

Philadelphia Area as required under section 175A of the CAA, nor would it involve finding that the Area has met all other requirements for redesignation under the CAA, including that the attainment be due to permanent and enforceable emission reductions.<sup>5</sup> Even if EPA finalizes the proposed action, the designation status of the Philadelphia Area would remain nonattainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS until such time as EPA determines that the Area meets the CAA requirements for redesignation to attainment and takes action to redesignate the Philadelphia Area.

The action described is a proposed determination regarding the Philadelphia Area's attainment only with respect to the 2006 24-hour PM<sub>2.5</sub> NAAQS. Today's action does not address the 1997 annual or 24-hour PM<sub>2.5</sub> standards. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

#### IV. 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. 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 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);
- 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.*);

<sup>5</sup> The monitoring data from the 2008–2010 and 2009–2011 monitoring periods that are relied on in this notice may be impacted by reductions associated with the Clean Air Interstate Rule (CAIR), which is in place only temporarily as it was remanded to EPA in 2008. See *North Carolina v. EPA*, 531 F.3d 896, as modified on reh'g, 550 F.3d 1176 (D.C. Cir. 2008). Nonetheless, because this determination addresses only whether the monitoring data shows attainment, at this time EPA need not address whether such attainment was due to the remanded and thus not permanent CAIR.

- 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 proposed determination of attainment of the Philadelphia Area with respect to the 2006 24-hour PM<sub>2.5</sub> NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the determination 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.

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

Environmental protection, Air pollution control, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: August 23, 2012.

**W.C. Early,**

*Regional Administrator, Region III.*

Dated: September 10, 2012.

**Judith A. Enck,**

*Regional Administrator, Region II.*

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**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2012–0422; FRL–9735–9]

### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Inventory for the Charleston Area

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the fine particulate matter (PM<sub>2.5</sub>) 2002 base year emissions inventory portion of the West Virginia State Implementation Plan (SIP) revision submitted by the State of West Virginia (WV), through the West Virginia Department of Environmental Protection (WVDEP), on November 4, 2009 for the Charleston, WV nonattainment area (hereafter referred to as the Charleston Area or Area). The emissions inventory is part of the West Virginia November 4, 2009 SIP revision that was submitted to meet nonattainment requirements related to the Charleston Area for the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) SIP. EPA is proposing to approve the 2002 base year PM<sub>2.5</sub> emissions inventory for the Charleston Area in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before November 1, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R03–OAR–2012–0422 by one of the following methods:

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

B. *Email:* [mastro.donna@epa.gov](mailto:mastro.donna@epa.gov).

C. *Mail:* EPA–R03–OAR–2010–0140, Donna Mastro, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, 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–2012–0422. 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](http://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](http://www.regulations.gov) or email. The [www.regulations.gov](http://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](http://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](http://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](http://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:** Irene Shandruk, (215) 814-2166, or by email at [shandruk.irene@epa.gov](mailto:shandruk.irene@epa.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Summary of SIP Revision
- III. Proposed Action
- IV. Statutory and Executive Order Reviews

##### I. Background

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. On July 18, 1997 (62 FR 38652), EPA promulgated the 1997 PM<sub>2.5</sub> NAAQS, including an annual standard of 15.0 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) based on a 3-year average of annual mean PM<sub>2.5</sub> concentrations, and a 24-hour (or daily) standard of 65  $\mu\text{g}/\text{m}^3$  based on a 3-year average of the 98th percentile of 24-hour concentrations. EPA established the standards based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to PM<sub>2.5</sub>.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS; this designation process is described in section 107(d)(1) of the CAA. In 1999, EPA and state air quality agencies initiated the monitoring process for the 1997 PM<sub>2.5</sub> NAAQS and, by January 2001, established a complete set of air quality monitors. On January 5, 2005, EPA promulgated initial air quality designations for the 1997 PM<sub>2.5</sub> NAAQS (70 FR 944), which became effective on April 5, 2005, based on air quality monitoring data for calendar years 2001–03.

On April 14, 2005, EPA promulgated a supplemental rule amending the agency's initial designations (70 FR 19844), with the same effective date (April 5, 2005) at 70 FR 944. As a result of this supplemental rule, PM<sub>2.5</sub> nonattainment designations are in effect for 39 areas, comprising 208 counties within 20 states (and the District of Columbia) nationwide, with a combined population of approximately 88 million. The Charleston Area, which is the subject of this rulemaking, was included in the list of areas not attaining the 1997 PM<sub>2.5</sub> NAAQS. The Charleston Area consists of Kanawha and Putnam Counties in West Virginia.

