

on July 3, 2014. In the event of inclement weather this regulation will be enforced from 9:30 p.m. to 10:15 p.m. on July 5, 2014.

(3) *Catawba Island Club Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941(a)(28) will be enforced from 9:30 p.m. to 10 p.m. on August 31, 2014.

(4) *Toledo Fourth of July Fireworks, Toledo, OH.* The safety zone listed in 33 CFR 165.941(a)(54) will be enforced from 9:25 p.m. to 10:05 p.m. on July 4, 2014.

(5) *Bay Point Fireworks Display, Marblehead, OH.* The safety zone listed in 33 CFR 165.941(a)(58) will be enforced from 9:55 p.m. to 10:25 p.m. on July 5, 2014.

(6) *Catawba Island Club Memorial Day Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941 (a)(56) will be enforced from 8:55 p.m. to 9:25 p.m. on May 25, 2014.

(7) *Luna Pier Fireworks Show, Luna Pier, MI.* The safety zone listed in 33 CFR 165.941 (a)(16) will be enforced from 9:25 p.m. to 11:05 p.m. on July 5, 2014. In the event of inclement weather this regulation will be enforced from 9:25 p.m. to 11:05 p.m. on July 6, 2014.

(8) *Revolution3 Cedar Point Triathlon, Sandusky, OH.* The safety zone listed in 33 CFR 165.941 (a)(60) will be enforced from 5:55 p.m. to 10:05 p.m. on September 6, 2014 and from 5:55 p.m. to 10:05 p.m. on September 7, 2014.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port Detroit before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port Detroit may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This document is issued under authority of 33 CFR 165.23 and 5 U.S.C. 552 (a). If the Captain of the Port Detroit determines that the enforcement of these safety zones need not occur as stated in this document, he or she may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: May 6, 2014.

J.E. Ogden,
Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2014-11418 Filed 5-15-14; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2014-0268; FRL-9910-48-Region-3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update of the Motor Vehicle Emissions Budgets for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone National Ambient Air Quality Standard Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's (Pennsylvania) State Implementation Plan (SIP). The revisions consist of an update to the Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_x) for the 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) SIP for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone NAAQS Maintenance Area (Allentown Maintenance Area). The SIP revision also includes an updated point source inventory for NO_x. This rulemaking action approves the updated MVEBs and thereby makes them available for transportation conformity purposes. EPA is approving these revisions to the MVEBs and point source inventory in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on July 15, 2014 without further notice, unless EPA receives adverse written comment by June 16, 2014. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R03-OAR-2014-0268 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email:* fernandez.cristina@epa.gov.

C. *Mail:* EPA-R03-OAR-2014-0268, Cristina Fernandez, Associate Director,

Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R03-OAR-2014-0268. 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*, 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 information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *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*, 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-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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not 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 materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, (215) 814-2071, or by email at khadr.asrah@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 7, 2014, Pennsylvania submitted a formal revision to its SIP. The SIP revision consists of updated MVEBs for NO_x for the 1997 8-Hour Ozone NAAQS. The SIP revision also includes an updated point source inventory for NO_x.

On July 18, 1997 (62 FR 38856), EPA established the 1997 8-Hour Ozone NAAQS. On April 30, 2004 (69 FR 23858), Lehigh, Northampton, and Carbon Counties were designated as nonattainment for the 1997 8-Hour Ozone NAAQS as a part of the Allentown-Bethlehem-Easton Nonattainment Area. On June 26, 2007, the Pennsylvania Department of Environmental Protection (PADEP) submitted a request for redesignation and a SIP revision which consisted of a maintenance plan, a 2002 base year inventory and MVEBs for transportation conformity purposes. On March 2, 2008 (73 FR 11557), EPA approved the SIP revision as well as the redesignation request made by PADEP; therefore the Allentown-Bethlehem-Easton Nonattainment Area was redesignated as an attainment area.

The currently SIP-approved MVEBs for the Allentown Maintenance Area were developed using the Highway Mobile Source Emission Factor Model (MOBILE6.2). On March 2, 2010 (75 FR

9411), EPA published a notice of availability for the Motor Vehicle Emissions Simulator (MOVES2010) model for use in developing MVEBs for SIPs and for conducting transportation conformity analyses. EPA commenced a two year grace period after which time the MOVES2010 model would have to be used for transportation conformity purposes. The two year grace period was scheduled to end on March 2, 2012. On February 27, 2012 (77 FR 11394), EPA published a final rule extending the grace period for one more year to March 2, 2013 to ensure adequate time for affected parties to have the capacity to use the MOVES model to develop or update the applicable MVEBs in SIPs and to conduct conformity analyses. On September 8, 2010, EPA released MOVES2010a, which is a minor update to MOVES2010 and which is used by Pennsylvania in this SIP revision.

