

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).

This proposed rule, pertaining to Delaware's CAA section 110(a)(2) infrastructure requirements for the 2010 NO<sub>2</sub> NAAQS, 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, Incorporation by reference, Nitrogen dioxide, Reporting and recordkeeping requirements.

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

Dated: July 31, 2013.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2013–19751 Filed 8–13–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[EPA–HQ–OAR–2010–0133; FRL–9900–01–OAR]

RIN 2060–AR55

### Denial of Petitions for Reconsideration of Regulation of Fuels and Fuel Additives: 2013 Biomass-Based Diesel Renewable Fuel Volume Final Rule

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

**ACTION:** Notice of denial of petitions for reconsideration.

**SUMMARY:** The Environmental Protection Agency (EPA, or Agency) is denying two petitions for reconsideration of the final rule entitled Regulation of Fuels and Fuel Additives: 2013 Biomass-Based Diesel Renewable Fuel Volume.

**DATES:** EPA's denials of the petitions for reconsideration were issued by letters dated August 6, 2013.

**FOR FURTHER INFORMATION CONTACT:** Paul Argyropoulos; Office of Transportation and Air Quality; Environmental Protection Agency; 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–1123; email address: [argyropoulos.paul@epa.gov](mailto:argyropoulos.paul@epa.gov).

#### SUPPLEMENTARY INFORMATION:

*Description of Action:* Section 211(o)(2)(B)(ii) of the Clean Air Act requires that EPA determine the applicable volume of biomass-based diesel to be used in setting annual percentage standards under the renewable fuel standard program for years after 2012. EPA issued a Notice of Proposed Rulemaking (“NPRM”) on July 1, 2011 which proposed a number of actions,<sup>1</sup> including proposing 1.28 billion gallons as the applicable volume of biomass-based diesel for 2013. After considering public comments on its proposal, EPA issued a final rule on September 27, 2012 establishing 1.28 billion gallons as the applicable volume of biomass based diesel for 2013.<sup>2</sup>

Petitioners, the American Fuel & Petrochemical Manufacturers (AFPM) and the American Petroleum Institute (API), submitted comments<sup>3</sup> to EPA

during the comment period on the July 1, 2011, proposed rule, and subsequently each individually submitted a petition for reconsideration of the final rule published on September 27, 2012 and which became effective on November 26, 2012.<sup>4</sup> Both petitioners requested that EPA reconsider its final decision to set the applicable volume requirement of biomass-based diesel at 1.28 billion gallons instead of the minimum 1.0 billion gallons specified in the statute. Issues raised by AFPM included the impact of the 2012 drought on feedstock availability and cost, the impact of fraudulent RINs on EPA's assessment of the growth potential of the biodiesel industry in 2013, and the adequacy of EPA's assessment of impacts of the rule related to cost, energy security, job creation, greenhouse gas emissions and other matters. API's petition was more limited and focused on the issue of fraudulent RINs.

After carefully considering the petitions and all supporting information, the EPA Administrator denied the petitions for reconsideration on August 6, 2013 in separate letters to the petitioners. EPA denied the petitions because they each failed to meet the criteria for reconsideration in CAA section (307)(d)(7)(B); each of the objections raised in these petitions either were or could have been raised during the comment period on the proposed rule, or are not of central relevance to the outcome of the rule because they do not provide substantial support for the argument that the final rule establishing the applicable volume of biomass-based diesel for 2013 should be revised. The letters and an accompanying memorandum explain in detail the EPA's reasons for the denials.

#### How can I get copies of these documents and other related information?

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions along with the accompanying memorandum which explains EPA's reasons for denial are available in the docket that EPA

Petroleum Institute, “Re: Docket ID No. EPA–HQ–OAR–2010–0133 The U.S. Environmental Protection Agency's Proposed Rule on Regulation of Fuel and Fuel Additives: 2012 Renewable Fuel Standards”.

<sup>4</sup> Letter dated November 20, 2012 to Honorable Lisa Jackson from Richard Moskowitz, American Fuel & Petrochemical Manufacturers, “Re: Petition for Reconsideration—Docket No. EPA–HQ–OAR–2010–0133. Letter dated November 26, 2012 to Honorable Lisa Jackson from Robert L. Greco, III, American Petroleum Institute, “Re: Request for Reconsideration of EPA's Final Rulemaking “2013 biomass-Based Diesel Renewable Fuel Volume”.

<sup>1</sup> 76 FR 38844.

<sup>2</sup> 77 FR 59458.

<sup>3</sup> Letter dated August 11, 2011 to Administrator Lisa Jackson from Charles T. Drevna, President National Petrochemical & Refiners Association, “Subject: Docket EPA–HQ–OAR–2010–0133—Comments on EPA's proposal for 2012 RFS RVOs and biomass-based diesel volume for 2013”. Letter dated August 11, 2011 to Air and Radiation Docket from Patrick Kelly, Senior Policy Advisor American

established for the “Regulation of Fuels and Fuel Additives: 2013 Biomass-Based Diesel Renewable Fuel Volume” under Docket ID No. EPA-HQ-OAR-2010-0133. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA’s Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

The letters denying the petitions for reconsideration and the accompanying memorandum explaining EPA’s reasons for denial has been posted on the EPA Web site at: <http://www.epa.gov/otaq/fuels/renewablefuels/notices.htm>.

Dated: August 6, 2013.

**Christopher Grundler,**

*Director, Office of Transportation and Air Quality.*

[FR Doc. 2013-19625 Filed 8-13-13; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 175

#### 46 CFR Parts 160 and 169

[Docket No. USCG-2013-0263]

RIN 1625-AC02

### Personal Flotation Devices Labeling and Standards

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to remove references to type codes in its regulations on the carriage and labeling of Coast Guard-approved personal flotation devices (PFDs). PFD type codes are unique to Coast Guard approval and are not well understood by the public. Removing these type codes from our regulations would facilitate future incorporation by reference of new industry consensus standards for PFD labeling that will more effectively convey safety information, and is a step toward harmonization of our regulations with PFD requirements in Canada and in other countries.

**DATES:** Comments and related material must either be submitted to our online docket via <http://www.regulations.gov> on or before October 15, 2013 or reach the Docket Management Facility by that date.

**ADDRESSES:** You may submit comments identified by docket number USCG-2013-0263 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Ms. Brandi Baldwin, Coast Guard; telephone 202-372-1394, email [Brandi.A.Baldwin@uscg.mil](mailto:Brandi.A.Baldwin@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents for Preamble

- I. Public Participation and Request for Comments
  - A. Submitting Comments
  - B. Viewing Comments and Documents
  - C. Privacy Act
  - D. Public Meeting
- II. Abbreviations
- III. Basis and Purpose
- IV. Background
- V. Discussion of Proposed Rule
- VI. Regulatory Analyses
  - A. Regulatory Planning and Review
  - B. Small Entities
  - C. Assistance for Small Entities
  - D. Collection of Information
  - E. Federalism
  - F. Unfunded Mandates Reform Act
  - G. Taking of Private Property
  - H. Civil Justice Reform
  - I. Protection of Children
  - J. Tribal Governments
  - K. Energy Effects
  - L. Technical Standards
  - M. Environment

## I. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

### A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2013-0263), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and insert “USCG-2013-0263” in the “Search” box. Press Enter and then click on the comment box in the row listing the NPRM. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments.

### B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert “USCG-2013-0263” in the “Search” box. Click “Search” and then click the “Open Docket Folder” icon. The following link will take you directly to the docket: <http://www.regulations.gov/#!docketDetail;D=USCG-2013-0263>. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department