

TABLE 2—MOTOR VEHICLE EMISSIONS BUDGETS

Geographic area	Year	PM _{2.5} (tons/year)	NO _x (tons/year)
Pittsburgh Area	2011	961.71	28,973.05

If EPA approves these MVEBs in the final rulemaking action, the new MVEBs must be used for future transportation conformity determinations. The 2011 MVEBs, if approved in the final rulemaking action, will be effective on the date of publication of EPA's final rulemaking action in the **Federal Register**.

VII. Proposed Actions

EPA proposes to determine, based on the most recent three years of complete, quality-assured and certified data meeting the requirements of 40 CFR part 50, appendix N, that the Pittsburgh Area is currently attaining the 2006 24-hour PM_{2.5} NAAQS. Based upon EPA's proposed determination that Pittsburgh Area is currently attaining the standard, EPA proposes to determine that the obligation to submit the following attainment-related planning requirements are not applicable for so long as the Area continues to attain the PM_{2.5} standard: Subpart 4 obligations to provide an attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of section 189(a)(1)(C), the RFP provisions of section 189(c), and related attainment demonstration, RACM, RFP, and contingency measure provisions requirements of subpart 1, section 172. This proposed rulemaking action, if finalized, would not constitute a redesignation to attainment under CAA section 107(d)(3).

In conjunction with this proposed finding of attainment, pursuant to 40 CFR 93.109(c)(5)(iii), as described in the transportation conformity rule and the preamble of the Transportation Conformity Restructuring Amendments (77 FR 14982, March 14, 2012), EPA is also proposing to approve the MVEBs for the 2006 24-hour PM_{2.5} NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VIII. Statutory and Executive Order Reviews

This rulemaking action proposes to make a determination of attainment based on air quality, and would, if finalized, result in the suspension of certain federal requirements. This action 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 determination of attainment of the Pittsburgh Area with respect to the 2006 24-hour PM_{2.5} NAAQS and the MVEBs, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the determination 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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: July 31, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013-19760 Filed 8-13-13; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2013-0392; FRL-9900-06-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) submittal from the State of Delaware pursuant to the Clean Air Act (CAA). Whenever new or revised national ambient air quality standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements including, but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. Delaware has made a submittal addressing the infrastructure requirements for the 2010 nitrogen dioxide (NO₂) NAAQS.

DATES: Written comments must be received on or before September 13, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R03-OAR-2013-0392 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–2013–0392, 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–2013–0392. 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 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.

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 Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 2010 (75 FR 6474), EPA established a new 1-hour primary NAAQS for NO₂ at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations.

Section 110(a) of the CAA requires states to submit state implementation plans (SIPs) that provide for the implementation, maintenance, and enforcement of new or revised NAAQS within three years following the promulgation of such NAAQS. Section 110(a) of the CAA imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS. For the 2010 NO₂ NAAQS, states have already put in place many of the basic program elements required in section 110(a)(2) of the CAA through prior SIP revisions under previous NO₂ NAAQS. Section 110(a)(2) of the CAA lists specific elements that states must demonstrate have been met in the SIP. The requirements include SIP infrastructure elements such as requirements for modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS.

Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the time the nonattainment area plan requirements are due pursuant to other provisions of the CAA for submission of SIP revisions specifically applicable for attainment planning purposes. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA; and (2) submissions required by section 110(a)(2)(I) that pertain to the nonattainment planning requirements of part D, Title I of the CAA. This proposed rulemaking action does not address infrastructure elements related to section 110(a)(2)(I) or the

nonattainment planning requirements of 110(a)(2)(C).

II. Summary of State Submittal

On March 27, 2013, Delaware provided a SIP submittal to satisfy CAA section 110(a)(2) requirements, that is the subject of this proposed rulemaking, for the 2010 NO₂ NAAQS. This submittal addressed the following infrastructure elements: Section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).

EPA has analyzed the above identified SIP submission and is proposing to make a determination that this submittal meets the requirements of section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA. A detailed summary of EPA's review and rationale for approving Delaware's SIP submittal may be found in the Technical Support Document (TSD) for this action which is available on line at www.regulations.gov, Docket number EPA–R03–OAR–2013–0392.

III. Proposed Action

EPA is proposing to approve Delaware's SIP submittal that provides the basic program elements specified in CAA section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) necessary to implement, maintain, and enforce the 2010 NO₂ NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking 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 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 proposes to approve 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).