On October 11, 2011 (76 FR 62640), EPA determined that West Virginia had attained the 1997 PM<sub>2.5</sub> NAAQS in the

Charleston Area. That determination was based on complete, quality-assured, quality-controlled, and certified ambient air monitoring data for the 2007–2009 three-year period that showed the area attained the 1997 PM<sub>2.5</sub> NAAQS and continues to attain the standard. The October 11, 2011 determination suspended the requirements for West Virginia to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIP revisions related to attainment of the standard for so long as the nonattainment area continues to meet the 1997 PM<sub>2.5</sub> NAAQS. Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. This proposed approval is limited to the emissions inventory for the Charleston Area. Separate action will be taken on the remainder of West Virginia's SIP submittal.

##### II. Summary of SIP Revision

The 2002 base year emission inventory submitted by WVDEP on November 4, 2009 for the Charleston Area includes emissions estimates that cover the general source categories of point sources, non-road mobile sources, area sources, on-road mobile sources, and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), PM<sub>2.5</sub>, coarse particles (PM<sub>10</sub>), ammonia (NH<sub>3</sub>) and sulfur dioxide (SO<sub>2</sub>). EPA has reviewed the results, procedures and methodologies for the base year emissions inventory submitted by WVDEP. The year 2002 was selected by WVDEP as the base year for the emissions inventory per 40 CFR 51.1008(b). A discussion of the emissions inventory development as well as the emissions inventory for the Charleston Area can be found in Appendices C and D of the November 4, 2009 SIP submittal.

Table 1, below, provides a summary of the annual 2002 emissions of NO<sub>x</sub>, VOCs, PM<sub>2.5</sub>, PM<sub>10</sub>, NH<sub>3</sub> and SO<sub>2</sub> for the Charleston Area submittal.

TABLE 1—SUMMARY OF 2002 BASELINE EMISSIONS INVENTORY FOR THE CHARLESTON AREA IN TONS PER YEAR (TPY)

Source sector	NH <sub>3</sub>	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	VOC
Point .....	25	60,138	1,134	632	130,109	3,292
Area .....	70	1,614	10,039	2,396	2,486	9,209
Nonroad .....	1	3,957	229	213	239	2,828
Onroad .....	312	10,213	233	632	411	7,073

TABLE 1—SUMMARY OF 2002 BASELINE EMISSIONS INVENTORY FOR THE CHARLESTON AREA IN TONS PER YEAR (TPY)—Continued

Source sector	NH <sub>3</sub>	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	VOC
Biogenic .....	N/A	N/A	N/A	N/A	N/A	N/A
Total .....	407	76,016	11,635	3,410	133,245	40,702

The CAA section 172(c)(3) emissions inventory is developed by the incorporation of data from multiple sources. States were required to develop and submit to EPA a triennial emissions inventory according to the Consolidated Emissions Reporting Rule (CERR) for all source categories (i.e., point, area, nonroad mobile and on-road mobile). The review and evaluation of the methods used for the emissions inventory submitted by West Virginia are found in the Technical Support Document dated August 12, 2010, available online at [www.regulations.gov](http://www.regulations.gov), Docket No. EPA-R03-OAR-2012-0422. EPA finds that the process used to develop this emissions inventory for the Charleston Area is adequate to meet the requirements of CAA section 172(c)(3), the implementing regulations, and EPA guidance for emission inventories.

**III. Proposed Action**

EPA is proposing to approve the 2002 base year emissions inventory portion of the SIP revision submitted by the State of West Virginia on November 4, 2009 for the Charleston Area. We have made the determination that this action is consistent with section 110 of the CAA. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

**IV. 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. 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 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);
- 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 proposed rule, pertaining to the PM<sub>2.5</sub> 2002 base year emissions inventory portion of the West Virginia SIP for the Charleston Area, 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.

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

Environmental protection, Air pollution control, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 13, 2012.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2012-24242 Filed 10-1-12; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**46 CFR Part 8**

[Docket No. USCG-2012-0861]

**RIN 1625-AB90**

**Adding International Energy Efficiency (IEE) Certificate to List of Certificates a Recognized Classification Society May Issue**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend its Vessel Inspection Alternatives regulations to add the International Energy Efficiency (IEE) Certificate to the list of certificates that a recognized classification society may issue on behalf of the Coast Guard. We make this proposal because Annex VI of the International Convention for the Prevention of Pollution by Ships, 1973, as modified by the Protocol of 1978, has been amended to address energy efficiency for ships, and these amendments call for the issuance of IEE Certificates starting January 1, 2013. This proposed rule would enable recognized classification societies to apply to the Coast Guard to issue IEE Certificates to vessel owners and help to ensure that the demand for IEE Certificates is met.

**DATES:** Comments and related material must either be submitted to our online docket via <http://www.regulations.gov> on or before November 1, 2012 or reach the Docket Management Facility by that date.

**ADDRESSES:** You may submit comments identified by docket number USCG-2012-0861 using any one of the following methods:

- (1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202-493-2251.