

Dated: March 4, 2013.

Chandler Sirmons,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9792-9]

Draft Guidance for E85 Flexible Fuel Vehicle Weighting Factor for Model Years 2016–2019 Vehicles Under the Light-Duty Greenhouse Gas Emissions Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is requesting comment on draft EPA guidance to auto manufacturers for weighting the greenhouse gas (GHG) emissions of a flexible fuel vehicle operating on E85 with the GHG emissions of the vehicle operating on conventional gasoline, when calculating the compliance value to use for EPA's GHG emissions standards. EPA also invites comment on the analysis used by EPA to determine the weighting factor.

DATES: Comments must be received on or before April 22, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2013-0120, by one of the following methods:

- *On-Line at <http://www.regulations.gov>:*

Follow the On-Line Instructions for Submitting Comments.

- *Email: a-and-r-docket@epa.gov.*

- *Fax: (202) 566-1741.*

- *Mail: Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2013-0120, U.S. Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.*

- *Hand Delivery: EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.*

On-Line Instructions for Submitting Comments: Direct your comments to Docket ID No. EPA-HQ-OAR-2013-0120. EPA's policy is that all comments received will be included in the public

docket without change and may be made available online at <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 <http://www.regulations.gov> or email.

The <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 <http://www.regulations.gov>, your email address will automatically be 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Materials relevant to this proceeding are contained in the Air and Radiation Docket and Information Center, maintained in Docket ID No. EPA-HQ-OAR-2013-0120. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government work days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566-1744. The Air and Radiation Docket and Information Center's Web site is <http://www.epa.gov/oar/docket.html>. The electronic mail (email) address for the Air and Radiation Docket is: a-and-r-docket@epa.gov, the telephone number is (202) 566-1742, and the fax number is (202) 566-9744. An electronic version of the public docket is available through the federal government's electronic

public docket and comment system. You may access EPA dockets at <http://www.regulations.gov>. After opening the <http://www.regulations.gov> Web site, enter EPA-HQ-OAR-2013-0120 in the "Enter Keyword or ID" fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Roberts French, Environmental Protection Specialist, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214-4380. Fax: (734) 214-4869. Email address: french.roberts@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Under EPA's greenhouse gas (GHG) program for passenger automobiles and light trucks, starting with the 2016 model year, the regulations describe two pathways for determining the GHG value for flexible fuel vehicles (FFVs) that run either on gasoline or on E85 (a fuel mixture of 85 percent ethanol and 15 percent gasoline). The default approach is to use the GHG emissions of the vehicle operated solely on gasoline (see 40 CFR 600.510-12). The alternative is to combine the gasoline and E85 GHG values together in a way that accounts for real-world use of E85 by using a weighting factor.¹ When the weighting factor is used, the emissions value used for the vehicle model in the fleet average calculations would be determined by weighting the gasoline and E85 values of the model together using the specified factor (see 40 CFR 600.510-12(k)).

EPA's regulations establish two different approaches that may be used to determine the value of the weighting factor. Manufacturers may request that EPA determine and publish by guidance an appropriate value for the E85 weighting factor based on EPA's assessment of the real-world use of E85. Alternatively, a manufacturer may

¹ The tailpipe GHG emissions used for compliance with the CO₂ standards described in 40 CFR 86.1818 are the carbon-containing emissions (generally, CO₂, hydrocarbons, and carbon monoxide), which are summed based on the carbon weight fraction of each component into a value described in the regulations as the "carbon-related exhaust emissions" (CREE). For simplicity, however, in this notice we are using the term CO₂ instead of CREE, as CO₂ is more broadly understood and makes up the vast majority of the total carbon emissions from vehicles.

submit data demonstrating the actual real-world use of E85 by its vehicles. EPA would determine whether the data is adequate and what an appropriate weighting factor should be for the manufacturer.

In mid-2012, manufacturers requested that EPA provide a weighting factor to use for 2016 and later model year vehicles. EPA has assessed the weighting factor that would be appropriate to use and intends to issue guidance to vehicle manufacturers regarding the E85 weighting factor (called the F factor) that may be used by manufacturers for weighting the CO₂ of FFVs using E85 and conventional gasoline. EPA intends to establish the weighting factor for the 2016 model year. The weighting factor may also be used for the 2017–2019 model years unless EPA takes action to revise the factor for the later model years based on new information or data.

