

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****15 CFR Parts 740, 742 and 774**

[Docket No. 110825537–2038–02]

RIN 0694–AF38

**Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components: Correction****AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Final rule: Correction.

**SUMMARY:** This correction adds a compliance date of February 9, 2012, to a final rule published on January 9, 2012 (77 FR 1017). That final rule imposed a license requirement on exports and reexports to all destinations other than Canada of two types of microwave and millimeter wave electronic components. The two components are packaged high electron mobility transistors and packaged microwave “monolithic integrated circuits” power amplifiers that meet certain criteria with respect to frequency range, size and output power. BIS is publishing this correction to make sure exporters and reexporters have sufficient time to comply with the rule.

**DATES:** *Effective date:* January 24, 2012.

*Compliance date:* All exports and reexports on or after February 9, 2012, for which the rule published at 77 FR 1017, January 9, 2012, creates a new license requirement must be in compliance with the terms of that rule.

**FOR FURTHER INFORMATION CONTACT:**

William Arvin, Regulatory Policy Division, Office of Exporter Services, (202) 482–2440, [william.arvin@bis.doc.gov](mailto:william.arvin@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:** On January 9, 2012, BIS published a final rule imposing a license requirement on exports and reexports to all destinations other than Canada of two types of microwave and millimeter wave electronic components (77 FR 1017, January 9, 2012, FR Doc. 2012–135). The two components are packaged high electron mobility transistors (HEMT) and packaged microwave “monolithic integrated circuits” (MMIC) power amplifiers that meet certain criteria with respect to frequency range, size and output power. That rule was effective upon publication and did not provide for any delay in compliance. This correction adds a compliance date of February 9, 2012, to provide time for exporters and reexporters upon whom

this rule imposes a new license requirement to apply for any necessary licenses. This correction makes no other changes to the rule.

**Bernard Kritzer,***Director, Office of Exporter Services.*

[FR Doc. 2012–1229 Filed 1–23–12; 8:45 am]

BILLING CODE 3510–33–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2011–0605; FRL–9620–2]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Vehicles Program****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This SIP revision contains Pennsylvania’s Clean Vehicle Program, which adopts California’s second generation low emission vehicle program for light-duty vehicles (LEV II). The Clean Air Act (CAA) contains specific authority allowing any state to adopt new motor vehicle emissions standards that are identical to California’s standards in lieu of applicable Federal standards. Pennsylvania has adopted a Clean Vehicle Program that incorporates by reference provisions of California’s LEV II rules and specifies a transition mechanism for compliance with these clean vehicle standards in Pennsylvania. EPA is approving this SIP revision, in accordance with the requirements of the CAA, which will help Pennsylvania to achieve and maintain attainment of the National Ambient Air Quality Standard (NAAQS) for ozone.

**DATES:** *Effective Date:* This final rule is effective on February 23, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2011–0605. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (CBI) 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](http://www.regulations.gov) or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:**

Brian Rehn, (215) 814–2176, or by email at [rehn.brian@epa.gov](mailto:rehn.brian@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA. On November 4, 2011 (76 FR 68381), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of Pennsylvania’s Clean Vehicle Program rule, in which the Commonwealth adopted California’s Low Emission Vehicle Program (California LEV), under authority of section 177 of the CAA. The formal SIP Clean Vehicle SIP revision was submitted by Pennsylvania on May 31, 2007.

**II. Summary of SIP Revision**

Pennsylvania adopted its revised Clean Vehicles Program rule and published it as a final rule in December 9, 2006 edition of the *Pennsylvania Bulletin* (36 Pa.B. 7424). The Clean Vehicle Program rule was meant to formalize cessation of Pennsylvania’s participation of the National Low Emission Vehicle (NLEV) program. The Commonwealth had participated in the NLEV program prior to implementation by EPA of its second general Federal motor vehicle emissions standards under the 1990 CAA (*i.e.*, Tier 2 standards). By model year 2006, Federal Tier 2 standards had superseded prior NLEV standards, except where states had adopted California emission standards as an alternative to Federal emission standards, under authority granted under section 177 of the CAA. Pennsylvania had adopted California LEV program as a “backstop” to its NLEV program, to take effect upon the expiration of the NLEV program. Pennsylvania’s May 2007 Clean Vehicles SIP revision reiterated the Commonwealth’s participation in the California LEV program, updated its incorporation by reference to include the most recent version of California’s program, delayed the start date for the

Pennsylvania Clean Vehicle Program from model year 2006 to model year 2008 (leaving the Tier 2 Federal standards as the compliance alternative for the 2006–2008 model years), and made changes to the Clean Vehicle Program to reflect post-1998 changes made by California and specified a 3-year early credit earning period within which vehicle manufacturers could comply with the program's fleet average non-methane organic gases (NMOG) requirements. For a more complete summary and additional background information on the Pennsylvania Clean Vehicle program, refer to EPA's NPR published in the November 4, 2011 **Federal Register**.

Other specific requirements of the Pennsylvania Clean Vehicle Program and EPA's rationale for our proposed action are explained in the NPR and will not be restated here. EPA received one public comment on the NPR, which was supportive of both Pennsylvania's adoption of and EPA's approval of the Clean Vehicle Program.

### III. Final Action

EPA is approving the Clean Vehicle Program as a revision to the Pennsylvania SIP.

### IV. Statutory and Executive Order Reviews

#### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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. Accordingly, 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 Order 12866 (58 FR 51735, October 4, 1993);
- 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).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### B. Submission to Congress and the Comptroller General

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).

