined.

Section 227–1.5 was revised to incorporate the compliance testing, monitoring, and recordkeeping provisions for stationary combustion installations applicable to Subpart 227–1. This revision requires owners or operators of new and existing solid fuel fired stationary combustion installations to follow a set of protocols to determine compliance with the applicable PM emission limit prescribed in section 227–1.3. Section 227–1.5 was revised to require owner or operators to install, operate, and properly maintain accurate Continuous Opacity Monitoring System (COMS) for stationary combustion installations with a total maximum heat input capacity exceeding 250 million BTU per hour. The revision also allows for owners or operators to utilize an NYSDEC approved case-by-case method for continuously monitoring and recording opacity. Section 227–1.5 also requires owners or operators that operate COMS to submit excess emissions and monitoring system performance report to NYSDEC quarterly. Section 227–1.5 is revised to require owners or operators of stationary combustion installations firing oil, or oil in combination with other liquid or gaseous fuels, with a total maximum heat input capacity of at least 50 million BTU per hour, to keep vendor certified fuel receipts which contain the sulfur content of the oil being fired as required in 6 NYCRR Subpart 225–1. Section 227–1.5 is also revised to detail the recordkeeping provisions that owners or operators, applicable to Subpart 227–1, must submit to the NYSDEC.

C. What is the EPA’s evaluation?

The EPA agrees with New York’s evaluation that the revised PM limits outlined within the revised Subpart 227–1 will lead to an estimated reduction of 2–5 tons of actual PM emission per day. A 2–5 tons per day of PM reductions could help New York State continue to maintain its attainment of the PM NAAQS. The implementation of more stringent PM emission limits will strengthen New York’s PM SIP, and directly result in reductions of PM, PM_{2.5}, and PM₁₀ throughout the state.

The EPA also reviewed New Jersey and Connecticut’s PM emission limits

for similar sources rated at similar heat input ratings and compared those limits with the limits adopted by NYSDEC in this rule. The EPA observed that New York’s PM limits will be more stringent than Connecticut’s for similar fuel-burning equipment.¹

The EPA has reviewed New York’s SIP submittal, which seeks to incorporate revisions to 6 NYCRR Subpart 227–1, “Stationary Combustion Installations.” After evaluating Subpart 227–1 for consistency with the Clean Air Act (CAA or the Act), EPA regulations, and EPA policy, the EPA proposes to find that the submission addresses the PM requirements found in CAA Section 175A, 42 U.S.C. Section 7505a, and proposes to approve this revision.

V. What other revisions did New York make?

New York also made administrative changes to Part 200, “General Provisions” which reflect implementation of Subpart 227–1 provisions. Specifically, the revisions to Part 200 will add new references in section 200.9, “Referenced material”, Table 1. The revisions to Table 1 include all documents referenced in New York’s amendments to Subpart 227–1. The attendant revisions to 6 NYCRR section 200, “General Provisions,” section 200.9, “Referenced material”, Table 1, for 6 NYCRR Subpart 227–1 has been addressed under a separate rulemaking at 87 FR 52337, effective September 26, 2022.

VI. What is the EPA’s conclusion?

The EPA evaluated New York’s submittal for consistency with the Act, EPA regulations, and EPA policy. The EPA proposes that the revisions made to 6 NYCRR Subpart 227–1, “Stationary Combustion Installations,” with the State effective date of February 25, 2021, meet the SIP requirements of the Act. The attendant revisions to 6 NYCRR section 200, “General Provisions,” section 200.9, “Referenced material”, Table 1, for 6 NYCRR Subpart 227–1 has been addressed under a separate rulemaking at 87 FR 52337, effective September 26, 2022. These revisions meet the requirement of the Act and EPA’s regulations and are consistent with EPA’s guidance and policy. EPA is taking this action pursuant to section

¹ Section 22a–174–18 of Connecticut’s PM emission standards for fuel-burning equipment provides particulate matter emission limits for fuel-burning sources in pounds per million BTU (lbs/MMBTU). See https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-174Section_22a-174-18/.

110 and part D of the Act and EPA's regulations.

VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to Title 6 of the NYCRR Subpart 227–1, “Stationary Combustion Installations,” as described in section III of this preamble. The EPA has made, and will continue to make, these materials available through the docket for this action, EPA–R02–OAR–2022–0321, at <http://regulations.gov>, and at the EPA Region II Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. See 42 U.S.C. 7410(k); see also 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 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 this action does not involve technical standards; 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 proposing 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 any substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental Relations, Incorporation by Reference, Particulate matter, Reporting and recordkeeping requirements.

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

Lisa Garcia,

Regional Administrator, Region 2.

[FR Doc. 2022–20243 Filed 9–19–22; 8:45 am]

BILLING CODE 6560–50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2017–0245; FRL–8452–03–OCSP]

RIN 2070–AK94

Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On March 29, 2022, the Environmental Protection Agency (EPA) proposed to update of the incorporation by reference of several voluntary consensus standards in the Agency's formaldehyde standards for composite wood products regulations under the Toxic Substances Control Act (TSCA).

Two additional voluntary consensus standards that are incorporated by reference in the existing regulations were updated by the issuing standards organization after the public comment period for the March 29, 2022, proposed rule ended. EPA is now proposing to update the incorporation by reference of the two additional voluntary consensus standards in the formaldehyde standards for composite wood products regulations.

DATES: Comments must be received on or before October 20, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0245, through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jeffrey Putt, Existing Chemicals Risk Management Division (Mail Code 7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3703; email address: putt.jeffrey@epa.gov.

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be affected by this supplemental proposal if you manufacture (including import), sell, supply, or offer for sale in the United States any of the following: hardwood plywood, medium-density fiberboard, particleboard, and/or products containing these composite wood materials. You may also be affected by this supplemental proposal if you test or work with certification firms that certify such materials. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document