

credit programs at federal facilities and installations subject to federal oversight.

b. Revisions to WAQSR Chapter 8, Section 5

Wyoming added a new section 5 to WAQSR Chapter 8 entitled "Incorporation by reference". This new section states that all Code of Federal Regulations cited in Chapter 8, including their Appendices, revised and published as of July 1, 2011, not including any later amendments, are incorporated by reference. The section continues with noting where copies for the applicable CFRs are available for public inspection or may be obtained, at cost, from the State.

EPA has reviewed Wyoming's revisions to WAQSR Chapter 8, Section 3 "Conformity of general federal actions to state implementation plans" and the new Section 5 "Incorporation by reference" and has concluded that our approval is warranted. Based on our review, we determined that the revisions to Section 3 incorporate and address the additional federal general conformity requirements that we promulgated in July of 2006 and April of 2010. In addition, the new Section 5 that incorporates relevant sections of the CFR is also acceptable. EPA is proposing approval of this Wyoming SIP revision in order to update the State's general conformity requirements for federal agencies, with applicable federal actions, and to align the State's general conformity requirements with the federal general conformity rule's requirements.

V. Consideration of Section 110(1) of the Clean Air Act

Section 110(1) 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. As described above in our section IV.a.f. of this action, the changes to the Wyoming SIP would not require a conformity determination for minor new or modified stationary sources that require a permit under the NSR permitting program (Section 110(a)(2)(C) and section 173 of the CAA). The State of Wyoming indicates that SIP permitting regulations prevent the State from issuing a permit if the facility would prevent the attainment or maintenance of any ambient air quality standard ("the proposed facility will not prevent the attainment or maintenance of any ambient air quality standard" WAQSR Chapter 6, Section 2(c)(ii)). Therefore,

EPA proposes to find that these SIP general conformity minor stationary source permit provisions are adequate to ensure that this SIP revision will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

VI. Proposed Action

EPA is proposing approval of the December 21, 2012 submitted SIP revisions to Wyoming's WAQSR Chapter 8, Section 3 "Conformity of general federal actions to state implementation plans" and Section 5 "Incorporation by reference". These revisions incorporate and address the federal general conformity rule requirements that were promulgated on July 17, 2006 and April 5, 2010. EPA is proposing approval of this Wyoming SIP revision submittal in order to update the State's general conformity requirements for federal agencies, with applicable federal actions, and to align the State's general conformity requirements with the federal general conformity rule's requirements.

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.

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, and Reporting, recordkeeping requirements, Sulfur oxides, and Volatile organic compounds.

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

Dated: April 23, 2013.

Judith Wong,

Acting Regional Administrator, Region 8.

[FR Doc. 2013-10819 Filed 5-6-13; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2008-0633; FRL-9809-5]

Approval and Promulgation of Implementation Plans; Arkansas; Interstate Transport of Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve portions of State Implementation Plan (SIP) submittals from the State of Arkansas to address Clean Air Act (CAA or Act) requirements that prohibit air

emissions which will contribute significantly to nonattainment or interfere with maintenance in any other state for the 1997 and 2006 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). EPA proposes to determine that the existing SIP for Arkansas contains adequate provisions to prohibit air emissions from significantly contributing to nonattainment or interfering with maintenance of the 1997 annual and 24-hour PM_{2.5} NAAQS (1997 PM_{2.5} NAAQS) and the 2006 revised 24-hour PM_{2.5} NAAQS (2006 PM_{2.5} NAAQS) in any other state as required by section 110(a)(2)(D)(i)(I) of the Act.

DATES: Written comments must be received on or before June 6, 2013.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2008-0633, by one of the following methods:

- **Federal e-Rulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Email:** Mr. Guy Donaldson at donaldson.guy@epa.gov. Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- **Fax:** Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), at fax number 214-665-7263.
- **Mail:** Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.
- **Hand or Courier Delivery:** Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays, and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket No. EPA-R06-OAR-2008-0633. 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, 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 or email. The 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 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 docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214-665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittals related to this SIP revision, and which are part of the EPA docket, are also available for public inspection at the State Air Agency listed below during official business hours by appointment: Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317.

