

**Executive Orders 12866 and 13563**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a “significant regulatory action,” which requires review by the Office of Management and Budget (OMB), as “any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.”

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or the private sector.

**Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.009, Veterans Medical Care Benefits

and 64.010, Veterans Nursing Home Care.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Interim Chief of Staff, Department of Veterans Affairs, approved this document on April 30, 2013 for publication.

**List of Subjects in 38 CFR Part 17**

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Government programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Veterans.

Dated: May 1, 2013.

**Robert C. McFetridge,**

*Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 17 as follows:

**PART 17—MEDICAL**

- 1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501, and as noted in specific sections.

**§ 17.56 [Amended]**

- 2. Amend § 17.56(a) introductory text by removing “and except for non-contractual payments for home health services and hospice care”.

[FR Doc. 2013–10694 Filed 5–3–13; 8:45 am]

**BILLING CODE 8320–01–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R06–OAR–2011–0494; FRL–9808–2]

**Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control of Air Pollution from Nitrogen Compounds from Stationary Sources**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking direct final action to approve revisions to the Texas State Implementation Plan (SIP), 30 TAC, Chapter 117 Control of Air Pollution from Nitrogen Compounds. These revisions concern two separate actions. First, we are approving revisions to Texas SIP, Chapter 117 emissions specifications for lean burn engines fired on landfill or other biogas at minor sources of Nitrogen Oxides (NOx). Second, we are approving revisions to Texas SIP, Chapter 117 to include low temperature drying and curing ovens used in wet-laid non-woven fiber mat manufacturing operations when nitrogen containing resins or other additives are used. These two actions affect NOx sources operating in the Dallas Fort-Worth (DFW) 1997 8-hour ozone nonattainment area. The EPA is approving these two actions pursuant to section 110 of the Federal Clean Air Act (CAA, Act).

**DATES:** This direct final rule will be effective July 5, 2013 without further notice unless EPA receives adverse comments by June 5, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket No EPA–R06–OAR–2011–0494, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>.
- Follow the online instructions for submitting comments.
- *EPA Region 6 “Contact Us” Web site:* <http://epa.gov/region6/r6comment.htm>. Please click on “6PD (Multimedia)” and select “Air” before submitting comments.
- *Email:* Mr. Guy Donaldson at [donaldson.guy@epa.gov](mailto:donaldson.guy@epa.gov). Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.

- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays,

and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket No. EPA-R06-OAR-2011-0494. 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 information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. 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.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will

be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The state submittal is also available for public inspection during official business hours, by appointment, at the Texas Commission on Environmental Quality (TCEQ), Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan Shar, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-6691; fax number 214-665-7263; email address [shar.alan@epa.gov](mailto:shar.alan@epa.gov).

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

### Outline

- I. Background
  - A. What actions are we taking?
  - B. What is EPA's evaluation of these revisions?
- II. Final Action
- III. Statutory and Executive Order Reviews

### I. Background

#### A. What actions are we taking?

##### 1. Lean Burn Engines

We previously approved the revisions to 30 TAC, Chapter 117 Control of Air Pollution from Nitrogen Compounds on December 3, 2008 at 73 FR 73562. We received a SIP submittal package, with a letter dated May 18, 2011, from TCEQ requesting approval of a revision to 30 TAC, Chapter 117, Subchapter D, Combustion Control at Minor Sources in Ozone Nonattainment Areas, Division 2, Dallas Fort-Worth Eight-Hour Ozone Nonattainment Area Minor Sources. This revision specifically concerns section 117.2110(a)(1)(B)(ii)(I). The adopted revisions expand the emission specification for lean-burn engines fired on landfill gas to include lean-burn engines fired on biogas at minor sources of nitrogen oxides (NOx) in the DFW 1997 eight-hour ozone nonattainment area. The adopted rule revision will require owners or operators of stationary gas-fired, lean-burn internal combustion engines fired on biogas fuels other than landfill gas that are installed, modified, reconstructed, or relocated on or after June 1, 2007, to comply with a NOx emission limit of 0.60 grams per horsepower-hour (g/hp-hr). The State's adopted rule was published on May 6, 2011 at 36 Texas Register 2855. By adopting the emission specification of 0.60 g/hp-hr in section 117.2110(a)(1)(B)(ii)(I) for the DFW area,

the rule will become consistent with the emissions specification for this category of engines operating in the Houston-Galveston-Brazoria (HGB) 1997 8-hour ozone nonattainment area. The revision will provide for consistency and operational flexibility for this category of engines operating in the DFW 1997 eight-hour ozone nonattainment area. We are approving these SIP revisions pursuant to section 110 of the CAA. For more information see section 1 of the Technical Support Document (TSD) we have prepared in conjunction with this rulemaking action.

