

State's ability to provide for air quality and modeling, along with analysis of the associated data, related to the 1997 8-hour ozone NAAQS when necessary.

**13. 110(a)(2)(L) Permitting fees:**

Florida addresses the review of construction permits as previously discussed in 110(a)(2)(C). Permitting fees in Florida are collected through the State's federally-approved title V fees program, according to State regulation 403.087(6)(a) *Permit Fees*. EPA has made the preliminary determination that Florida's SIP and practices adequately provide for permitting fees related to the 1997 8-hour ozone NAAQS when necessary.

**14. 110(a)(2)(M) Consultation/participation by affected local entities:** Chapter 62–204, *Air Pollution Control Provisions*, requires that SIPs be submitted in accordance with 40 CFR part 51, Subpart F, for permitting purposes. Florida statute 403.061(21) authorizes DEP to “[a]dvise, consult, cooperate and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department.”

Furthermore, DEP has demonstrated consultation with, and participation by, affected local entities through its work with local political subdivisions during the developing of its Transportation Conformity SIP and Regional Haze Implementation Plan. EPA has made the preliminary determination that Florida's SIP and practices adequately demonstrate consultation with affected local entities related to the 1997 8-hour ozone NAAQS when necessary.

**V. Proposed Action**

As described above, EPA has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements pursuant to EPA's October 2, 2007, guidance to ensure that the 1997 8-hour ozone NAAQS are implemented, enforced, and maintained in Florida. EPA is now proposing four related actions on Florida's December 13, 2007, submission as supplemented on April 18, 2008. First, EPA is proposing to approve Florida's infrastructure submission for the 1997 8-hour ozone NAAQS, with the specific exceptions as follows. Second, EPA is proposing a FIP to address 110(a)(G) for the 1997 8-hour ozone standard. EPA notes that the proposed FIP will not be necessary if EPA receives, and is able to take action on, a SIP revision to address the 110(a)(2)(G) requirements prior to the Agency's obligation to take final action per the terms of a settlement agreement

related to this action. Third, EPA is proposing to disapprove Florida's submission for portions of elements 110(a)(2)(C) and 110(a)(2)(J) related to the regulation of GHG emissions. Fourth, EPA is proposing to conditionally approve sub-element 110(a)(2)(E)(ii) related to section 128 of the CAA.

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

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

Dated: March 30, 2012.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2012–9225 Filed 4–17–12; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R9–OAR–2011–0130; FRL–9661–4]

**State of Nevada; Regional Haze State and Federal Implementation Plans; BART Determination for Reid Gardner Generating Station**

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

**ACTION:** Announcement of public hearing.

**SUMMARY:** EPA is holding a public hearing on May 3, 2012 for the proposed rule, “Approval and Promulgation of Air Quality Implementation Plans; State of Nevada; Regional Haze State and Federal Implementation Plans; BART Determination for Reid Gardner Generating Station.”

**DATES:** The public hearing will be held on May 3, 2012.

**ADDRESSES:** We will hold a public hearing at Moapa Valley Empowerment High School, 2400 St. Joseph Street, Overton, Nevada 89040. The hearing will begin at 6:30 p.m. and continue until 8:30 p.m., if necessary. An open house will precede the public hearing at the same location from 5 p.m.–6 p.m. The EPA Region 9 Web site for the rulemaking, which includes the proposal and information about the public hearing, is at <http://www.epa.gov/region9/air/actions/nv.html#reid>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the public

hearings, please contact Thomas Webb, EPA Region IX at 415-947-4139, or [Webb.Thomas@epa.gov](mailto:Webb.Thomas@epa.gov). If you require a reasonable accommodation, please contact Terisa Williams, EPA Region IX Reasonable Accommodations Coordinator at 415-972-3829, or [Williams.Terisa@epa.gov](mailto:Williams.Terisa@epa.gov).

**SUPPLEMENTARY INFORMATION:** The public hearing is to provide the public with an opportunity to present oral comments regarding a proposed Regional Haze State and Federal Implementation Plans for the BART Determination at the Reid Gardner Generating Station in the State of Nevada. The BART determinations require the Reid Gardner Generating Station to meet an emissions limit for oxides of nitrogen at Units 1, 2 and 3 of 0.20 lbs/MMBtu on a 30-day rolling average.

**Public hearing:** The proposed rule for which EPA will hold the public hearing is available at <http://www.epa.gov/region9/air/actions/nv.html#reid> and also in the docket identified below. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. We will consider written statements and supporting information submitted during the comment period with the same weight as any oral comments and supporting information presented at the public hearing.

At the public hearing, the hearing officer may limit the time available for each commenter to address the proposal to five minutes or less if the hearing officer determines it is appropriate. We will not provide equipment for commenters to show overhead slides or make computerized slide presentations. Any person may provide written or oral comments and data pertaining to our proposal at the public hearing. We will include verbatim transcripts, in English,

of the hearing and written statements in the rulemaking docket.

EPA has established a docket for the proposed rule under Docket ID No. EPA-R09-OAR-2011-0130 (available at <http://www.regulations.gov>).

Dated: April 11, 2012.

**Deborah Jordan,**

*Air Division Director, Region IX.*

[FR Doc. 2012-9438 Filed 4-17-12; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2012-0243; FRL-9659-9]

**Revisions to the California State Implementation Plan, Northern Sierra and Sacramento Metropolitan Air Quality Management Districts**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Northern Sierra Air Quality Management District (NSAQMD) and Sacramento Metropolitan Air Quality Management District (SMAQMD) portions of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the NSAQMD and SMAQMD. We are proposing to approve these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by May 18, 2012.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2012-0243, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](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 [www.regulations.gov](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 [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](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 in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), 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:** Cynthia Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following negative declarations listed in Table I:

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
NSAQMD	Fiberglass Boat Manufacturing Materials	04/25/11	05/17/11
NSAQMD	Miscellaneous Industrial Adhesives	04/25/11	05/17/11
NSAQMD	Automobile and Light-Duty Truck Assembly Coatings	04/25/11	05/17/11
NSAQMD	Industrial Cleaning Solvents	05/19/08	08/14/08
NSAQMD	Offset Lithographic Printing and Letterpress Printing	05/19/08	08/14/08
NSAQMD	Flexible Package Printing	05/19/08	08/14/08
NSAQMD	Flat Wood Paneling Coatings	05/19/08	08/14/08
NSAQMD	Paper, Film, and Foil Coatings	05/19/08	08/14/08
NSAQMD	Large Appliance Coatings	05/19/08	08/14/08
NSAQMD	Metal Furniture Coatings	05/19/08	08/14/08
SMAQMD	Coating Operations at Aerospace Manufacturing and Rework Operations	10/27/11	01/12/12