

Subpart II—North Carolina

■ 2. In § 52.1770(c), amend table (1) by removing the entries for “Section .1401,” “Section .1402,” “Section .1403,” “Section .1404,” “Section .1407,” “Section .1408,” “Section .1409,” “Section .1410,” “Section

.1411,” “Section .1412,” “Section .1413,” “Section .1414,” “Section .1415,” and “Section .1418;” and adding in their place entries for “Rule .1401,” “Rule .1402,” “Rule .1403,” “Rule .1404,” “Rule .1407,” “Rule .1408,” “Rule .1409,” “Rule .1410,” “Rule

.1411,” “Rule .1412,” “Rule .1413,” “Rule .1414,” “Rule .1415,” and “Rule .1418” to read as follows:

§ 52.1770 Identification of plan.
* * * * *
(c) * * *

(1) EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Section .1400 Nitrogen Oxides				
Rule .1401	Definitions	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1402	Applicability	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1403	Compliance Schedules	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1404	Recordkeeping: Reporting: Monitoring.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1407	Boilers and Indirect-Fired Process Heaters.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1408	Stationary Combustion Turbines.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1409	Stationary Internal Combustion Engines.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1410	Emissions Averaging	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1411	Seasonal Fuel Switching	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1412	Petition for Alternative Limitations.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1413	Sources Not Otherwise Listed in This Section.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1414	Tune-Up Requirements	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1415	Test Methods and Procedures.	10/1/2020	1/13/2023	[Insert citation of publication].
Rule .1418	New Electric Generating Units, Large Boilers, and Large I/C Engines.	10/1/2020	1/13/2023	[Insert citation of publication].
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[FR Doc. 2022-28658 Filed 1-12-23; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2022-0265; FRL-9781-02-R4]

Air Plan Approval; North Carolina; Charlotte-Gastonia-Rock Hill Area Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a state implementation plan (SIP) revision submitted by the State of North Carolina, through the North Carolina Department of Environment Quality,

Division of Air Quality (DAQ), via a letter dated December 9, 2021. The SIP revision includes the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) Limited Maintenance Plan (LMP) for the North Carolina portion (hereinafter referred to as the Metrolina Area) of the Charlotte-Gastonia-Rock Hill NC-SC 1997 8-hour ozone maintenance area (hereinafter referred to as the “Charlotte NC-SC 1997 8-hour NAAQS Area” or “bi-state Charlotte Area”). The Charlotte NC-SC 1997 8-hour NAAQS Area is comprised of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan and Union Counties and a portion of Iredell County (i.e., Davidson and Coddle Creek Townships) in North Carolina; and the Rock Hill Metropolitan Planning Organization boundary in York County, South Carolina. EPA is finalizing approval because the LMP provides for the maintenance of the 1997 8-hour ozone NAAQS within the Metrolina Area through the end of the second 10-

year portion of the maintenance period. This action makes certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Metrolina Area federally enforceable as part of the North Carolina SIP.

DATES: This rule is effective February 13, 2023.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2022-0265. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information 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 through www.regulations.gov or in hard copy at

the 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. 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 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sarah LaRocca, 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) 562–8994. Ms. LaRocca can also be reached via electronic mail at larocca.sarah@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Clean Air Act (CAA or Act), EPA is approving the Metrolina Area's LMP for the 1997 8-hour ozone NAAQS, adopted and submitted by DAQ as a revision to the North Carolina SIP on December 9, 2021. In 2004, the Charlotte NC–SC 1997 8-hour NAAQS Area, which includes the Metrolina Area, was designated as nonattainment for the 1997 8-hour ozone NAAQS. Subsequently, in 2013, after a clean data determination¹ and EPA's approval of a maintenance plan, the North Carolina portion of the Charlotte NC–SC 1997 8-hour NAAQS Area, which includes the Metrolina Area, was redesignated to attainment for the 1997 8-hour ozone NAAQS. See 78 FR 72036 (December 2, 2013).

The Metrolina Area LMP is designed to maintain the 1997 8-hour ozone NAAQS within the Metrolina Area through the end of the second 10-year portion of the maintenance period beyond redesignation. EPA is finalizing the approval of the plan because it meets all applicable requirements under CAA sections 110 and 175A. As a general matter, the Metrolina Area LMP relies on the same control measures and contingency provisions to maintain the 1997 8-hour ozone NAAQS during the second 10-year portion of the maintenance period as the maintenance plan submitted by DAQ for the first 10-year period.