##### 2. Low Temperature Drying and Curing Ovens

We previously approved the revisions to 30 TAC, Chapter 117 Control of Air Pollution from Nitrogen Compounds on December 3, 2008 at 73 FR 73562. We received a SIP submittal package, with a letter dated February 2, 2010, from TCEQ requesting approval of a revision to 30 TAC, Chapter 117, Subchapter B, Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas; Division 4, Dallas Fort-Worth Eight-Hour Ozone Nonattainment Area Major Sources. This revision specifically concerns section 117.403(a)(12). The state adopted a rule revision to Chapter 117 to expand the existing exemption from the current SIP-approved rule to include low-temperature drying ovens and curing ovens used in wet-laid, non-woven fiber mat manufacturing as well as low-temperature drying ovens used in mineral wool-type fiberglass manufacturing. The rule revision will amend the rule language from "nitrogen-bound chemical additives" to "nitrogen-containing resins, or other additives." The State's adopted rule was published on January 29, 2010 at 35 Texas Register 649.

This revision to section 117.403(a)(12) will clarify that nitrogen-containing resins would qualify for an exemption because resins might not always be considered an additive. The revision will provide for operational flexibility and clarification to the rule language for this category of ovens operating in the DFW 1997 eight-hour ozone nonattainment area. We are approving these SIP revisions pursuant to section 110 of the CAA. See section 2 of the TSD we have prepared in conjunction with this rulemaking action for more information.

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the proposed rules section of this **Federal Register**

publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on July 5, 2013 without further notice unless we receive relevant adverse comments by June 5, 2013. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will then address all public comments in a subsequent final rule based on the proposed rule. However, we will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive an adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

*B. What is EPA's evaluation of these revisions?*

1. Lean Burn Engines

The existing NO<sub>x</sub> emission specification in section 117.2110(a)(1)(B)(ii)(II) for gas-fired lean-burn engines using gaseous fuels other than landfill gas that are installed, modified, reconstructed, or relocated on or after June 1, 2007, is 0.50 g/hp-hr. Landfill gas and other biogas are produced from anaerobic digestion or decomposition of organic matter and have similar fuel and combustion characteristics. Both landfill gas and other biogas, at times, contain contaminants such as sulfur, chlorine, and silicon. Therefore, engines fired on landfill gas and other biogas can have technological feasibility issues with regard to the installation or employment of a NO<sub>x</sub> control catalyst due to the presence of such substances which can contribute to catalyst failure or deactivation in a matter of hours or days. The technological feasibility issues related to the installation and operation of a NO<sub>x</sub> control catalyst is the basis for the 0.60 g/hp-hr emission standard in the current SIP-approved rule and the justification for the proposed expansion of the existing emission specification to include lean-burn engines fired on biogas at minor sources of NO<sub>x</sub> in the DFW 1997 8-hour ozone nonattainment area. It is anticipated that the change in emission specification will potentially result in 0.02 tons per day (tpd) in NO<sub>x</sub> emissions from these engines firing biogas. As stated above, by adopting the emission specification of 0.60 g/hp-hr in

section 117.2110(a)(1)(B)(ii)(I) for the DFW area, the rule will become consistent with the emissions specification for this category of engines operating in the HGB 1997 8-hour ozone nonattainment area. Furthermore, a larger amount of NO<sub>x</sub> would have resulted, if a likely alternative such as routing the gas to a flare is utilized. Given that a) the biogas will be used beneficially, b) there are technical challenges associated with the use of a post combustion control device for these engines, and c) only a small amount of emissions change (which is to be replaced with the surplus NO<sub>x</sub> reductions from the fleet turnover) will be at issue; this rule revision is acceptable. For this reason, we believe this rule revision is not in conflict with section 110(l) of the Act, and will not interfere with the attainment or maintenance of the NAAQS. We have evaluated the State's submittal and have determined that the rule revision meets the applicable requirements of the CAA and EPA air quality regulations. See our section 1 of the TSD. The originally approved Chapter 117 NO<sub>x</sub> emissions control requirements were part of the DFW 8-hour ozone NAAQS attainment demonstration plan; therefore, any NO<sub>x</sub> increase, including those resulting from adoption of this particular revision to section 117.2110(a)(1)(B)(ii)(II), should be accounted for and reflected in modeling of future DFW attainment demonstration plan submittals to EPA.

2. Low Temperature Drying and Curing Ovens

On December 3, 2008 at 73 FR 73562, we approved a revision to Chapter 117, Subchapter B, Division 4, Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources, with new emission control requirements for major Industrial, Commercial, or Institutional (ICI) sources of NO<sub>x</sub> in the DFW 1997 8-hour ozone nonattainment area. That revision to Chapter 117, Subchapter B, Division 4 requires owners or operators of major ICI sources of NO<sub>x</sub> in the DFW 1997 eight-hour ozone nonattainment area to reduce NO<sub>x</sub> emissions from a wide variety of stationary sources including curing and drying ovens used in mineral wool-type fiberglass manufacturing operations. The December 3, 2008 rulemaking action approved into the Texas SIP included an addition of a new provision under section 117.403(a)(12) to exempt curing ovens used in mineral wool-type fiberglass manufacturing in which nitrogen-bound chemical additives are used due to technical feasibility issues associated with controlling NO<sub>x</sub> emissions from curing ovens of this

