

vapor recovery program will no longer be providing emissions reductions as of January 1, 2012. See section IV of this notice. Turning off Stage II vapor controls in future years increased the 2022 onroad motor vehicle VOC emissions by 581 pounds per summer weekday. This increase in onroad VOC emissions increased the 2022 VOC MVEB from 8.9 tpswd (previously determined adequate) to 9.2 tpswd.

The NH DES utilized the MOVES2010 model to calculate on-road emissions of VOC and NO<sub>x</sub> for the Southern NH 8-hour nonattainment area. New Hampshire is establishing motor vehicle emissions budgets for the last year of the Southern NH area's 8-hour ozone maintenance plan (year 2022) at 9.2 tpswd of VOC and 11.8 tpswd of NO<sub>x</sub>. These on-road mobile source emissions when added to emissions from all other inventory sources (stationary, other mobile (i.e., non-road, marine vessels, airplanes, locomotives) and area sources) result in year 2022 emissions inventories lower than the year 2008 attainment emissions inventory. New Hampshire is also establishing 2008 motor vehicle emissions budgets of 17.8 tpswd of VOC and 37.2 tpswd of NO<sub>x</sub>. As part of its redesignation request, NHDES has requested that EPA withdraw the SIP-approved 2009 MVEBs prepared using MOBILE6.2 and replace them with the submitted 2008 MVEBs prepared using MOVES2010. The 2008 and 2022 adequate emissions budgets, once approved by EPA, will continue to be used for future transportation conformity determinations.

## VII. Proposed Actions

EPA is proposing to approve (1) the redesignation of the Southern New Hampshire 8-hour ozone nonattainment area from nonattainment to attainment for the 1997 8-hour ozone NAAQS. EPA has evaluated the State of New Hampshire's redesignation request and is proposing to approve it as meeting the redesignation requirements in section 107(d)(3)(E) of the CAA provided that EPA finalizes approvals of emissions inventories under section 182(a)(1), certain RACT requirements, and New Hampshire's Vehicle I/M SIP revision. The final approval of this redesignation request would change the official designation for the Southern New Hampshire ozone nonattainment area from nonattainment to attainment for the 1997 8-hour ozone standard. EPA is also proposing to approve the 175A maintenance plan SIP revision for the Southern NH 8-hour area, including the 2008 and 2022 MVEBs submitted by New Hampshire. EPA is proposing to

withdraw the SIP-approved 2009 MVEBs prepared using MOBILE6.2 and replace them with the new 2008 MVEBs included in the maintenance plan. In addition, in this notice EPA is proposing to approve the 2008 comprehensive emissions inventory for the Southern NH area under CAA section 182(a)(1). EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

## VIII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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, these actions do not impose additional requirements beyond those imposed by state law and the CAA. For that reason, these actions:

- Are not "significant regulatory actions" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- Are 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.);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Are 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
- Do 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 redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

## List of Subjects

### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

**Dated:** October 15, 2012.

## H. Curtis Spalding,

*Regional Administrator, EPA New England.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 26

[Docket No. OST-2012-0147]

RIN 2105-AE08

### Disadvantaged Business Enterprise: Program Implementation Modifications

**AGENCY:** Office of the Secretary (OST), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM); Correction; Extension of Comment Period.

**SUMMARY:** The Department is correcting a notice of proposed rulemaking (NPRM) published in the **Federal Register**. In that document, the Department proposed, among other modifications, to change the Uniform Report of DBE Commitments/Awards and Payments form found in our regulations. As this is an information collection covered by the Paperwork Reduction Act (PRA), the Department should have included a discussion of this collection in the “Paperwork Reduction Act” section of the NPRM in order to comply with the PRA’s procedural requirements. Today, the Department is correcting this omission by including discussion of the Uniform Report collection and providing the public with 60 days from today to comment both on this collection and all other aspects of the NPRM. Thus, the original end of the comment period, November 5, 2012, has been extended until December 24, 2012.

**DATES:** The comment period will close December 24, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jo Anne Robinson, Office of General Law, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, 202–366–6984, [joanne.robinson@dot.gov](mailto:joanne.robinson@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 6, 2012, the Department published a notice of proposed rulemaking (NPRM) entitled, “Disadvantaged Business Enterprise: Program Implementation Modifications” in the **Federal Register** (77 FR 54952).

In that NPRM, the Department proposed various modifications of the Disadvantaged Business Enterprise (DBE) Program, including four proposed modifications to existing and/or new information collections. In the Preamble, the Department also proposed various modifications to the Uniform Report of DBE Commitments/Awards and Payments form found in Appendix

B of 49 CFR part 26. This information collection is associated with OMB Control Number 2105–0510, which had expired during the drafting of the NPRM and which the Department was in the process of reinstating with this rulemaking. However, the Department inadvertently omitted discussion of this information collection in the “Paperwork Reduction Act” section of the NPRM.

Today, the Department is correcting this omission in order to comply with the procedural requirements of the PRA and give the public adequate time to comment on this collection. As part of these requirements, the Department must give the public 60 days to comment on this proposed revised information collection. In order to prevent confusion between comments about this collection and comments to the NPRM in general, the Department has decided to extend the comment period for the NPRM as a whole until 60 days after today. Thus, the comment deadline for all aspects of this NPRM is December 24, 2012, meaning that the Department has granted a 49-day extension to the original comment period. This extension is also consistent with informal requests to extend the comment period that the Department has recently received.

**Correction**

The Department is making the following correction in FR document number OST–2012–0147, appearing at the bottom of the third column on page 54967 in the **Federal Register** of Thursday, September 6, 2012 by adding this additional item under the “Paperwork Reduction Act” section:

5. Uniform Report of DBE Commitments/Awards and Payments

As part of this rulemaking, the Department is intending to reinstate the information collection entitled, “Uniform Report of DBE Commitments/Awards and Payments,” OMB Control No. 2105–0510, consistent with the changes proposed in this NPRM. This

collection requires that DOT Form 4630 be submitted once or twice per year by each recipient having an approved DBE program. The report form is collected from recipients by FHWA, FTA, and FAA, and is used to enable DOT to conduct program oversight of recipients’ DBE programs and to identify trends or problem areas in the program. This collection is necessary for the Department to carry out its oversight responsibilities of the DBE program, since it allows the Department to obtain information from the recipients about the DBE participation they obtain in their programs.

In this NPRM, the Department proposes to modify certain aspects of this collection in response to issues raised by stakeholders: (1) Creating separate forms for routine DBE reporting and for transit vehicle manufacturers (TVMs) and mega projects; (2) amending and clarifying the report’s instructions to better explain how to fill out the forms; and (3) changing the forms to better capture the desired DBE data on a more continuous basis, which should also assist with recipients’ post-award oversight responsibilities. This NPRM also discusses criticisms raised by GAO and, while not proposing to directly change the form based on this input, does request comment on the advisability of doing so.

*Frequency:* Once or twice per year.

*Estimated Average Burden per Response:* 5 hours per response.

*Number of Respondents:* 1,250. The Department estimates that approximately 550 of these respondents prepare two reports per year, while approximately 700 prepare one report per year.

*Estimated Burden:* 9,000 hours.

Dated: Issued this 17th day of October, 2012 at Washington, DC.

**Robert S. Rivkin,**  
*General Counsel.*

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