

deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Final Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Carolyn Persoon, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8290, [persoon.carolyn@epa.gov](mailto:persoon.carolyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: August 3, 2015.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2015-20529 Filed 8-19-15; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R04-OAR-2015-0337; FRL-9932-57-Region 4]

**Approval and Promulgation of Implementation Plans; Florida; Regional Haze Plan Amendment—Lakeland Electric C.D. McIntosh**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the State of Florida's March 10, 2015, State Implementation Plan (SIP) revision, submitted by the Florida Department of Environmental Protection (FDEP). This submittal fulfills Florida's commitment to EPA to provide a regional haze SIP revision with a Best Available Retrofit Technology (BART) nitrogen oxides (NO<sub>x</sub>) emissions limit for Unit 1 at the Lakeland Electric-C.D. McIntosh Power Plant (McIntosh) reflecting best operating practices for good combustion. States are required to address the BART provisions of the Clean Air Act (CAA or Act) and EPA's regional haze regulations as part of a program to prevent any future and remedy any existing anthropogenic impairment of visibility in mandatory Class I areas (national parks and wilderness areas) caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the "regional haze program") and to assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. In this action, EPA proposes to approve the BART NO<sub>x</sub> emissions limit for Unit 1 at McIntosh into the Florida SIP.

**DATES:** Written comments must be received on or before September 21, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No EPA-R04-OAR-2015-0337, by one of the following methods:

1. [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.

2. *Email:* [R4-ARMS@epa.gov](mailto:R4-ARMS@epa.gov).

3. *Fax:* (404) 562-9019.

4. *Mail:* "EPA-R04-OAR-2015-0337," Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier:* Lynora Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA-R04-OAR-2015-0337. 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](http://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 through

[www.regulations.gov](http://www.regulations.gov) or email, information that you consider to be CBI or otherwise protected. The [www.regulations.gov](http://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](http://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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*Docket:* All documents in the electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information may not be publicly available, *i.e.*, 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

information is 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Michele Notarianni, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Ms. Notarianni can be reached by phone at (404) 562-9031 or via electronic mail at [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Overview**

On December 10, 2012, EPA proposed to approve the BART and reasonable progress determinations for a number of EGUs in Florida as part of Florida's regional haze SIP. *See* 77 FR 73369. In that action, EPA proposed approval of Florida's BART determination for emissions Units 1 and 2 at McIntosh found subject to BART. On August 29, 2013, EPA issued a final, full approval of Florida's regional haze SIP. *See* 78 FR 53250. In that final action, EPA approved the BART determination for the McIntosh facility, including the determination that the existing level of control for NO<sub>x</sub> at Unit 1, best operating practices for good combustion, is the NO<sub>x</sub> BART control for Unit 1. *See* 78 FR 53263. As described in the August 29, 2013, final action, FDEP submitted a letter to EPA dated July 30, 2013, in which the State committed to provide EPA with a regional haze SIP revision no later than March 19, 2015, the deadline for the State's five-year regional haze periodic progress report SIP, that would include a NO<sub>x</sub> BART emissions limit for Unit 1 reflecting best operating practices for good combustion.<sup>1</sup> FDEP also committed to

<sup>1</sup> In that final action, EPA concluded that it "is reasonable for the State to implement a NO<sub>x</sub> BART emissions limit for Unit 1 upon EPA's approval of the" five-year regional haze periodic progress report "because of the limited visibility impact of NO<sub>x</sub> emissions from Unit 1 and because the BART limit will reflect the existing level of control." 78 FR 53263.

modify the title V permit for McIntosh to include this new limit.<sup>2</sup>

To fulfill its commitment in accordance with the July 30, 2013 letter, the State of Florida submitted a SIP revision dated March 10, 2015, seeking to revise its regional haze SIP to include a NO<sub>x</sub> BART emissions limit for Unit 1 and the April 30, 2014, construction permit establishing this NO<sub>x</sub> BART emissions limit for Unit 1. The permit contains supporting conditions (*e.g.*, monitoring requirements) and a condition specifying a schedule for McIntosh to apply for a revision to its title V permit to reflect the new permit conditions. In this action, EPA proposes to approve Florida's March 10, 2015, SIP submittal for the reasons discussed in Section II, below.

##### **II. What is EPA's Analysis of Florida's Plan?**

Florida's March 10, 2015, SIP revision seeks to revise the State's regional haze SIP to include a NO<sub>x</sub> BART emissions limit for McIntosh Unit 1 and a construction permit (DEP Permit No. 1050004-034-AC) dated April 30, 2014, for Unit 1 containing this limit. The SIP revision and construction permit establish a NO<sub>x</sub> BART emissions limit of 0.46 pounds per million British Thermal Unit (lb/MMBtu) of heat input on a 30-operating day rolling average for Unit 1 in accordance with Florida's July 30, 2013, commitment letter and the NO<sub>x</sub> BART control determination. Florida set this limit by considering NO<sub>x</sub> emissions data for Unit 1 from 2001-2003, the baseline period used by the State as the basis for its BART determination for McIntosh.<sup>3</sup> The permit states that the limit is effective no later than EPA's approval of Florida's March 10, 2015, regional haze SIP revision. Compliance with the BART NO<sub>x</sub> emissions limit will be demonstrated with a NO<sub>x</sub> CEMS that must comply with the certification and quality assurance, and other applicable requirements of Rule 62-297.520, F.A.C.; 40 CFR 60.13, including certification of each device in accordance with 40 CFR part 60, Appendix B, Performance Specifications and 40 CFR 60.7(a)(5); or 40 CFR part 75. Quality assurance procedures must conform to all applicable sections of 40 CFR part 60, Appendix F or 40 CFR part 75.