EPA seeks input by the public prior to our issuing final F factor guidance, and requests comment on the value that we have determined and on the methodology used to derive this value. We have placed a draft guidance letter, including a support document attachment that provides additional background and describes the methodology used by EPA to determine the weighting factor, in the EPA Air Docket EPA–HQ–OAR–2013–0120 and available at <http://www.epa.gov/otaq/regs/ld-hwy/greenhouse/ld-ghg.htm>. The draft guidance letter provides for use of a weighting factor of 0.2.

Interested parties should submit comments according to the guidelines described in this notice. After fully considering the comments we receive, we will issue a final guidance document.

II. Procedures for Public Participation

EPA will keep the record open until April 22, 2013. All information will be available for inspection at the EPA Air Docket No. EPA–HQ–OAR–2013–0120. Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent possible and label it as “Confidential Business Information” (“CBI”). If a person making comments wants EPA to base its decision on a submission labeled as CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted to the public docket. To ensure that proprietary information is not inadvertently placed in the public docket, submissions containing such information should be sent directly to the contact person listed above and not

to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed, and according to the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: March 15, 2013.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9792–7]

Proposed Reissuance of a General NPDES Permit for Oil and Gas Exploration Facilities in the Federal Waters of Cook Inlet—Permit Number AKG–28–5100

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice. Proposed reissuance of a general permit.

SUMMARY: The EPA proposes to reissue the National Pollutant Discharge Elimination System (NPDES) for Oil and Gas Exploration Facilities in Federal Waters of Cook Inlet (AKG 31–5000). As proposed, the permit would authorize certain discharges of pollutants into Cook Inlet Federal Waters from oil and gas exploration facilities subject to limits and requirements designed to minimize pollution and protect water quality.

DATES: *Comments.* Interested persons may submit comments on the proposed reissuance of the general permit to EPA, Region 10 at the address below. Comments must be postmarked by May 21, 2013.

Public Hearings. Public Hearings are scheduled for the following dates, and locations:

- (1) Kenai, AK on April 29, 2013, 6:00 to 9:00 p at the Kenai Chamber of Commerce and Visitors Center, 11471 Kenai Spur Hwy, Kenai, AK 99611
- (2) Homer, AK on April 30, 2013 at the Alaska Maritime National Wildlife Refuge Island & Ocean Visitor Center Auditorium, 95 Sterling Highway, Suite 1, Homer, AK 99603
- (3) Anchorage, AK on May 2, 2013 at the University of Alaska Gorsuch Commons Building, Conference Room 106, 3700 Sharon Gagnon Lane, Anchorage, AK 98508

All hearings will begin at 6:00 p.m. and will continue until all testimony is heard or until 9:00 p.m., whichever is earlier. Hearing statements may be provided orally or in written format. Commenters providing oral testimony are encouraged to provide written statements to ensure accuracy of the record.

ADDRESSES: Comments on the proposed general permit reissuance should be sent to the attention of the Director, Office of Water & Watersheds, EPA—Region 10, 1200 Sixth Avenue Suite 900 OWW–130, Seattle, WA 98101. Comments may also be submitted electronically to godsey.cindi@epa.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the proposed general permit, Fact Sheet and Ocean Discharge Criteria Evaluation are available upon request. Requests may be made to Audrey Washington at (206) 553–0523 or to Cindi Godsey at (907) 271–6561. Requests may also be electronically mailed to: washington.audrey@epa.gov or godsey.cindi@epa.gov. These documents may also be found on the EPA Region 10 Web site at <http://yosemite.epa.gov/r10/WATER.NSF/NPDES+Permits/DraftPermitsAK>.

SUPPLEMENTARY INFORMATION: The existing NPDES General Permit for Oil and Gas Exploration, Development and Production Facilities Located in State and Federal Waters in Cook Inlet, NPDES Permit No. AKG–31–5000 (2007 Permit) expired on July 2, 2012. The 2007 Permit authorized discharges from 19 facilities, all located in State Waters, and continues in effect for facilities that applied in a timely manner. The 2007 Permit for discharge to State Waters was transferred to Alaska Department of Environmental Conservation (ADEC) in 2013 following resolution of a permit appeal pursuant to the Memorandum of Agreement between EPA and ADEC. Once ADEC reissues permits that cover the discharges to State Waters, coverage under the 2007 permit will end. As proposed, the EPA’s Permit AKG 28–5100 would reissue the exploration component of the 2007 Permit in Federal Waters. Concurrently, ADEC is taking action to reissue the exploration permit in State Waters.

Executive Order 12866: The Office of Management and Budget exempts this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

Regulatory Flexibility Act: Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, a Federal agency must prepare an initial regulatory flexibility analysis “for any proposed rule” for which the agency “is required