specific operation. TCEQ was petitioned by a fiberglass manufacturer stating that addition of nitrogen-bound chemical additives in its operation contributes to the creation of non-combustion-related thermal NO<sub>x</sub> that cannot be controlled using the emissions control techniques the State has identified as appropriate for curing ovens utilized in mineral wool-type fiberglass manufacturing operations. The amount of NO<sub>x</sub> emitted from curing ovens of this type is estimated to be a small contribution to the total NO<sub>x</sub> emissions from this industry. As a result of granting the petition, approximately 0.1 tpd of NO<sub>x</sub> emission reductions will need to be replaced in the 2007 DFW 1997 8-hour ozone attainment demonstration SIP. TCEQ is of the position that the 0.1 tpd of NO<sub>x</sub> reduction can be substituted with 0.1 tpd of reductions in NO<sub>x</sub> from the surplus fleet turnover. See section 2 of the TSD. We have reviewed State's submittal and agree with their reasoning to grant the petition, and thus revising section 117.403(a)(12). We also believe that by substituting the 0.1 tpd of NO<sub>x</sub> from the surplus fleet turnover reductions the State has adequately demonstrated "non-interference" with the maintenance and attainment of NAAQS under section 110(l) of the Act. Therefore, the State's submittal meets the applicable requirements of the CAA and EPA air quality regulations.

**II. Final Action**

Today we are approving two separate actions. First, we are approving revisions to Texas SIP, Chapter 117 emissions specifications for lean burn engines fired on landfill or other biogas at minor sources of NO<sub>x</sub>. Second, we are approving revisions to Texas SIP, Chapter 117 to include low temperature drying and curing ovens used in wet-laid non-woven fiber mat manufacturing and wet-laid, non-woven operations when nitrogen containing resins or other additives are used. Both of these actions affect NO<sub>x</sub> sources operating in the DFW 1997 8-hour ozone nonattainment area. EPA is approving these two actions pursuant to section 110 of the Act.

**III. 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;

- 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);
- 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; and
- Is not a “major rule” as defined by 5 U.S.C. 804(2) under the Congressional Review Act, 5 U.S.C. 801 *et seq.*, added by the Small Business Regulatory Enforcement Fairness Act of 1996. A major rule cannot take effect until 60 days after it is published in the **Federal Register**.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 5, 2013. 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. This action may not be challenged later in proceedings to

enforce its requirements (See section 307(b)(2) of the Act.)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 19, 2013.

**Ron Curry,**

*Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

**Subpart SS—Texas**

- 2. The table in § 52.2270(c) entitled “EPA-Approved Regulations in the Texas SIP” is amended as follows:

- a. By revising the entry for Section 117.403;

- b. By revising the entry for Section 117.2110.

The revisions read as follows:

**§ 52.2270 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS IN THE TEXAS SIP**

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
<b>Chapter 117—Control of Air Pollution from Nitrogen Compounds</b>				
*	*	*	*	*
<b>Subchapter B—Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas</b>				
*	*	*	*	*
<b>Division 4—Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources</b>				
*	*	*	*	*
Section 117.403 .....	Exemptions .....	2/2/2010	5/6/2013 [Insert FR page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
<b>Subchapter D—Combustion Control at Minor Sources in Ozone Nonattainment Areas</b>				
*	*	*	*	*
<b>Division 2—Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources</b>				
*	*	*	*	*
Section 117.2110 .....	Emission Specifications for Eight-Hour Attainment Demonstration.	5/18/2011	5/6/2013 [Insert FR page number where document begins].	
*	*	*	*	*

[FR Doc. 2013–10561 Filed 5–3–13; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R06–OAR–2012–0766; FRL–9808–4]

**Approval and Promulgation of Air Quality Implementation Plans; Texas; Approval of Texas Low Emission Diesel Fuel Rule Revisions**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is granting direct final approval of a revision to the Texas State Implementation Plan (SIP) concerning the Texas Low Emission Diesel fuel rules. The revisions clarify existing definitions and provisions, revise the approval procedures for alternative diesel fuel formulations, add new registration requirements, and update the rule to reflect the current program status because the rule is now fully implemented. This SIP revision meets statutory requirements.

**DATES:** This rule is effective on July 5, 2013 without further notice, unless EPA receives relevant adverse comment by June 5, 2013. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA–R06–OAR–2012–0766, by one of the following methods:

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

- *EPA Region 6 “Contact Us” Web site:* <http://epa.gov/region6/r6coment.htm>. Please click on “6PD” (Multimedia) and select “Air” before submitting comments.

- *Email:* Mr. Guy Donaldson at [donaldson.guy@epa.gov](mailto:donaldson.guy@epa.gov). Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

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*Instructions:* Direct your comments to Docket ID No. EPA–R06–OAR–2012–0766. 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 information that you consider to be CBI or otherwise

protected through [www.regulations.gov](http://www.regulations.gov) or email. 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.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m.