FOR FURTHER INFORMATION CONTACT: Carl Young, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700,

Dallas, Texas 75202-2733, telephone (214) 665-6645; email address young.carl@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

Table of Contents

- I. Background
- II. EPA's Evaluation
- III. Proposed Action
- IV. Statutory and Executive Order Reviews

I. Background

A. Interstate Transport and the PM_{2.5} NAAQS

In 1997, we established new annual and 24-hour NAAQS for PM_{2.5} of 15 micrograms per cubic meter (µg/m³) and 65 µg/m³, respectively (July 18, 1997, 62 FR 38652). In 2006, we revised the 24-hour PM_{2.5} NAAQS to 35 µg/m³ (October 17, 2006, 71 FR 6114). Section 110(a)(2)(D)(i) of the CAA identifies four distinct elements related to the evaluation of impacts of interstate transport of air pollutants with respect to a new or revised NAAQS. In this action for the state of Arkansas, we are addressing the first two elements of section 110(a)(2)(D)(i)(I) with respect to the 1997 and 2006 PM_{2.5} NAAQS.¹ The first element of section 110(a)(2)(D)(i)(I) requires that each SIP for a new or revised NAAQS contain adequate measures to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will "contribute significantly to nonattainment" of the NAAQS in another state. The second element of CAA section 110(a)(2)(D)(i)(I) requires that each SIP for a new or revised NAAQS prohibit any source or other type of emissions activity in the state from emitting pollutants that will "interfere with maintenance" of the applicable NAAQS in any other state.

¹ This proposed action does not address the two elements of the transport SIP provision (in CAA section 110(a)(2)(D)(i)(II)) regarding interference with measures required to prevent significant deterioration of air quality or to protect visibility in another state. Previously we: (1) Partially approved and partially disapproved the portion of the December 17, 2007 Arkansas submittal demonstrating that Arkansas emissions do not interfere with measures required to protect visibility in any other state for the 1997 PM_{2.5} NAAQS (March 12, 2012, 77 FR 14604) and (2) disapproved the portion of the September 16, 2009 Arkansas submittal demonstrating that Arkansas emissions do not interfere with measures required to prevent significant deterioration in any other state for the 2006 PM_{2.5} NAAQS (August 20, 2012, 77 FR 50033).

B. EPA Rules Addressing Interstate Transport for the 1997 and 2006 PM_{2.5} NAAQS

EPA has addressed the requirements of section 110(a)(2)(D)(i)(I) in past regulatory actions.² The final Cross-State Air Pollution Rule (Transport Rule) addressed the first two elements of CAA section 110(a)(2)(D)(i)(I) in the eastern United States with respect to the 2006 24-hour PM_{2.5} NAAQS, the 1997 annual PM_{2.5} NAAQS, and the 1997 8-hour ozone NAAQS (August 8, 2011, 76 FR 48208). The Transport Rule was intended to replace the earlier Clean Air Interstate Rule (CAIR) which was judicially remanded.³ See *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008). On August 21, 2012, the U.S. Court of Appeals for the DC Circuit issued a decision to vacate the Transport Rule. See *EME Homer City Generation, L.P. v. E.P.A.*, 696 F.3d 7 (DC Cir. 2012). The court also ordered EPA to continue implementing CAIR in the interim. On January 24, 2013, the DC Circuit issued an order denying all petitions for rehearing. On March 29, 2013, the United States asked the Supreme Court to review the *EME Homer City* decision. In the meantime, and unless the *EME Homer City* decision is reversed or otherwise modified, EPA intends to act in accordance with the opinion in *EME Homer City*.