II. Summary of SIP Revision

This SIP revision includes an update to the MVEBs for NO_x for the years 2009 (interim year) and 2018 (maintenance year) that were produced using the MOVES2010a model. This SIP revision also includes an update to the point source inventory for NO_x. The MVEBs, as well as the point source inventory, were not updated for volatile organic compounds (VOCs), therefore providing information about VOCs in the tables below is not applicable (N/A). A comparison between the previous point source inventory and the updated point source inventory is provided in “Table 1, Summary of Point Source Inventory in tpd.” The previously approved MVEBs were produced using the Mobile Source Emission Factor Model (MOBILE6.2). A summary of the updated MOVES-based emissions and

previously approved MOBILE6.2-based emissions for the years 2004, 2009, and 2018 is provided in “Table 2. Summary of Motor Vehicle Emissions in tpd.” Even though there is an emissions increase in the MOVES-based MVEBs, the increase is not due to an increase in emissions from mobile sources. The increase is due to the fact that the MOVES model provides more accurate emissions estimates than MOBILE6.2, rather than growth that had not been anticipated in the maintenance plan. Also, part of the update of the MVEBs is the addition of a 2 ton per day (tpd) safety margin for NO_x. The MVEBs that will be utilized for transportation conformity purposes and include the safety margins are presented in “Table 3. Updated MVEBs in tpd.” These safety margins were added because emissions in the interim (2009) and maintenance (2018) years are significantly less than the attainment year emissions, which is the year that the Allentown Maintenance Area attained the standard. Additionally, Table 3 presents the portion of the MVEBs allotted to each metropolitan planning organization (MPO). In the case of the Allentown Maintenance Area, there are two MPOs involved in transportation planning for the counties that are a part of the maintenance area. The Lehigh Valley MPO serves Lehigh and Northampton Counties while the Northeastern Pennsylvania Alliance (NEPA) MPO serves Carbon County. A detailed summary of EPA’s review and rationale for proposing to approve this SIP revision may be found in the Technical Support Documents (TSDs) prepared in support of this proposed rulemaking action and are available on line at <http://www.regulations.gov>, Docket number EPA-R03-OAR-2014-0628.

TABLE 1—SUMMARY OF POINT SOURCE INVENTORY IN TPD

Year	Current		Updated	
	2009	2018	2009	2018
NO _x	58.3	66.6	27.0	26.1

TABLE 2—SUMMARY OF MOTOR VEHICLE EMISSIONS IN TPD

Model	MOBILE6.2			MOVES2010a		
	2004	2009	2018	2004	2009	2018
VOCs	30.54	22.80	13.28	N/A	N/A	N/A
NO _x	48.33	33.89	14.44	59.38	44.08	21.95

TABLE 3—MVEBS FOR EACH MPO IN TPD

Year	MPO	Lehigh Valley MPO		NEPA MPO	
		2009	2018	2009	2018
VOCs		20.6482	12.4328	3.4372	2.263

TABLE 3—MVEBS FOR EACH MPO IN TPD—Continued

MPO				
NO _x	39.1787	20.4058	6.8977	3.541

III. Final Action

EPA is approving Pennsylvania's SIP revision request from March 7, 2014 to update the MVEBs for the Allentown Maintenance Area to reflect the use of the MOVES model. EPA is also proposing to approve the update to the point source inventory. EPA is approving this SIP revision because it will allow the Allentown Maintenance Area to continue to be in attainment of the 1997 8-Hour Ozone NAAQS, and our in depth review of the SIP revision leads EPA to conclude that the updated MVEBs meet the adequacy requirements set forth in 40 CFR 93.118(e)(4)(i)–(vi), and the updated MVEBs have been correctly calculated to reflect the use of the MOVES model. As a result of EPA's approval, these updated MVEBs will be both adequate and SIP-approved for purposes of transportation conformity. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on July 15, 2014 without further notice unless EPA receives adverse comment by June 16, 2014. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must 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.

IV. Statutory and Executive Order Reviews

A. General Requirements

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 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 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 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.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This rulemaking action pertaining to the update of the MVEBs and point and area source inventories for the Allentown Maintenance Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: April 25, 2014.
W.C. Early,
Acting Regional Administrator, Region III.
 40 CFR part 52 is amended as follows:

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

§ 52.2020 Identification of plan.

