

### 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. 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<sub>10</sub> (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. Proposed Action

EPA is proposing approval of 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.

### 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

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

Dated: December 21, 2011.

**James B. Martin,**

*Regional Administrator, Region 8.*

[FR Doc. 2012-458 Filed 1-11-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2011-0849-201153(b); FRL-9617-3]

### Approval and Promulgation of Implementation Plans; Georgia; Rome; Fine Particulate Matter 2002 Emissions Inventory

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the fine particulate matter (PM<sub>2.5</sub>) 2002 base year emissions inventory portion of the State Implementation Plan (SIP) revision submitted by the State of Georgia on October 27, 2009. The emissions inventory is part of the Rome, Georgia PM<sub>2.5</sub> attainment demonstration that was submitted for the 1997 annual PM<sub>2.5</sub> National Ambient Air Quality Standards. This action is being taken pursuant to section 110 of the Clean Air Act. In the Rules Section of this **Federal Register**, EPA is approving Georgia's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments.

**DATES:** Written comments must be received on or before February 13, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2011-0849, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *Email:* [benjamin.lynorae@epa.gov](mailto:benjamin.lynorae@epa.gov).
3. *Fax:* (404) 562-9019.
4. *Mail:* "EPA-R04-OAR-2011-0849," Regulatory Development Section, Air Planning 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:* Lynorae Benjamin, Regulatory Development Section, Air Planning 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 to 4:30, excluding federal holidays.

Please see the direct final rule which is located in the Rules section of this

**Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9043. Mr. Lakeman can be reached via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. 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 on this document. Any parties interested in commenting on this document should do so at this time.

Dated: December 22, 2011.

**Gwendolyn Keyes Fleming,**  
Regional Administrator, Region 4.

[FR Doc. 2012-347 Filed 1-11-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2011-0876; FRL-9617-9]

### Revisions to the California State Implementation Plan, South Coast Air Quality Management District

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

**ACTION:** Proposed rule.

**SUMMARY:** In this action, we are proposing to approve South Coast Air Quality Management District (SCAQMD) Rule 317, "Clean Air Act Non-Attainment Fee," as a revision to SCAQMD's portion of the California State Implementation Plan (SIP). Rule 317 is a local rule submitted to address section 185 of the Clean Air Act (CAA or Act). We are proposing that Rule 317, an equivalent alternative program, is not less stringent than the program required by section 185, and, therefore, is approvable, consistent with the principles of section 172(e) of the Act.

As part of this action, we are inviting public comment on whether it is appropriate for EPA to consider equivalent alternative programs, and, if so, whether Rule 317 would constitute an approvable equivalent alternative program. We are taking comments on these proposals and plan to follow with a final action.

**DATES:** Any comments must arrive by *February 13, 2012*.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2011-0876, by one of the following methods:

1. *Federal eRulemaking Portal:*  
<http://www.regulations.gov>. Follow the on-line instructions.

2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or email. <http://www.regulations.gov> is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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.

*Docket:* Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Lily Wong, EPA Region IX, (415) 947-4114, [wong.lily@epa.gov](mailto:wong.lily@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

### Table of Contents

- I. What did the State submit?
- II. Are there other versions of this rule?
- III. What action is EPA taking?
- IV. Background
- V. What is the legal rationale for this action?
- VI. What is EPA's analysis of SCAQMD's alternative program?
- VII. Proposed Action
- VIII. Statutory and Executive Order Reviews

#### I. What did the State submit?

On February 4, 2011, SCAQMD adopted Rule 317, "Clean Air Act Non-attainment Fee," to meet the requirements of CAA section 185. On April 22, 2011, the California Air Resources Board (CARB) submitted SCAQMD's Rule 317 to EPA. On May 19, 2011, EPA determined that the submittal met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review. SCAQMD provided supplemental information in a letter dated December 21, 2011.

#### II. Are there other versions of this rule?

There are no previous versions of Rule 317 in the SIP. Although the SCAQMD adopted an earlier version of Rule 317 on December 5, 2008, that rule was never submitted to EPA for approval as a SIP revision.

#### III. What action is EPA taking?

EPA is proposing to approve Rule 317 as a revision to SCAQMD's portion of the California SIP. The purpose of Rule 317 is to satisfy the requirements of sections 182 and 185 of the Act by utilizing an equivalency approach consistent with the principles of section 172(e) of the Act. Under Rule 317, SCAQMD will track, calculate, analyze, and report to demonstrate that the requirements of section 185 of the Act have been met. Rule 317 includes: Calculation of CAA non-attainment (section 185) fee obligation, establishment of a "section 172(e) fee equivalency account," an annual demonstration of equivalency, an annual preliminary determination of equivalency, reporting to CARB and EPA, and a backstop provision for failure to achieve equivalency. The "section 172(e) fee equivalency account" will include funds from qualified programs that are surplus to the 1-hour ozone SIP and designed to result in direct reductions or facilitate