In a notice of proposed rulemaking (NPRM), published on November 21,

2022 (87 FR 70758), EPA proposed to approve the Area's LMP because the State made a showing, consistent with EPA's prior LMP guidance, that the Charlotte NC–SC 1997 8-hour NAAQS Area's ozone concentrations are well below the 1997 8-hour ozone NAAQS, have been historically stable, and that it has met all other maintenance plan requirements. The details of North Carolina's submission and the rationale for EPA's action are explained further in the November 21, 2022, NPRM. Comments on the November 21, 2022, NPRM were due on or before December 21, 2022. No comments were received on the November 21, 2022, NPRM, adverse or otherwise.

II. Final Action

In accordance with sections 110(k) and 175A of the CAA, and for the reasons set forth in the November 21, 2022, NPRM, EPA is finalizing the Metrolina Area LMP for the 1997 8-hour ozone NAAQS, as submitted by NCDAQ on December 9, 2021. EPA is finalizing the approval of the Metrolina Area LMP because it includes an acceptable update of various elements of the 1997 8-hour ozone NAAQS Maintenance Plan approved by EPA for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions), and retains the relevant provisions of the SIP. EPA also finds that the Metrolina Area qualifies for the LMP option and that, therefore, the Metrolina Area's LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing maximum 1997 8-hour ozone levels well below the NAAQS and continuation of existing control measures. EPA believes that the Metrolina Area's 1997 8-Hour Ozone LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the Metrolina Area over the second 10-year maintenance period, through 2034, and thereby satisfies the requirements for such a plan under CAA section 175A(b).

III. 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 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:

- 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 information collection burdens under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having significant economic impacts on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandates 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).

This SIP revision 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

¹ See 76 FR 70656 (November 15, 2011).

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 March 14, 2023. 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. 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 oxides, Ozone, Reporting and recordkeeping Requirements, Volatile organic compounds.

Dated: December 30, 2022.

Daniel Blackman,
Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 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, amend the table in paragraph (e) by adding an entry for “1997 8-hour Ozone 2nd Maintenance Plan (Limited Maintenance Plan) for the North Carolina portion of the bi-state Charlotte Area” 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 citation	Explanation
1997 8-hour Ozone 2nd Maintenance Plan (Limited Maintenance Plan) for the North Carolina portion of the bi-state Charlotte Area.	12/9/2021	1/13/2023	[Insert Federal Register citation].	

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–70

[FPMR Case 2023–01; Docket No. GSA–FPMR–2023–0005; Sequence No. 1]

RIN 3090–AK68

Civil Monetary Penalties Inflation Adjustment

AGENCY: The Office of the General Counsel, General Services Administration.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, this final rule applies the inflation adjustments for GSA’s civil monetary penalties.

DATES: Effective January 15, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Pound, Assistant General Counsel, General Law Division (LG), General Services Administration, 1800 F

Street NW, Washington, DC 20405.
Telephone Number 202–501–1460.

SUPPLEMENTARY INFORMATION:

I. The Debt Collection Improvement Act of 1996

To maintain the remedial impact of civil monetary penalties (CMPs) and to promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) and the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015 (Sec. 701 of Pub. L. 114–74) to require Federal agencies to regularly adjust certain CMPs for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every year thereafter for these penalty amounts. The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a CMP due to the calculated inflation adjustments shall apply only to violations which occur after the date the increase takes effect, *i.e.*, thirty (30) days after date of publication in the **Federal Register**. Pursuant to the 2015 Act, agencies are required to adjust the level of the CMP with an initial “fix”, and make

subsequent annual adjustments for inflation. Catch up adjustments are based on the percent change between the Consumer Price Index for Urban Consumers (CPI–U) for the month of October for the year of the previous adjustment, and the October 2015 CPI–U. Annual inflation adjustments will be based on the percent change between the October CPI–U preceding the date of adjustment and the prior year’s October CPI–U.

II. The Program Fraud Civil Remedies Act of 1986

Sections 6103 and 6104 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509) set forth the Program Fraud Civil Remedies Act of 1986 (PFCRA).

Specifically, this statute imposes a CMP and an assessment against any person who, with knowledge or reason to know, makes, submits, or presents a false, fictitious, or fraudulent claim or statement to the Government. The General Services Administration’s regulations, published in the **Federal Register** (61 FR 246, December 20, 1996) and codified at 41 CFR part 105–70, currently set forth a CMP of up to \$12,100 for each false claim or statement made to the agency. Based on the penalty amount inflation factor calculation, derived from originally dividing the October 2021 CPI by the