

70.9(b)(2)(i). Accordingly, EPA is proposing to approve Alaska's SIP as meeting the requirements of CAA Section 110(a)(2)(L) for the 1997 8-hour ozone NAAQS.

*110(a)(2)(M): Consultation/Participation by Affected Local Entities*

Section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

*Alaska's submittal:* Alaska's SIP submittal cities AS 46.03.020 "Powers of the Department" which provides authority to ADEC to consult with and cooperate with "officials and representatives of any nonprofit corporation or organization in the state" and "persons, organizations, and groups, public and private, using, served by, interested in, or concerned with the environment of the state." This section also provides authority to ADEC to "advise and cooperate with municipal, regional, and other local agencies and officials in the state, to carry out the purposes of this chapter." Please see the TSD in the docket for this action for a detailed description.

*EPA analysis:* AS 46.03.020 provides authority for local and regional authorities to participate and consult in the SIP development process. In addition, AS 46.14.400(d) provides authority for local air quality control programs and requires cooperative agreements between ADEC and local air quality control programs that specify the respective duties, funding, enforcement responsibilities, and procedures. Therefore EPA proposes to find that Alaska's SIP meets the requirements of CAA Section 110(a)(2)(M) for the 1997 8-hour ozone NAAQS.

#### VI. Scope of Proposed Action

The SIP approval does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151. EPA will continue to implement the CAA in Indian Country in Alaska because ADEC has not adequately demonstrated authority over sources and activities located within the exterior boundaries of the Annette Island Reserve and other areas of Indian Country in Alaska.

#### VII. Proposed Action

EPA is proposing to approve the SIP submittal from the State of Alaska to demonstrate that the SIP meets the requirements of section 110(a)(1) and (2) of the CAA for the NAAQS promulgated for ozone on July 18, 1997. EPA is proposing to approve in full the following section 110(a)(2)

infrastructure elements for Alaska for the 1997 ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), (M). EPA is taking no action on infrastructure elements (D)(i) and (I) for the 1997 ozone NAAQS. EPA is proposing to concurrently approve a number of revisions to the Alaska SIP as a necessary condition to approving the 110(a)(2) infrastructure elements for ozone. Specifically, EPA is proposing to approve revisions submitted by the state to revise the Alaska SIP to include the ozone standard at an 8-hour averaging period, the associated federal method for measuring and monitoring ozone in ambient air, a general definition of ozone, federal Prevention of Significant Deterioration (PSD) program changes to regulate NO<sub>x</sub> as a precursor to ozone, and regulations to meet CAA section 128. This action is being taken under section 110 and part C of the CAA.

#### 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 Act 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 proposed action merely approves the state's law as meeting Federal requirements and does not impose additional requirements beyond those imposed by the state's 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);
- 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 Alaska, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### 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, and Volatile organic compounds.

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

Dated: March 9, 2012.

**Dennis J. McLerran,**

*Regional Administrator, Region 10.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 70

[EPA-R02-OAR-2012-0032, FRL -9651-4]

#### Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Puerto Rico Regulations for the Control of Atmospheric Pollution, submitted to EPA by the Puerto Rico Environmental Quality Board (PREQB) on July 13, 2011. This action proposes to approve revisions to Rules 102, 111, 115, 116, 609 and Appendix A. Generally the revisions to the regulations involve administrative

changes which improve the clarity of the rules contained in the Commonwealth's Implementation Plan and Operating Permits Program. They do not change the emission limitations nor add significant new requirements. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before April 23, 2012.

**ADDRESSES:** All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region 2 Office, 290 Broadway, 25th  
Floor, New York, New York 10007-  
1866.

Environmental Protection Agency,  
Region 2 Caribbean Field Office  
Centro Europa Building, Suite 417,  
1492 Ponce de Leon Avenue, Stop 22,  
Santurce, Puerto Rico 00909.

**FOR FURTHER INFORMATION CONTACT:** Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637-4249.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: January 30, 2012.

**Judith A. Enck,**

*Regional Administrator Region 2.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 745

[EPA-R06-OPPT-2011-0989; FRL-9649-6]

#### Lead Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Arkansas's Authorization Application, Notice of Self-Certification Program Authorization

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

**ACTION:** Notice of program authorization; request for comments.

**SUMMARY:** On July 8, 2011, the State of Arkansas submitted an application for EPA approval for the Arkansas Department of Health (ADH) to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Previously Arkansas Department of Environmental Quality (ADEQ) was approved to administer this program in Arkansas, but the Arkansas Legislature revoked the State's prior statute establishing the Arkansas lead-based paint program and passed a new statute establishing a State lead-based paint program and changing the implementing state agency from ADEQ to ADH. By this action, we are withdrawing our prior authorization of Arkansas with ADEQ as the implementing agency and authorizing Arkansas for the lead-based paint program pursuant to the Arkansas July 8, 2011, request with the ADH as the implementing state agency. This document announces the receipt of Arkansas's rules established pursuant to its new 2011 statutory authority, and provides a 45-day public comment period and an opportunity to request a public hearing on the application for the ADH's program and on the withdrawal and termination of the prior program administered in Arkansas by ADEQ. Arkansas has provided a certification that their program for implementation by ADH meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program submitted by Arkansas on behalf of the ADH is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, the EPA Administrator will disapprove the program, at which time a document will

be issued in the **Federal Register** and the Federal program will be established.

**DATES:** Public comments on the authorization application must be submitted on or before May 7, 2012. Public hearing requests must be submitted on or before April 6, 2012.

If a public hearing is requested and granted, the hearing will be held on April 24, 2012, 1:30 p.m., at the Arkansas Department of Health, Center for Public Health Practice, 4815 West Markham St., Little Rock, Arkansas. If a public hearing is not requested, this meeting time and place will be canceled. Therefore, individuals are advised to verify the status of the public hearing by contacting Cindy Parker (name, telephone number, and address are provided in the **FOR FURTHER INFORMATION CONTACT** section of this document) before the April 24, 2012, public hearing date.

Comments, identified by Docket Control Number EPA-R06-OPPT-2011-0989, must be received on or before May 7, 2012. In addition, a public hearing request must be submitted on or before April 6, 2012.

**ADDRESSES:** You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is important that you identify Docket Identification Number EPA-R06-OPPT-2011-0989 in the subject line on the first page of your response. Submit your comments by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *By mail:* Submit your comments and hearing requests to: Cindy Parker, Toxics Section, 6PD-T, US EPA Region 6, 1445 Ross Avenue, Dallas, Texas, 75202-2733.

3. *By person or courier:* Deliver your comments and hearing requests to: Toxics Section, Multimedia Planning and Permitting Division, US Environmental Protection Agency, Region 6, 1445 Ross Avenue, Ste 700, Dallas, Texas 75202-2733. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

4. *By fax:* 214-665-6655.

5. *By email:* You may submit your comments and hearing requests electronically by email to: [parker.cindy@epa.gov](mailto:parker.cindy@epa.gov), or mail your computer disk to the address identified above. Do not submit any information electronically that you consider Confidential Business Information (CBI).