

The provisions under 40 CFR 51.308(g)(7) require a review of a state's visibility monitoring strategy and an assessment of whether any modifications to the monitoring strategy are necessary. In its progress report SIP, West Virginia summarizes the existing monitoring network at Dolly Sods and Otter Creek and discusses its intended continued reliance on the IMPROVE monitoring network for its visibility planning. West Virginia also mentions its PM_{2.5} monitoring network and that it is used to understand air pollution levels across the state. West Virginia also encourages VISTAS and other regional planning organizations to maintain support of the existing data management system or an equivalent to facilitate availability analysis of IMPROVE and visibility-related data. West Virginia concludes that the existing network is adequate and that no modifications to visibility monitoring strategy are necessary at this time.

EPA proposes to conclude that West Virginia has adequately addressed the sufficiency of its monitoring strategy as required by the provisions under 40 CFR 51.308(g)(7). West Virginia reaffirmed its continued reliance upon the IMPROVE monitoring network and discussed its additional PM_{2.5} monitoring network used to further assess air pollution levels. West Virginia also explained the importance of the IMPROVE monitoring network for tracking visibility trends at Dolly Sods and Otter Creek and identified no expected changes in this network.

B. Determination of Adequacy of Existing Regional Haze Plan

Under 40 CFR 51.308(h), states are required to take one of four possible actions based on the information gathered and conclusions made in the progress report SIP. The following section summarizes: the action taken by West Virginia under 40 CFR 51.308(h); West Virginia's rationale for the selected action; and EPA's analysis and proposed determination regarding the West Virginia's action.

In its progress report SIP, West Virginia submitted a negative declaration that it had determined that the existing regional haze SIP requires no further substantive revision to achieve the RPGs for Class I areas affected by West Virginia's sources. The basis for the negative declaration is the findings from the progress report (as discussed in section III of this rulemaking action), including the findings that: Visibility data has improved at Dolly Sods and Otter Creek; SO₂ emissions from West Virginia sources have decreased beyond original

projections; additional EGU control measures not relied upon in West Virginia's regional haze SIP have been and are being implemented; and the EGU SO₂ emissions in West Virginia are already below the levels projected for 2018 in the regional haze SIP and are expected to continue to trend downward for the next five years. EPA proposes to conclude West Virginia adequately addressed the requirements of 40 CFR 51.308(h) because the visibility data trends at the Class I areas impacted by West Virginia sources and the emissions trends of the largest emitters of visibility-impairing pollutants both indicate that the RPGs for 2018 will be met or exceeded.

IV. EPA's Proposed Action

EPA is proposing to approve West Virginia's regional haze five-year progress report SIP revision, submitted on April 30, 2013, as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and 51.308(h).

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 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, 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 proposed rule to approve West Virginia's regional haze progress report SIP revision 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, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: March 3, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 173, 178, and 180

[Docket Number PHMSA-2010-0019 (HM-241)]

RIN 2137-AE58

Hazardous Materials: Adoption of ASME Code Section XII and the National Board Inspection Code

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: PHMSA is notifying the public of our intent to extend the

comment period by thirty days for a notice of proposed rulemaking published on December 30, 2013.

DATES: The comment period for the NPRM published in the **Federal Register** on December 30, 2013 (78 FR 79363) is extended until April 30, 2014. To the extent possible, PHMSA will consider late-filed comments.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–2010–0019; HM–241) by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1–202–493–2251.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

Docket: For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov>, or DOT's Docket Operations Office (see **ADDRESSES**). To access ASME's Boiler and Pressure Vessel Code, Section XII (Section XII) go to: <https://shop.asme.org/PublicReview/>. To access the *National Board Inspection Code (NBIC), Part 2, Supplement 6: Continued Service and Inspection of DOT Transport Tanks*, and *Part 3, Supplement 6: Repair, Alteration, and Modification of DOT Transport Tanks* go to: https://www.nationalboard.org/SiteDocuments/NBIC/DOT_NBIC_supplements.pdf.

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://www.dot.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Lisa O'Donnell, Hazardous Materials Standards and Rulemaking Division, (202) 366–8553, or Stanley Staniszewski, Engineering and Research Division, (202) 366–4492, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

I. Background

On December 30, 2013, PHMSA (also “we” or “us”) published a notice of proposed rulemaking (78 FR 79363) seeking comments on our proposal to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) in response to petitions submitted by industry representatives to incorporate *Section XII* and the 2013 edition of the *National Board Inspection Code (NBIC)* as alternatives to *Section VIII, Division 1* and the current HMR requirements in part 178, for the design of cryogenic portable tanks and Cargo Tank Motor Vehicles (CTMVs), part 179 for the design of ton tanks, and part 180 for the continuing qualification and maintenance of CTMVs, cryogenic portable tanks, and ton tanks. *Section XII* sets forth standards for construction¹ and continued service² of pressure vessels for transporting hazardous materials by highway, rail, air or water with internal pressures ranging from 0 to 207 bar (full vacuum to 3,000 psig) and volumes greater than 450L (120 gallons). The 2013 edition of the *NBIC* provides rules and guidelines for installing, inspecting, repairing and altering boilers, pressure vessels and pressure relief devices. The NPRM published on December 30, 2013 announced a comment due date of March 31, 2014.

II. Extension of Comment Period

We received a request to extend the comment period by six months from the Tank Truck Manufacturer's Association (TTMA). TTMA is requesting this extension so that they will have sufficient time to fully evaluate the cost and benefits associated with the proposals in the NPRM. TTMA asserts that based on the complexity of the proposals in the NPRM, extensive research and significant effort will be needed to adequately respond with an official comment. Furthermore, TTMA

¹“Construction” is an all-inclusive term comprising materials, design, fabrication, examination, inspection, testing, certification, and over-pressure protection.

²“Continued service” is an all-inclusive term referring to inspection, testing, repair, alteration, and recertification of a transport tank that has been in service.

believe there is potential for substantial economic impact and the comment extension will allow for sufficient review of the proposals. The extension will also provide TTMA and its members the opportunity to compose valuable and comprehensive comments.

Due to PHMSA's desire to collect meaningful input from affected stakeholders, PHMSA is consenting to the commenter's request to extend the comment period to ensure sufficient time for public review. However, we do not believe a six month extension is warranted. Accordingly, in the interest of moving this rulemaking forward in a timely manner, PHMSA is extending the comment period by 30 days to April 30, 2014. PHMSA is confident that the 30-day extension will allow stakeholders sufficient time to conduct a more thorough review.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://www.dot.gov/privacy>.

Issued in Washington, DC, on March 11, 2014, under authority delegated in 49 CFR 1.97(b).

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403322–4180–01]

RIN 0648–BD08

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery Off the Atlantic States; Amendment 5

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.