C. Arkansas' Submittals

On December 17, 2007, Arkansas submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 1997 PM_{2.5} NAAQS. The submittal stated that the State met the requirements relating to significant contribution to nonattainment or interference with maintenance in another state for the 1997 PM_{2.5} NAAQS based on CAIR and associated air quality modeling performed by EPA. The submittal also noted that Arkansas was not included in CAIR to address PM_{2.5}. A September 16, 2009, submission stated that the SIP meets the requirements of CAA section 110(a)(2), including 110(a)(2)(D)(i)(I) for the 2006 PM_{2.5} NAAQS. On March 20, 2013, the State submitted a letter to EPA serving as a technical supplement for the 2006 PM_{2.5} NAAQS. The letter stated that because the more recent and improved air quality modeling

evaluating interstate transport for the 2006 PM_{2.5} NAAQS conducted by EPA for the Transport Rule is now available and supports the conclusion that emissions in Arkansas do not significantly contribute to nonattainment or interfere with maintenance of the 2006 PM_{2.5} NAAQS in any other State, it was being submitted as the basis for the conclusions in lieu of the previous technical information provided in the September 16, 2009 submission. The submittals and technical supplement document the State's assessments that Arkansas emissions will not contribute significantly to nonattainment, or interfere with maintenance, in any other state for the 1997 and 2006 PM_{2.5} NAAQS. The submittals and technical supplement are available electronically through the www.regulations.gov Web site (Docket No. EPA-R06-OAR-2008-0633).

II. EPA's Evaluation

A. EPA's Approach for Evaluating Interstate Transport of Air Pollution

To determine whether the CAA section 110(a)(2)(D)(i)(I) requirement is satisfied, EPA must determine whether a state's emissions contribute significantly to nonattainment or interfere with maintenance in downwind areas. If this factual finding is in the negative, then section 110(a)(2)(D)(i)(I) does not require any changes to a state's SIP. EPA is proposing to determine that the existing SIP for Arkansas is adequate to satisfy the requirements of 110(a)(2)(D)(i)(I) of the CAA to address interstate transport requirements with regard to the 1997 and 2006 PM_{2.5} NAAQS. This proposed conclusion is based on air quality modeling originally conducted by EPA to quantify each individual eastern state's (including Arkansas') contributions to downwind nonattainment and maintenance areas during the rulemaking process for the Transport Rule.

In the Transport Rule rulemaking (proposal and final) process, EPA explained how nonattainment and maintenance receptors would be defined such that contribution to nonattainment and maintenance receptors could be evaluated.⁴ EPA first

identified nonattainment receptors and maintenance receptors, which are all monitoring sites that had PM_{2.5} design values above the level of the 1997 annual PM_{2.5} NAAQS (15 µg/m³) and 2006 24-hour PM_{2.5} NAAQS (35 µg/m³) for certain analytic years. Then EPA prepared a 2005 emissions inventory which was the most recent year that EPA had a complete national inventory at that time. In the Transport Rule analysis, EPA also projected the inventory for the future year analysis for evaluating the culpability of interstate transport impacts.⁵ The air quality modeling conducted for the Transport Rule then evaluated interstate contributions from emissions in upwind states to downwind nonattainment and maintenance receptors for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. Please see the Air Quality Modeling Final Rule Technical Support Document, June 2011 (Air Quality Modeling TSD) for the Transport Rule. Appendix D of this TSD details Arkansas' contribution data for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS for all downwind receptors.

EPA then used air quality thresholds to identify linkages between upwind states and downwind nonattainment and maintenance receptors. As detailed in EPA's Air Quality Modeling TSDs, EPA used a threshold of 1% of the NAAQS to identify these linkages. Our analysis for the Transport Rule found that the 1 percent threshold captures a high percentage of the total pollution transport affecting downwind states for PM_{2.5}.⁶ The air quality thresholds were therefore calculated as 1 percent of the NAAQS, which is 0.15 µg/m³ for 1997 annual PM_{2.5} NAAQS and 0.35 µg/m³ for 2006 24-hour PM_{2.5}. EPA found states projected to exceed this air quality threshold at one or more downwind nonattainment receptors emissions to be linked to all such receptors, and therefore subject to further evaluation. EPA did not conduct further evaluation of emissions from states that were not linked to any downwind receptors.

The methodology and modeling used to analyze the impact of emissions from Arkansas and to identify potential linkages between Arkansas and downwind nonattainment and maintenance receptors with respect to

² See NO_x SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005); and Transport Rule or Cross-State Air Pollution Rule, 76 FR 48208 (August 8, 2011).

³ CAIR addressed the 1997 annual and 24-hour PM_{2.5} NAAQS, and the 1997 8-hour ozone NAAQS. It did not address the 2006 24-hour PM_{2.5} NAAQS.

