

date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

#### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### Background

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from the dependency on NDBs. The advances in technology have allowed for alternate navigation methods to support decommissioning of high cost ground navigation equipment. The FAA has included Point Lay, AK, NDB on the schedule to be decommissioned. A non-rulemaking study was conducted in 2021 and the FAA received no objections to the removal of the NDB.

Colored Federal airway G-18 is dependent upon PIZ and will result in

the airway being unusable once the decommissioning occurs. The FAA is proposing to revoke G-18 as a result. Currently, to mitigate the loss of G-18, pilots can utilize United States Air Navigation (RNAV) routes T-228, T-277, and VHF Omnidirectional Radar (VOR) Federal airway V-506 to navigate. In the future, the FAA will propose a RNAV route to take the place of G-18.

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke Colored Federal airway G-18 due to the decommissioning of PIZ in the vicinity of Point Lay, AK.

Colored Federal Airway G-18 currently navigates between the Hotham, AK, NDB via PIZ, to the Atkasuk, AK, NDB. The FAA proposes to revoke G-18 in its entirety.

Colored Federal airways are published in paragraph 6009(a) of FAA Order JO 7400.11F dated August 10, 2021 and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document would be published subsequently in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6009(a) Colored Federal Airways.*

\* \* \* \* \*

#### G-18 [Remove]

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Issued in Washington, DC, on March 2, 2022.

**Michael R. Beckles,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2022-04722 Filed 3-7-22; 8:45 am]

**BILLING CODE 4910-13-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R04-OAR-2020-0445; FRL-9621-01-R4]

#### Air Plan Approval; SC; 2018 General Assembly Miscellaneous Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a portion of a State Implementation Plan (SIP) revision submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC or Department), on April 24, 2020. The SIP revision updates the numbering and formatting of South Carolina's regulations applicable to emissions inventories, emissions statements, and

credible evidence. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act) and implementing federal regulations.

**DATES:** Comments must be received on or before April 7, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2020–0445 at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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 a discussion of all points you wish to make. 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 [www2.epa.gov/dockets/commenting-epa-dockets](http://www2.epa.gov/dockets/commenting-epa-dockets).

**FOR FURTHER INFORMATION CONTACT:**

Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9088. Ms. Bell can also be reached via electronic mail at [bell.tiereny@epa.gov](mailto:bell.tiereny@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. What is EPA proposing?**

On April 24, 2020, SC DHEC submitted a SIP revision to EPA for approval that includes changes to South Carolina Regulation 61–62.1—*Definitions and General Requirements*. In this notice, EPA is proposing to incorporate into South Carolina's SIP updates to Section III—*Emissions Inventory and Emissions Statements* and Section V—*Credible Evidence* of South Carolina Regulation 61–62.1.1<sup>1</sup>

EPA is proposing to approve these changes because they meet the requirements of and are consistent with the CAA.

**II. Analysis of State's Submittal**

As mentioned above, the April 24, 2020, SIP revision includes changes to Section III—*Emissions Inventory and Emissions Statements* and Section V—*Credible Evidence* of South Carolina Regulation 61–62.1. These changes update numbering and citation formatting within these regulations (*e.g.*, citations to the Code of Federal Regulations now include the word “Part”). These changes are non-substantive in nature.

**III. Incorporation by Reference**

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference South Carolina's Regulation 61–62.1, Section III—*Emissions Inventory and Emissions Statements* and Section V—*Credible Evidence*, both of which are state effective on April 24, 2020. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://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).

**IV. Proposed Action**

EPA is proposing to approve and incorporate into South Carolina's SIP the aforementioned changes to South Carolina Regulation 61–62.1, Section III—*Emissions Inventory and Emissions Statements* and Section V—*Credible Evidence*, state effective on April 24, 2020. EPA has preliminarily determined that these changes meet the applicable requirements of section 110 of the CAA and the applicable regulatory requirements at 40 CFR part 51.

**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 proposed 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 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).

Because this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this proposed action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), “all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and are fully enforceable by all relevant state and local agencies and authorities.” The CIN also retains authority to impose regulations applying higher environmental

<sup>1</sup> The April 24, 2020, submittal from SC DHEC includes other updates and revisions as well. EPA previously acted on Section 1—*Definitions* of South Carolina Regulation 61–62.1. See 86 FR 59641 (October 28, 2021). EPA has not taken action on Section II—*Permit Requirements* and Section IV—*Source Tests* of the South Carolina Regulation 61–62.1. EPA will address these other provisions in separate action.

standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: February 28, 2022.

**Daniel Blackman,**

*Regional Administrator, Region 4.*

[FR Doc. 2022-04832 Filed 3-7-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2021-0686; FRL-9124-01-R4]

### Air Plan Approval; Kentucky; Fugitive Emissions Rule

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky (Commonwealth), through the Energy and Environmental Cabinet (Cabinet) on October 15, 2020. The SIP revision updates the Commonwealth's regulation for the control of fugitive emissions. This revision contains minor non-substantive changes, grammatical edits, renumbering, the removal of one provision, the addition of one new requirement, and the incorporation of two definitions to support the new requirement. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** Comments must be received on or before April 7, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2021-0686 at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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. 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 [www2.epa.gov/dockets/commenting-epa-dockets](http://www2.epa.gov/dockets/commenting-epa-dockets).

#### FOR FURTHER INFORMATION CONTACT:

Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8966. Mr. Febres can also be reached via electronic mail at [febres-martinez.andres@epa.gov](mailto:febres-martinez.andres@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Overview

On October 15, 2020, the Commonwealth submitted changes to the Kentucky SIP for EPA approval.<sup>1</sup> EPA is proposing to approve these changes to Regulation 401 KAR 63:010—*Fugitive Emissions*, which was approved into the SIP on July 12, 1982 (47 FR 30059), and establishes control requirements for fugitive emissions.

##### II. Analysis of the Commonwealth's SIP Revision

The October 15, 2020, SIP revision contains primarily minor non-substantive changes which concern minor language edits and renumbering changes throughout regulation 401 KAR 63:010. Additionally, the revision includes the removal of one provision, the addition of one new requirement, and the incorporation of two new definitions to support this requirement.

The bulk of the changes in the October 15, 2020, SIP revision concern clarification and minor language edits. For example, one language edit changes the word “promulgate” to “prescribe.” Another example of a language edit the Commonwealth made was to change the language in the “NECESSITY, FUNCTION, AND CONFORMITY” section of the rule to align more closely with the language in Kentucky's implementing statute regarding the

powers and duties of the Cabinet. Additionally, Kentucky edited this section to update references to the rules that outline the Cabinet's power to promulgate the fugitive emissions rules. With respect to renumbering changes, the revision switches the order of Section 1, previously “Applicability,” and Section 2, previously “Definitions.” Other similar changes include the necessary renumbering of sections to incorporate the addition or removal of provisions, which are further discussed below.

The proposed changes seek to delete paragraph 4(2), a nuisance provision, from the SIP-approved rule. The Commonwealth moved the text of 4(2) to existing paragraph 3(4) in its revised state rule. However, as noted in the October 15, 2020, cover letter submitting these changes, the Commonwealth requests that EPA remove existing paragraph 4(2) from the SIP and not incorporate the text moved to paragraph 3(4). EPA is proposing to remove the SIP-approved version of paragraph 4(2) and not incorporate the text in paragraph 3(4) of the revised state rule into the SIP because this nuisance provision is not related to attainment and maintenance of the national ambient air quality standards (NAAQS) and is therefore not related to the CAA requirements for SIPs.<sup>2</sup>

The changes add a new requirement to Section 3 to use EPA's Reference Method 22 (*Visual Determination of Fugitive Emissions*) of appendix A-7 in 40 CFR part 60, as the standard method by which to determine the level of visible fugitive dust emissions beyond the lot line of the property on which emissions originate. The Commonwealth adds this method to confirm compliance with the opacity standard, as specified in Kentucky's Rule 63:010. As a part of the new requirement, the Commonwealth also adds specific emission standards, in the form of time and observational period limits, for all sources to which this rule applies. Specifically, the revised rule states that a source shall not cause, suffer, or allow visible fugitive emissions beyond the lot line of the property, observed using EPA's Reference Method 22, for more than 5 minutes in a 60-minute period, or more than 20 minutes in a 24-hour period.

Finally, the Commonwealth adds under Section 1 (formerly Section 2), the definitions for “Emission time” and “Observation period,” to define terms in

<sup>1</sup> EPA notes that the Commonwealth's submission was received on October 16, 2020. However, for clarity, EPA will refer to this submission by its cover letter date of October 15, 2020.

<sup>2</sup> Excluding nuisance provisions that are unrelated to attainment and maintenance of the NAAQS from SIPs is consistent with longstanding Agency practice. *See, e.g.*, 85 FR 73636 (November 19, 2020).