This proposed rule, pertaining to Delaware's CAA section 110(a)(2) infrastructure requirements for the 2010 NO₂ NAAQS, 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, Nitrogen dioxide, Reporting and recordkeeping requirements.

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

Dated: July 31, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–19751 Filed 8–13–13; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2010–0133; FRL–9900–01–OAR]

RIN 2060–AR55

Denial of Petitions for Reconsideration of Regulation of Fuels and Fuel Additives: 2013 Biomass-Based Diesel Renewable Fuel Volume Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of denial of petitions for reconsideration.

SUMMARY: The Environmental Protection Agency (EPA, or Agency) is denying two petitions for reconsideration of the final rule entitled Regulation of Fuels and Fuel Additives: 2013 Biomass-Based Diesel Renewable Fuel Volume.

DATES: EPA's denials of the petitions for reconsideration were issued by letters dated August 6, 2013.

FOR FURTHER INFORMATION CONTACT: Paul Argyropoulos; Office of Transportation and Air Quality; Environmental Protection Agency; 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–1123; email address: argyropoulos.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

Description of Action: Section 211(o)(2)(B)(ii) of the Clean Air Act requires that EPA determine the applicable volume of biomass-based diesel to be used in setting annual percentage standards under the renewable fuel standard program for years after 2012. EPA issued a Notice of Proposed Rulemaking (“NPRM”) on July 1, 2011 which proposed a number of actions,¹ including proposing 1.28 billion gallons as the applicable volume of biomass-based diesel for 2013. After considering public comments on its proposal, EPA issued a final rule on September 27, 2012 establishing 1.28 billion gallons as the applicable volume of biomass based diesel for 2013.²

Petitioners, the American Fuel & Petrochemical Manufacturers (AFPM) and the American Petroleum Institute (API), submitted comments³ to EPA

during the comment period on the July 1, 2011, proposed rule, and subsequently each individually submitted a petition for reconsideration of the final rule published on September 27, 2012 and which became effective on November 26, 2012.⁴ Both petitioners requested that EPA reconsider its final decision to set the applicable volume requirement of biomass-based diesel at 1.28 billion gallons instead of the minimum 1.0 billion gallons specified in the statute. Issues raised by AFPM included the impact of the 2012 drought on feedstock availability and cost, the impact of fraudulent RINs on EPA's assessment of the growth potential of the biodiesel industry in 2013, and the adequacy of EPA's assessment of impacts of the rule related to cost, energy security, job creation, greenhouse gas emissions and other matters. API's petition was more limited and focused on the issue of fraudulent RINs.

After carefully considering the petitions and all supporting information, the EPA Administrator denied the petitions for reconsideration on August 6, 2013 in separate letters to the petitioners. EPA denied the petitions because they each failed to meet the criteria for reconsideration in CAA section (307)(d)(7)(B); each of the objections raised in these petitions either were or could have been raised during the comment period on the proposed rule, or are not of central relevance to the outcome of the rule because they do not provide substantial support for the argument that the final rule establishing the applicable volume of biomass-based diesel for 2013 should be revised. The letters and an accompanying memorandum explain in detail the EPA's reasons for the denials.

How can I get copies of these documents and other related information?

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions along with the accompanying memorandum which explains EPA's reasons for denial are available in the docket that EPA

Petroleum Institute, “Re: Docket ID No. EPA–HQ–OAR–2010–0133 The U.S. Environmental Protection Agency's Proposed Rule on Regulation of Fuel and Fuel Additives: 2012 Renewable Fuel Standards”.

⁴ Letter dated November 20, 2012 to Honorable Lisa Jackson from Richard Moskowitz, American Fuel & Petrochemical Manufacturers, “Re: Petition for Reconsideration—Docket No. EPA–HQ–OAR–2010–0133. Letter dated November 26, 2012 to Honorable Lisa Jackson from Robert L. Greco, III, American Petroleum Institute, “Re: Request for Reconsideration of EPA's Final Rulemaking “2013 biomass-Based Diesel Renewable Fuel Volume”.

¹ 76 FR 38844.

² 77 FR 59458.

³ Letter dated August 11, 2011 to Administrator Lisa Jackson from Charles T. Drevna, President National Petrochemical & Refiners Association, “Subject: Docket EPA–HQ–OAR–2010–0133—Comments on EPA's proposal for 2012 RFS RVOs and biomass-based diesel volume for 2013”. Letter dated August 11, 2011 to Air and Radiation Docket from Patrick Kelly, Senior Policy Advisor American