Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	*	*	* *	* *
8-Hour Ozone Maintenance Plan for the Fredericksburg Area.	City of Fredericksburg, Spotsylvania County, and Stafford County.	5/4/05	12/23/05, 70 FR 76165.	
	.....	9/26/11	12/20/12 [*Insert page number where the document begins*].	Revised 2009 and 2015 motor vehicle emission budgets for NO_X.
* *	*	*	* *	* *

■ 3. Section 52.2424 paragraph (c) is revised to read as follows:

§ 52.2424 Motor vehicle emissions budgets.

* * * * *

(c) EPA approves the following revised 2009 and 2015 motor vehicle emissions budgets (MVEBs) for the Fredericksburg 8-Hour Ozone Maintenance Area submitted by the Virginia Department of Environmental Quality (VADEQ) on September 26, 2011:

Applicable geographic area	Year	Tons per day (TPD) NO_X
Fredericksburg Area (Spotsylvania and Stafford Counties and City of Fredericksburg)	2009	19.615
Fredericksburg Area (Spotsylvania and Stafford Counties and City of Fredericksburg)	2015	12.933

Dated: November 27, 2012.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2012–30103 Filed 12–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–0AR–2011–1004; FRL–9676–3]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Motor Vehicle Inspection and Maintenance Program—Deletion of Final Enhanced Inspection and Maintenance Emission Cutpoint Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision that was submitted by the State of Colorado on August 8, 2006. The August 8, 2006, revision updates Regulation Number 11, ''Motor Vehicle Emissions Inspection Program,'' by removing the light duty vehicle emission testing limits that went into effect on January 1, 2006, for 1996 and newer model year vehicles. This action is being taken under section 110 of the Clean Air Act.

DATES: *Effective Date:* This final rule is effective January 22, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2011–1004. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., 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* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Rebecca Russo, Air Program, Mailcode 8P–AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number (303) 312–6757, fax number (303) 312–6064, or email *russo.rebecca@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, the following definitions apply:

(i) The word *Act* or initials *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NAAQS* mean national ambient air quality standard.

(iv) The initials *ppb* mean parts per billion.

(v) The initials *SIP* mean or refer to State Implementation Plan.

(vi) The words *State* or *Colorado* mean the State of Colorado, unless the context indicates otherwise.

Table of Contents

I. Background

On January 12, 2012, EPA published a proposed rule in the **Federal Register** in which we proposed approval of a State Implementation Plan (SIP) revision that was submitted by the State of Colorado on August 8, 2006, and provided an opportunity for public comment through February 13, 2012 (see 77 FR 1892). The SIP revision updates Colorado's Regulation Number 11, ''Motor Vehicle Emissions Inspection Program,'' by removing the light duty vehicle emission testing

limits that went into effect on January 1, 2006, for 1996 and newer model year vehicles. We did not receive any comments in response to our January 12, 2012, proposed rule.

II. What is the purpose of this action?

In this action, EPA is approving a revision to Colorado's Regulation Number 11 (hereafter ''Regulation No. 11''), ''Motor Vehicle Emissions Inspection Program.'' This revision removes the light duty vehicle emission testing limits (or ''cutpoints'') that went into effect on January 1, 2006 (hereafter referred to as the ''2006 cutpoints''), for 1996 and newer model year vehicles.[1] The emission testing limits that went into effect on January 1, 2003, under Regulation No. 11 (hereafter referred to as the ''2003 cutpoints'') will continue to be federally enforceable. Under Regulation No. 11, a vehicle whose emissions exceed the applicable emissions cutpoints during an IM240 emissions test will fail the test and must be repaired and re-inspected.[2]

The 2006 cutpoints were 0.60 grams per mile for hydrocarbons (HC), 10.0 grams per mile for carbon monoxide (CO), and 1.5 grams per mile for oxides of nitrogen (NO_X). The 2003 cutpoints are 1.2 grams per mile for HC, 20 grams per mile for CO, and 3.0 grams per mile for NO_X. We have determined that it was reasonable for the State to remove the 2006 cutpoints from Regulation No. 11. Our rationale was provided in our proposed rule (see 77 FR 1892, January 12, 2012) and is also included below for the reader's convenience. This revision to Regulation No. 11 will be part of the federally enforceable SIP for Colorado under the Clean Air Act (CAA).

[1] We note that the State never implemented the 2006 cutpoints. However, EPA approved them as part of Regulation No. 11, and they have been federally enforceable.

[2] A motor vehicle inspection and maintenance (I/M) program is a control measure that is sometimes used in SIPs to reduce emissions of certain air pollutants. Today's cars are dependent on properly functioning emission control systems to keep pollution levels low. I/M programs can identify problem cars and ensure that cars are properly maintained. Through Regulation No. 11, the state of Colorado operates an enhanced I/M program, relying mainly on an IM240 inspection test. The IM240 test is a chassis dynamometer test used for emission testing of light duty vehicles. It is a short, 240 second test representing a 1.96 mile route. Under Regulation No. 11, a vehicle whose emissions exceed the applicable emissions cutpoints during an IM240 emissions test will fail the test and must be repaired and re-inspected. Colorado operates an enhanced, IM240 test program in the following counties: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson (Denver metropolitan area). In addition, the State operates an enhanced program in Larimer and Weld Counties, but as a State-only (not Federally enforceable) requirement.