⁴ For our definition of both nonattainment and maintenance receptors see the Technical Support Documents for the final Transport Rule, including the "Technical Support Document (TSD) for the Transport Rule—Air Quality Modeling", (the proposal TSD) June 2010, and the "Air Quality Modeling Final Rule Technical Support Document", (Air Quality Modeling TSD) June 2011 (Docket No. EPA-HQ-OAR-2009-0491, Document

Nos. EPA-HQ-OAR-2009-0491-0047 and EPA-HQ-OAR-2009-0491-4140).

⁵ See *Id.*; Emissions Inventory Final Rule TSD, June 28, 2011. (Docket ID No. EPA-HQ-OAR-2009-0491, Document No. EPA-HQ-OAR-2009-0491-4522).

⁶ See section IV.F (Analysis of Contributions Captured by Various Thresholds) of the Air Quality Modeling TSD.

the 1997 and 2006 PM_{2.5} NAAQS is described in further detail in the Air Quality Modeling TSDs. These documents can be found both in the electronic docket for the Transport Rule and the electronic docket for this action, and is available through the www.regulations.gov Web site.

B. Evaluation of the State's Submittals

EPA's evaluation confirms Arkansas' analysis provided in portions of the SIP submittals for the State of Arkansas submitted on December 17, 2007, and September 16, 2009, and the technical

supplement submitted on March 20, 2013. The air quality modeling performed for the Transport Rule found that the impact from Arkansas emissions on both downwind nonattainment and maintenance receptors was less than the 1 percent threshold for both the 1997 and the 2006 PM_{2.5} NAAQS. EPA therefore did not find emissions from Arkansas linked to any downwind nonattainment or maintenance receptors for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. EPA incorporates by reference into the

docket for this action all of the technical information in the record for the proposed and final Transport Rule regarding the impact of emissions from Arkansas on both downwind nonattainment and maintenance receptors.

Below is a summary of the air quality modeling results for Arkansas from Tables IV-8 and IV-9 of EPA's Air Quality Modeling TSD regarding Arkansas's largest contribution to both downwind PM_{2.5} nonattainment and maintenance areas.

ARKANSAS' LARGEST CONTRIBUTION TO DOWNWIND PM_{2.5} NONATTAINMENT AND MAINTENANCE AREAS

NAAQS	Air quality threshold (µg/m ³)	Largest downwind contribution to non-attainment (µg/m ³)	Largest downwind contribution to maintenance (µg/m ³)
1997 annual PM _{2.5} NAAQS (15 µg/m ³)	0.15	0.10	0.04
2006 24-hour PM _{2.5} NAAQS (35 µg/m ³)	0.35	0.24	0.23

Based on this analysis, we propose to approve the portions of the December 17, 2007 and September 16, 2009 Arkansas SIP submittals, and the technical supplement submitted on March 20, 2013, determining that the existing SIP for Arkansas contains adequate provisions to prohibit air emissions from contributing significantly to nonattainment or interfering with maintenance of the 1997 and 2006 PM_{2.5} NAAQS in any other state as required by CAA section 110(a)(2)(D)(i)(I).⁷

We believe it is appropriate to rely on the Transport Rule modeling even with the *EME Homer City* opinion vacating the rule. *EME Homer City Generation L.P. v. EPA*, 696 F.3d 7 (D.C. Cir. 2012).⁸ Nothing in the *EME Homer City* opinion suggests that the air quality modeling on which our proposal relies is flawed or invalid for any reason. In addition, nothing in that opinion undermines or calls into question our proposed conclusion that, because emissions from Arkansas do not contribute more than one percent of the 1997 and 2006 PM_{2.5} NAAQS to any downwind area with

nonattainment or maintenance problems, Arkansas does not contribute significantly to nonattainment or interfere with maintenance in another state for these NAAQS. Further, EPA is not proposing to rely on any requirements of the Transport Rule or emission reductions associated with that rule to support its conclusion that Arkansas has met its 110(a)(2)(D)(i)(I) obligations with respect to the 1997 and 2006 PM_{2.5} NAAQS.