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 (e) * * *
 (1) * * *

Subpart NN—Pennsylvania

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by revising the entry for “8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory for Allentown-Bethlehem-Easton Area: Carbon, Lehigh and Northampton Counties” to read as follows:

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	Allentown-Bethlehem-Easton Area: Carbon, Lehigh and Northampton Counties.	6/26/07 3/7/14	3/4/08 73 FR 11557 5/16/14 [<i>Insert page number where the document begins</i>].	Technical correction dated 8/9/07 addresses omitted emissions inventory information from 6/26/07 submittals. Revised 2009 and 2018 Motor Vehicle Emission Budgets. Revised 2009 and 2018 point source inventories. See sections 52.2043 and 52.2052.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

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 ■ 3. Section 52.2043 is amended by adding paragraph (c) to read as follows:

§ 52.2043 Control strategy for maintenance plans: Ozone

* * * * *
 (c) As of May 16, 2014, EPA approves the following revised 2009 and 2018 point source inventory for nitrogen

oxides (NO_x) for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO _x
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area	2009	27.0
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area	2018	26.1

■ 4. Section 52.2052 is amended by adding paragraph (c) to read as follows:

§ 52.2052 Motor vehicle emissions budgets for Pennsylvania ozone areas

* * * * *

(c) As of May 16, 2014, EPA approves the following revised 2009 and 2018 Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_x) for the Allentown-Bethlehem-Easton 1997

8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO _x
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Lehigh and Northampton Counties)	2009	39.18
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Lehigh and Northampton Counties)	2018	20.41
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Carbon County)	2009	6.90
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Carbon County)	2018	3.54

[FR Doc. 2014–10695 Filed 5–15–14; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 60**

[EPA-HQ-OAR-2010-0873; FRL-9909-98-OAR]

RIN 2060-AH23

Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This action promulgates quality assurance and quality control (QA/QC) procedures (referred to as Procedure 3) for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS) issued by the EPA pursuant to section 111(b) of the Clean Air Act (CAA), Standards of Performance for New Stationary Sources.

DATES: This final rule is effective on November 12, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2010-0873. All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., confidential business information (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 materials are available either electronically at www.regulations.gov or in hard copy at the Air Docket, EPA/DC, William J. Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Docket Facility and Public Reading Room are open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Air Docket is (202) 566-1742, and the telephone number for the Public Reading Room is (202) 566-1744.

FOR FURTHER INFORMATION CONTACT: Ms. Lula H. Melton, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (Mail Code: E143-02), Research Triangle Park, NC 27711; telephone number: (919) 541-2910; fax number: (919) 541-0516; email address: melton.lula@epa.gov.

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I. General Information*A. Does this action apply to me?*

Procedure 3 applies to COMS used to demonstrate continuous compliance with opacity standards specified in NSPS promulgated by the EPA pursuant to section 111(b) of the CAA, 42 U.S.C. 7411(b).

B. Where can I obtain a copy of this action?

In addition to being available in the docket, an electronic copy of this rule will also be available on the Worldwide Web (www) through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the final rule will be placed on the TTN's policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. A redline strikeout document that compares this final rule to the proposed rule has also been added to the docket.

C. Judicial Review

Under section 307(b)(1) of the CAA, judicial review of this final rule is available by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by July 15, 2014. Under section

307(d)(7)(B) of the CAA, only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

II. Background

Procedure 3 results in national consistency in the application of QA/QC procedures by applicable sources using COMS. We published a direct final rule and a parallel proposed rule for Procedure 3 in the **Federal Register** on February 14, 2012. The public comment period was originally scheduled to end on March 15, 2012, but was extended to April 30, 2012, at the request of several commenters. On March 28, 2012, the EPA withdrew the direct final rule based on the receipt of adverse comments on the parallel proposed rule.

III. Summary of Procedure 3

This final rule codifies Procedure 3 in 40 CFR part 60, Appendix F. Procedure 3 establishes requirements for daily instrument zero and upscale drift checks, daily status indicator checks, quarterly performance audits, and annual zero alignments, and requires source owners and operators to have a corrective action in place for malfunctioning COMS. In addition, Performance Specification 1 (which is the initial certification for COMS) provides requirements for the design, performance, and installation of a COMS and data computation procedures for evaluating the acceptability of a COMS. The requirements in Procedure 3 are modeled after manufacturers' maintenance recommendations. As a result, the EPA believes that most, if not all, owners/operators are already following procedures similar to those specified in Procedure 3. Therefore, there are no additional costs, or reporting burden, associated with implementing Procedure 3.

IV. Public Comments on Proposed Procedure 3

The EPA received 27 comments from state agencies, industry, and non-profit organizations. Nine commenters noted support for Procedure 3. Several commenters requested clarity with regard to applicability, so the