

measures related to prong 3 of section 110(a)(2)(D)(i); specifically, the PM<sub>2.5</sub> PSD Increment-SILs-SMC Rule (only as it relates to PM<sub>2.5</sub> increments). In this letter, Tennessee described how the State has already scheduled a public hearing/comment period and anticipates providing a final version as soon as possible after the public hearing to be scheduled on or before December 4, 2012. Consistent with section 110(k)(4) of the Act, EPA is relying upon this commitment by Tennessee to address the PM<sub>2.5</sub> PSD Increment-SILs-SMC Rule (only as it relates to PM<sub>2.5</sub> increments) as the basis for conditionally approving Tennessee's infrastructure SIP as it relates to prong 3 of section 110(a)(2)(D)(i). If Tennessee fails to submit these revisions within one year from the date of conditional approval, today's proposed conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval. EPA is not required to propose the finding of disapproval. If the conditional approval is converted to a disapproval, the final disapproval triggers the Federal Implementation Plan requirement under section 110(c). However, if the State meets its commitment within the applicable timeframe, the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving the new submittal.

Kentucky, North Carolina and Tennessee have, or will have pending the commitments described above, demonstrated that major sources in each state are subject to PSD permitting program to comply with the prong 3 of section 110(a)(2)(D)(i) of the CAA for the PM<sub>2.5</sub> NAAQS. Therefore EPA has made the preliminary determination to conditionally approve that Kentucky, North Carolina and Tennessee's SIP and practices are adequate for insuring compliance with the applicable PSD requirements relating to interstate transport pollution for the 1997 and 2006 PM<sub>2.5</sub> NAAQS.

#### IV. Proposed Action

As described above, EPA is proposing to conditionally approve the Kentucky, North Carolina and Tennessee infrastructure SIP submissions as addressing prong 3 of section 110(a)(2)(D)(i) of the CAA for both the 1997 and 2006 PM<sub>2.5</sub> NAAQS. Specifically, EPA is proposing to conditionally approve the portion of the States' infrastructure SIP section 110(a)(2)(D)(i) submissions as they relate to provisions prohibiting emissions that interfere with any other state's required measures to prevent

significant deterioration of its air quality because they are consistent with section 110 of the CAA.

#### V. 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. Accordingly, this proposed 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 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, 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: November 21, 2012.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 60 and 63

[EPA-HQ-OAR-2009-0234; EPA-HQ-OAR-2011-0044; FRL-9733-2]

RIN 2060-AR62

#### Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units

#### Correction

Proposed rule document 2012-28729, appearing on pages 71323-71344 in the issue of Friday, November 30, 2012, should have appeared in the Proposed Rules section of the issue.

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 20

[WT Docket No. 10-254; DA 12-1898]

#### Comment Deadline Extended for Public Notice Seeking Updated Information and Comment on Review of Hearing Aid Compatibility Regulations

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** In this document, the Wireless Telecommunications Bureau