C. Section 110(l) of the Act

Section 110(l) of the Act prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. The SIP submittals from the State of Arkansas contain no new regulatory provisions and do not affect any requirement in Arkansas' applicable implementation plan. Therefore, the submissions do not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act. EPA has concluded, based on Arkansas' and EPA's technical analysis, that the existing Arkansas SIP is sufficient to meet the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 and 2006 PM_{2.5} NAAQS.

III. Proposed Action

We are proposing to approve portions of SIP submittals for the State of Arkansas submitted on December 17, 2007, and September 16, 2009, and the

technical supplement submitted on March 20, 2013, to address interstate transport for the 1997 and 2006 PM_{2.5} NAAQS. Based on our evaluation we propose to approve the portions of the SIP submittals determining the existing SIP for Arkansas contains adequate provisions to prohibit air emissions from contributing significantly to nonattainment or interfering with maintenance of the 1997 and 2006 PM_{2.5} NAAQS in any other state as required by CAA section 110(a)(2)(D)(i)(I). This action is being taken under section 110 of the Act.

IV. 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 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 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.*);

⁷ The form of the 1997 24-hour and the 2006 24-hour PM_{2.5} NAAQS utilize the same methodology in determining the design value. Because the 2006 24-hour PM_{2.5} NAAQS is lower and more protective than the 1997 24-hour PM_{2.5} NAAQS, (35 µg/m³ compared with 65 µg/m³), addressing the more stringent 2006 24-hour PM_{2.5} NAAQS ensures that the 1997 24-hour NAAQS is also protected. Thus, we can rely upon the 1 percent threshold analysis used for the Transport Rule to evaluate both the 1997 and 2006 24-hour NAAQS.

⁸ On March 29, 2013, EPA filed a petition asking the Supreme Court to review the *EME Homer City* decision.

- 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 proposed 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.

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: April 24, 2013.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2013-10689 Filed 5-6-13; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 13-39; DA 13-780]

Rural Call Completion and List of Rural Operating Carrier Numbers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission's Wireline Competition Bureau announces the comment filing deadlines in its proposed rulemaking proceeding on rural call completion problems and seeks comment on the completeness and suitability of a currently available list of rural Operating Carrier Numbers as a template for the reporting requirements proposed in the Rural Call Completion Notice of Proposed Rulemaking.

DATES: Comments are due on or before May 13, 2013 and reply comments are due on or before May 28, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit comments, identified by WC Docket No. 13-39, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site:* <http://fjall.foss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: (202) 418-0530 or TTY: (202) 418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Steve Rowings, Wireline Competition Bureau, (202) 418-1033 or TTY: (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice in WC Docket No. 13-39, DA 13-780, released April 18, 2013. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room

CY-A257, Washington, DC 20554. These documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone (800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via the Internet at <http://www.bcpiweb.com>. It is also available on the Commission's Web site at <http://www.fcc.gov>.

This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

Synopsis

On February 7, 2013, the Commission released a Notice of Proposed Rulemaking (NPRM) seeking comment on steps the Commission should take to help address problems in the completion of long-distance telephone calls to rural customers.

The Commission set the comment and reply comment deadlines for the NPRM as 30 and 45 days, respectively, after publication of the summary of the NPRM in the **Federal Register**. On April 12, 2013, a summary of the NPRM appeared in the **Federal Register**. Accordingly, interested parties may file comments on or before May 13, 2013, and reply comments on or before May 28, 2013. All pleadings are to reference WC Docket No. 13-39.

In the NPRM, the Commission proposed rules that would require that originating long-distance providers submit in electronic form the monthly call answer rate for rural operating carrier numbers (OCNs) with 100 attempts or more and the nonrural monthly overall average to the Commission once per calendar quarter. The Commission would specify an electronic template for this reporting requirement with a list of rural OCNs. The National Exchange Carrier Association, Inc. (NECA) provides a list of rural OCNs on its Web site, at the following link: <http://www.neca.org/WorkArea/linkit.aspx?LinkIdIdentifier=id&ItemID=8874&libID=8894>. The Bureau invites comment on the completeness of NECA's list, and whether it would be suitable for the Commission to use this list upon the adoption of the rules proposed in the NPRM.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties