

Approved: April 4, 2013.

**A.B. Fischer.**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

Dated: April 8, 2013.

**C.K. Chiappetta.**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2013-08914 Filed 4-15-13; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG-2013-0236]

**Drawbridge Operation Regulations; Taunton River, Fall River and Somerset, MA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulation.

**SUMMARY:** The Coast Guard is issuing a temporary deviation from the regulation governing the operation of the Brightman Street Bridge across the Taunton River, mile 1.8, between Fall River and Somerset, Massachusetts. The deviation is necessary to facilitate power equipment upgrades. During this temporary deviation, the bridge may remain in the closed position for five hours.

**DATES:** This deviation is effective from 4:30 p.m. until 9:30 p.m. on April 16, 2013.

**ADDRESSES:** The docket for this deviation, [USCG-2013-0236] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12-140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. John McDonald, Project Officer, First Coast Guard District,

[john.w.mcdonald@uscg.mil](mailto:john.w.mcdonald@uscg.mil), or (617) 223-8364. If you have questions on viewing the docket, call Barbara

Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Brightman Street Bridge has a vertical clearance of 27 feet at mean high water and 31 feet at mean low water in the closed position. Currently, in accordance with 33 CFR 117.619, the draw opens on signal between 5 a.m. and 9 p.m. From 9 p.m. until 5 a.m. the draw opens on signal with at least one hour advance notice.

The bridge owner, Massachusetts Department of Transportation, requested a five hour closure to facilitate electrical upgrades by the local power company, National Grid.

Under this temporary deviation the Brightman Street Bridge may remain in the closed position from 4:30 p.m. until 9:30 p.m. on April 16, 2013.

The Taunton River is a recreational waterway. The bridge rarely opens during the time period this temporary deviation will be in effect.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated repair period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 4, 2013.

**Gary Kassof.**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 2013-08843 Filed 4-15-13; 8:45 am]

**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2012-0369; FRL-9803-2]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the West Virginia Portion of the Steubenville-Weirton, OH-WV Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving the 2002 base year emissions inventory portion of the West Virginia State Implementation Plan (SIP) revision submitted by the State of West Virginia, through the West Virginia Department of Environmental Protection (WVDEP), on June 24, 2009 for the Steubenville-Weirton, OH-WV nonattainment area (the Steubenville-

Weirton Area) for the 1997 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS). The emissions inventory is part of a SIP revision that was submitted to meet West Virginia's nonattainment requirements related to the Steubenville-Weirton Area. EPA is approving the 2002 base year PM<sub>2.5</sub> emissions inventory in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on May 16, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2012-0369. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., 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 through [www.regulations.gov](http://www.regulations.gov) or in hard copy for public inspection 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Emlyn Vélez-Rosa, (215) 814-2038, or by email at [velez-rosa.emlyn@epa.gov](mailto:velez-rosa.emlyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** This supplementary information section is arranged as follows:

- I. Background
- II. Summary of SIP Revision
- III. Final Action
- IV. Statutory and Executive Order Reviews

**I. Background**

On December 26, 2012 (77 FR 75933), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of the PM<sub>2.5</sub> 2002 base year emissions inventory for the West Virginia portion of the Steubenville-Weirton Area. The formal SIP revision was submitted by the State of West Virginia on June 24, 2009.

**II. Summary of SIP Revision**

The PM<sub>2.5</sub> 2002 base year emission inventory submitted by WVDEP on June

24, 2009 for the West Virginia portion of the Steubenville-Weirton Area includes emissions estimates that cover the general source categories of point sources, area sources, on-road mobile sources, and non-road mobile sources. The pollutants that comprise the inventory are PM<sub>2.5</sub>, coarse particles (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), ammonia (NH<sub>3</sub>), and sulfur dioxide (SO<sub>2</sub>). The year 2002 was selected by WVDEP as the base year for the emissions inventory per 40 CFR 51.1008(b).

EPA reviewed the results, procedures and methodologies for the base year emissions inventory submitted by WVDEP. EPA found that the process used to develop this emissions inventory for the West Virginia portion of the Steubenville-Weirton Area is adequate and meets the requirements of CAA section 172(c)(3), the implementing regulations, and EPA guidance for emission inventories. EPA's evaluation can be found in the Technical Support Document dated August 12, 2010, available online at [www.regulations.gov](http://www.regulations.gov), Docket No. EPA-R03-OAR-2012-0369. Specific requirements of the base year inventory and the rationale for EPA's action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

### III. Final Action

EPA is approving the 2002 base year PM<sub>2.5</sub> emissions inventory for the West Virginia portion of the Steubenville-Weirton area as a revision to the West Virginia SIP.