#### C. Petitions for Judicial Review

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 26, 2012. 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 to approve the Pennsylvania Clean Vehicle Program SIP 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 dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 4, 2012.

**W.C. Early,**

*Acting, Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart NN—Pennsylvania

- 2. In § 52.2020, the table in paragraph (c)(1) is amended by:
  - a. Revising the entry for Section 121.1.
  - b. Revising the entry for Section 126.401.
  - c. Removing the entry for Section 126.402.
  - d. Revising the entries for Sections 126.411, 126.412, and 126.413.
  - e. Revising the heading between Sections 126.413 and 126.421.
  - f. Revising the entries for Sections 126.421, 126.422, 126.423, 126.424, and 126.425.
  - g. Revising the entries for Sections 126.431, 126.432, and 126.441.
  - h. Adding a new heading and entry for Section 126.451.

The amendments read as follows:

#### § 52.2020 Identification of plan.

*	*	*	*	*
(c)	*	*	*	
(1)	*	*	*	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
<b>Title 25—Environmental Protection</b>				
<b>Article III—Air Resources</b>				
<b>Chapter 121—General Provisions</b>				
Section 121.1	Definitions	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	Adding definition of one term, revising definitions of four terms, and removing definitions of five terms.
*	*	*	*	*
<b>Chapter 126—Motor Vehicle and Fuels Programs</b>				
*	*	*	*	*
<b>Subchapter D. Pennsylvania Clean Vehicles Program</b>				
<b>General Provisions</b>				
Section 126.401	Purpose	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
<b>Pennsylvania Clean Vehicles Program</b>				
Section 126.411	General requirements	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.412	Emission requirements	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.413	Exemptions	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
<b>Applicable New Motor Vehicle Testing</b>				
Section 126.421	Exemptions	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.422	New motor vehicle compliance testing.	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.423	Assembly line testing	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.424	In-use motor vehicle enforcement testing.	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.425	In-use surveillance testing	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
<b>Motor Vehicle Manufacturers' Obligations</b>				
Section 126.431	Warranty and recall	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
Section 126.432	Reporting requirements	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
<b>Motor Vehicle Dealer Responsibilities</b>				
Section 126.441	Responsibility of motor vehicle dealers.	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
<b>Department Responsibilities</b>				
Section 126.451	Responsibilities of the Department.	12/9/06	1/24/12 [ <i>Insert page number where the document begins</i> ].	
*	*	*	*	*

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[FR Doc. 2012-1300 Filed 1-23-12; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[EPA-R03-OAR-2011-0848; FRL-9620-6]

**Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units, Plan Revision****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the West Virginia hospital/medical/infectious waste incinerator (HMIWI) Section 111(d)/129 plan (the “plan”). The revision contains a modified state rule for solid waste combustion that was updated as a result of the October 6, 2009 amendments to Federal Emission Guidelines (EG) and New Source Performance Standards (NSPS), 40 CFR part 60, subparts Ce and Ec respectively. While West Virginia’s revised regulation contains requirements for various types of solid waste incineration units, the revisions and approval action relate only to HMIWI units.

**DATES:** This rule is effective March 26, 2012 without further notice, unless EPA receives adverse written comment by February 23, 2012. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2011-0848 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email:* [cox.kathleen@epa.gov](mailto:cox.kathleen@epa.gov).

C. *Mail:* EPA-R03-OAR-2011-0848, Kathleen Cox, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R03-OAR-2011-

0848. EPA’s policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI 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 in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Mike Gordon, at (215) 814-2039, or by email at [gordon.mike@epa.gov](mailto:gordon.mike@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA. Section 129 of the Clean Air Act (CAA) requires EPA to establish performance standards and emissions guidelines for various types of new and existing solid waste incineration units. Section 129(b)(2) requires States to submit to EPA for approval state plans that implement and enforce the promulgated EG. Section 129(b)(3) requires EPA to promulgate a Federal Plan (FP) within two years from the date on which the EG, or revision, was promulgated. The FP is applicable to any affected facility if the state has failed to receive EPA approval of the state plan, or revision. The FP acts as an enforcement place holder until the state submits and receives EPA approval of its plan. State plan submittals must be consistent with the relevant emissions guidelines, in this instance 40 CFR part 60, subpart Ce, and the requirements of 40 CFR part 60, subpart B and part 62, subpart A. Section 129 of the CAA regulates a mixture of air pollutants including organics (dioxins/furans), carbon monoxide, metals (cadmium, lead, and mercury), acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides) and particulate matter (which includes opacity).

The initial West Virginia plan for HMIWI units was approved by EPA on June 13, 2000 (65 FR 37046). The plan approval is codified in 40 CFR part 62, subpart XX. On September 7, 2011, the West Virginia Department of Environmental Protection submitted to EPA a formal Section 111(d)/129 plan revision for HMIWI units. The submitted plan revision was in response to the October 6, 2009 amendments to Federal EG and NSPS requirements for HMIWI units, 40 CFR part 60, subparts Ce and Ec, respectively (74 FR 51367). This rulemaking action will supersede EPA’s August 3, 2009 (74 FR 38348) approval of West Virginia’s initial plan revision. While the state rule revised by this action, 45CSR18, contains requirements for various types of solid waste incineration units, the revision to the plan by West Virginia and EPA’s approval action relate only to HMIWI units.

**II. Summary of West Virginia’s HMIWI Plan Revision**

EPA has reviewed the West Virginia HMIWI plan revision submittal in the context of the requirements of 40 CFR part 60, subparts B and Ce, as amended, and part 62, subpart A. The submitted plan revision meets all the cited requirements and those as described in