The construction permit also sets the deadlines for McIntosh to submit an application to revise its title V permit to

<sup>2</sup> FDEP's July 30, 2013, commitment letter is located in the docket for today's proposed action.

<sup>3</sup> See July 22, 2015, email from Preston McLane, FDEP, to Lynora Benjamin, EPA Region 4, located in the docket for today's proposed action.

include the NO<sub>x</sub> BART limit and supporting conditions for Unit 1. Section 2.8 of the permit states that the "permittee shall apply for the Title V permit revision within 180 days of U.S. EPA's approval of the amendment to Florida's Regional Haze State Implementation Plan (SIP)."

EPA proposes to find that the March 10, 2015, SIP revision containing the NO<sub>x</sub> BART emissions limit and new permit conditions for Unit 1 fulfills Florida's commitment to establish a NO<sub>x</sub> BART emissions limit for Unit 1 that reflects best operating practices for good combustion and to amend the facility's title V permit to include the permit limit and supporting conditions. EPA has evaluated the CEMS data reported to EPA's Clean Air Markets Division (CAMD) for Unit 1 from 2001-2003 and believes that the NO<sub>x</sub> BART emissions limit is consistent with the NO<sub>x</sub> BART control determination.<sup>4</sup> Therefore, EPA proposes to incorporate the NO<sub>x</sub> BART limit for Unit 1 and Air Permit No. 1050004-034-AC into Florida's regional haze SIP.

##### **III. Proposed Action**

EPA is proposing to approve Florida's March 10, 2015, regional haze SIP revision and revise the regional haze SIP to include the NO<sub>x</sub> BART emissions limit for Unit 1 described above and the April 30, 2014, construction permit containing this limit. EPA is proposing to approve Florida's SIP submission because the submission meets the applicable regional haze requirements as set forth in the CAA and in EPA's regional haze regulations and the applicable requirements of section 110 of the CAA. As discussed above, EPA fully approved Florida's regional haze SIP on August 29, 2013. Today's action does not reopen EPA's final BART control determination for McIntosh Unit 1 or any other aspect of EPA's August 29, 2013 final action.

##### **IV. 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

<sup>4</sup> The docket for today's proposed action contains the 2001-2003 CEMS data for Unit 1 from CAMD.

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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: August 5, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

[FR Doc. 2015–20497 Filed 8–19–15; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 37

[Docket DOT–OST–2015–0075]

#### Transportation for Individuals With Disabilities; Service Criteria for Complementary Paratransit Fares

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Notice of petition for rulemaking; request for comments.

**SUMMARY:** This document seeks public comments on a petition for rulemaking from Access Services concerning the Department's regulations implementing the Americans with Disabilities Act (ADA) with respect to the method of determining the fare for a trip charged to an ADA paratransit eligible user. The petition asks the Department to revise its regulation to allow for a "coordinated" or two-tier fare structure. The current regulation provides that the fare shall not exceed twice the fare that would be charged to an individual paying full fare for a similar trip on the fixed route system.

**DATES:** Comments must be received by September 21, 2015.

**ADDRESSES:** Please submit your comments by only one of the following methods:

- *Online:* Use the Federal eRulemaking portal at <http://www.regulations.gov> and follow the instructions for submitting comments.

- *U.S. Mail:* Send your comments to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Go to Room W12–140 on the ground floor of the West Building, U.S. Department of Transportation headquarters, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern-time, Monday through Friday except Federal holidays.

- *Telefax:* Send your comments to 202–493–2251.

**Instructions:** All comments must include the docket number for this rulemaking: DOT–OST–2015–0075. Submit two copies of your comments if you submit them by mail. For

confirmation that DOT received your comments, include a self-addressed, stamped postcard. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading under "Supplementary Information," below, for Privacy Act information pertinent to any submitted comments or materials, and you may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477.

**Docket Access:** For access to background documents and comments received in the rulemaking docket, go to <http://www.regulations.gov> or to the U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jill Laptosky, Attorney-Advisor, Office of General Counsel, U.S. DOT, 1200 New Jersey Ave. SE., Washington, DC 20590, phone: (202) 493–0308, or email, [Jill.Laptosky@dot.gov](mailto:Jill.Laptosky@dot.gov); or Bonnie Graves, Assistant Chief Counsel for Legislation and Regulations, Office of Chief Counsel, Federal Transit Administration, same address, phone: (202) 366–4011, or email, [Bonnie.Graves@dot.gov](mailto:Bonnie.Graves@dot.gov).

**SUPPLEMENTARY INFORMATION:** On March 4, 2015, the U.S. Department of Transportation (DOT) received a petition for rulemaking from Access Services, the Americans with Disabilities Act (ADA) complementary paratransit provider for 44 fixed route transit providers in Los Angeles County, California. Access Services uses a "coordinated" or two-tier fare structure where it generally charges \$2.75 for one-way trips up to 19.9 miles, and \$3.50 for one-way trips of 20 miles or more. In some cases, these fares exceed twice the fixed route fare. The DOT's ADA regulation at 49 CFR 37.131(c) provides that the fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day, on the entity's fixed route system. In recent triennial reviews of some fixed route providers in Los Angeles County, the Federal Transit Administration (FTA) has made findings that the ADA paratransit fares exceed twice the fixed route fare. In other words, some paratransit riders are paying more for ADA paratransit fares than they should be under the Department's existing regulations.