### 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 June 17, 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 pertaining to the PM<sub>2.5</sub> 2002 base year emissions inventory for the West Virginia portion of the Steubenville-Weirton 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, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 3, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

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 XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended by adding at the end of the table an entry for 2002 Base Year Emissions Inventory for the 1997 fine particulate matter (PM<sub>2.5</sub>) standard to read as follows:

#### § 52.2520 Identification of plan.

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

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
2002 Base Year Emissions Inventory for the 1997 fine particulate matter (PM <sub>2.5</sub> ) standard.	West Virginia portion of the Steubenville-Weirton, OH-WV 1997 PM <sub>2.5</sub> nonattainment area.	6/24/09	4/16/13 [ <i>Insert page number where the document begins</i> ].	52.2531(e).

■ 3. Section 52.2531 is amended by adding paragraph (e) to read as follows:

**§ 52.2531 Base year emissions inventory.**

(e) EPA approves as a revision to the West Virginia State Implementation Plan the 2002 base year emissions inventory for the West Virginia portion of the Steubenville-Weirton, OH-WV fine particulate matter (PM<sub>2.5</sub>) nonattainment area submitted by the West Virginia Department of Environmental Protection on June 24, 2009. The 2002 base year emissions inventory includes emissions estimates that cover the general source categories of point sources, non-road mobile sources, area sources, on-road mobile sources, and biogenic sources. The pollutants that comprise the inventory are nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), PM<sub>2.5</sub>, coarse particles (PM<sub>10</sub>), ammonia (NH<sub>3</sub>), and sulfur dioxide (SO<sub>2</sub>).

[FR Doc. 2013-08835 Filed 4-15-13; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[EPA-R09-OAR-2013-0104; FRL-9802-6]

**Designation of Areas for Air Quality Planning Purposes; State of Nevada; Total Suspended Particulate**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to delete certain area designations for total suspended particulate within the State of Nevada because the designations are no longer necessary. These designations relate to the attainment or unclassifiable areas for total suspended particulate in Clark County as well as the following nonattainment areas for total suspended particulate elsewhere within the State of Nevada: Carson Desert, Winnemucca Segment, Lower Reese Valley, Fernley Area, Mason Valley, and Clovers Area. EPA is taking this action under the Clean Air Act.

**DATES:** This rule is effective on June 17, 2013, unless EPA receives adverse comment by May 16, 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 comments, identified by docket number EPA-R09-OAR-2013-0104, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov); Follow the on-line instructions for submitting comments.
2. *Email:* [occonnor.karina@epa.gov](mailto:occonnor.karina@epa.gov).
3. *Mail or deliver:* Karina O'Connor (AIR-2), 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 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.

**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 below.

**FOR FURTHER INFORMATION CONTACT:** Karina O'Connor, EPA Region IX, (775) 434-8176, [occonnor.karina@epa.gov](mailto:occonnor.karina@epa.gov).

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

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- III. Final Action and Request for Comment
- IV. Statutory and Executive Order Reviews

**I. Statutory and Regulatory Background**

On April 30, 1971 (36 FR 8186), pursuant to section 109 of the Clean Air Act ("Act" or CAA), as amended in 1970, EPA promulgated the original National Ambient Air Quality Standards (NAAQS) for the "criteria" pollutants, which included carbon monoxide, hydrocarbons, nitrogen dioxide, photochemical oxidant, sulfur dioxide, and particulate matter. The original NAAQS for particulate matter was defined in terms of a reference method that called for measuring particulate matter up to a nominal size of 25 to 45 micrometers or microns. This fraction of total ambient particulate matter is referred to as "total suspended particulate" or TSP. Within nine months thereafter, each State was required under section 110 of the 1970 amended Act to adopt and submit to EPA a plan, referred to as a State Implementation Plan (SIP), which provides for the implementation, maintenance, and enforcement of the NAAQS within each State. The State of Nevada submitted its SIP on January 28,