III. What is the State's process to submit SIP revisions to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires states to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a state to us. The Colorado Air Quality Control Commission (AQCC) held a public hearing on the revision to Regulation No. 11 on November 17, 2005. The AQCC adopted the revision to Regulation No. 11 directly after the hearing. This SIP revision became State effective on January 30, 2006, and the Governor submitted it to us on August 8, 2006.

We have evaluated the Governor's submittal for Regulation No. 11 and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

IV. EPA's Evaluation of the State's August 8, 2006, Submittal

We have reviewed the revision to Regulation. No. 11 that the State submitted on August 8, 2006 and find that our approval is warranted. We note that we are only acting on the State's revision to Regulation No. 11, Part F ''Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy Duty Vehicles,'' section III.A.2. On August 17, 2007, EPA approved other revisions to Regulation No. 11 that the State had adopted on November 17, 2005 (see 72 FR 46148). We describe the basis for our approval below:

Basis for EPA's Approval: The State Did Not Need the 2006 Cutpoints To Attain the 1997 8-Hour (80 ppb) Ozone NAAQS

The metro-Denver/North Front Range (''NFR'') area was designated as nonattainment for the 1997 8-hour (80 ppb) ozone NAAQS on November 20, 2007 (see 72 FR 53952, September 21, 2007). As a result of this nonattainment designation, Colorado was required to submit a dispersion modeled attainment demonstration that demonstrated attainment of the ozone NAAQS by the end of the ozone season in 2010. The State submitted a dispersion modeled attainment demonstration SIP revision on June 18, 2009 that demonstrated attainment by the end of the 2010 ozone season. EPA approved the State's June 18, 2009, SIP revision on August 5, 2011 (see 76 FR 47443). In its attainment demonstration for the 80 ppb 8-hour ozone NAAQS, the State modeled the 2003 cutpoints, not the 2006 cutpoints. We also note that monitored ambient air quality data from 2008 through 2010 reflect that the metro-Denver/NFR area attained the 80 ppb 8-hour ozone NAAQS in 2010 without the implementation of the 2006 cutpoints.[3] In addition, based on preliminary 8-hour ozone data from 2011, the area continues to demonstrate attainment of the 80 ppb 8-hour ozone NAAQS.

Because the 2006 cutpoints have not been necessary for the area to attain the 80 ppb 8-hour ozone NAAQS, we are approving the State's removal of the 2006 cutpoints from Regulation No. 11.

V. Consideration of Section 110(l) of the Clean Air Act

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. EPA has concluded that the above-described revision to Regulation No. 11 will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA. This revision to Regulation No. 11 will not adversely affect the approved maintenance plans for Metro-Denver and Longmont for carbon monoxide (see 72 FR 46148, August 17, 2007), Metro-Denver for PM_{10} (see 72 FR 62571, November 6, 2007), or Greeley for carbon monoxide (see 70 FR 48650), or the approved attainment plan for Metro-Denver/NFR for the 1997 8-hour (80 ppb) ozone standard (see 76 FR 47443, August 5, 2011). For each of these areas and pollutants, the State demonstrated maintenance or attainment of the relevant NAAQS assuming either the complete absence of an I/M program or the implementation of the 2003 cutpoints.

VI. Final Action

EPA is approving the revision to Regulation No. 11 that the State of Colorado submitted on August 8, 2006. The revision removes from Regulation No. 11, part F, section III.A.2, the light duty vehicle emission testing limits that went into effect on January 1, 2006.

[3] The State never implemented the 2006 cutpoints.

VII. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. 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 Clean Air Act; 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.

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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 19, 2013. 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 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

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

Dated: April 30, 2012.

James B. Martin,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart G—Colorado

■ 2. Section 52.320 is amended by adding two sentences to the end of paragraph (c)(107)(i)(C) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(107) * * *

(i) * * *

(C) * * * On August 8, 2006, Colorado submitted revisions to Colorado's Regulation Number 11—Motor Vehicle Emissions Inspection Program, part F, section III.A.2, that EPA approved and that superseded the version of section III.A.2 that EPA incorporated by reference in this paragraph. See § 52.329(f).

* * * * *

■ 3. Add paragraph (f) to § 52.329 to read as follows:

§ 52.329 Rules and regulations.

* * * * *

(f) On August 8, 2006, Dennis E. Ellis, Executive Director of the Colorado Department of Public Health and Environment, and on behalf of the Governor, submitted revisions to 5 CCR 1001–13, Colorado's Regulation Number 11—Motor Vehicle Emissions Inspection Program, part F, section III.A.2. These revisions removed from Colorado's Regulation Number 11 the light duty vehicle emission testing limits that went into effect on January 1, 2006 for 1996 and newer model year vehicles. These revisions were adopted on November 17, 2005, and became state-effective on January 30, 2006. The revised version of section III.A.2, as approved by EPA, reads as follows:

(1) The following emissions standards shall apply to those tests performed on model year 1996 and newer vehicles, on and after January 1, of the dates specified:

Calendar year	HC	CO	NO_X
2002	1.2	20	3.0
2003	1.2	20	3.0

[FR Doc. 2012–30442 Filed 12–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2012–0842; FRL–9372–8]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under