

**Subpart XX—West Virginia**

■ 2. In § 52.2522, paragraph (j) is added to read as follows.

**§ 52.2522 Approval status.**

\* \* \* \* \*

(j)(1) EPA is disapproving a narrow portion of West Virginia's August 31, 2011 submittal because it does not satisfy the requirement that emissions of PM<sub>2.5</sub> and PM<sub>10</sub> shall include gaseous emissions which condense to form particulate matter at ambient temperatures. This disapproval extends

only to the lack of condensable emissions within the definition of "regulated NSR pollutant," found at 45CSR14 section 2.66, and does not alter EPA's October 17, 2012 (77 FR 63736) approval of the remaining portions of West Virginia's August 2011 SIP submittal.

(2) EPA is disapproving specific portions of West Virginia's infrastructure SIP submissions dated December 3, 2007, December 11, 2007, April 3, 2008, October 1, 2009, October 26, 2011, and February 17, 2012 which address certain obligations set forth at

CAA sections 110(a)(2)(C), (D)(i)(II) and (J) relating to the West Virginia PSD permit program. Because West Virginia's definition of "regulated NSR pollutant" in 45CSR14 does not address condensables for PM<sub>2.5</sub> and PM<sub>10</sub> emissions, EPA is determining that West Virginia's infrastructure SIP submissions do not meet certain statutory and regulatory obligations relating to a PSD permit program set forth at CAA sections 110(a)(2)(C), (D)(i)(II) and (J) for the narrow issue of condensables as set forth in the following table.

Submittal dates	NAAQS	Infrastructure element(s) disapproved in this action
December 11, 2007; April 3, 2008 .....	1997 PM <sub>2.5</sub> .....	110(a)(2)(D)(i)(II).
December 3, 2007; December 11, 2007 .....	1997 ozone .....	110(a)(2)(D)(i)(II).
October 1, 2009 .....	2006 PM <sub>2.5</sub> .....	110(a)(2)(D)(i)(II).
October 26, 2011 .....	2008 lead .....	110(a)(2)(D)(i)(II), (C), and (J).
February 17, 2012 .....	2008 ozone .....	110(a)(2)(D)(i)(II), (C), and (J).

[FR Doc. 2013-10935 Filed 5-8-13; 8:45 am]

BILLING CODE 6560-50-P

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

[EPA-R04-OAR-2009-0140; FRL-9810-8]

**Approval and Promulgation of Implementation Plans; North Carolina; Control Techniques Guidelines and Reasonably Available Control Technology**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving several State Implementation Plan (SIP) revisions submitted to EPA by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (NC DENR), to address the nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) requirements for the North Carolina portion of the Charlotte-Gastonia-Rock Hill, North Carolina—South Carolina 1997 8-hour ozone nonattainment area (hereafter referred to as the "bi-state Charlotte Area"). The bi-state Charlotte Area for the 1997 8-hour ozone national ambient air quality standards (NAAQS) includes six full counties and one partial county in North Carolina; and one partial county in South Carolina. Additionally, EPA is approving in part, and conditionally approving in part, several SIP revisions to address the volatile organic compounds (VOC) RACT requirements

which include related control technology guidelines (CTG) requirements. Together, these SIP revisions establish the RACT requirements for sources located in the North Carolina portion of the bi-state Charlotte Area. In a separate rulemaking, EPA has already taken action on RACT and CTG requirements for the South Carolina portion of the bi-state Charlotte Area. EPA has evaluated the revisions to North Carolina's SIP, and has made the determination that they are consistent, with the exception of applicability for some CTG VOC sources, with statutory and regulatory requirements and EPA guidance. With respect to the applicability provisions for the CTG VOC sources noted above, EPA is finalizing a conditional approval of these provisions.

**DATES:** *Effective Date:* This rule will be effective June 10, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2009-0140. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information 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 at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S.

Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jane Spann, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9029. Ms. Spann can also be reached via electronic mail at [spann.jane@epa.gov](mailto:spann.jane@epa.gov).

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Background
- II. This Action
- III. Final Action
- IV. Statutory and Executive Order Reviews

**I. Background**

On April 30, 2004, EPA designated the bi-state Charlotte Area as a moderate nonattainment area with respect to the 1997 8-hour ozone NAAQS.<sup>1</sup> See 69 FR

<sup>1</sup> Portions of the bi-state Charlotte Area were previously designated as a moderate nonattainment area for the 1-hour ozone NAAQS. The Area was subsequently redesignated to attainment for the 1-hour ozone NAAQS, and a maintenance plan was approved into the North Carolina SIP. The original Charlotte-Gastonia, North Carolina 1-hour moderate ozone nonattainment area consisted of Mecklenburg and Gaston counties in North Carolina.

23858. The bi-state Charlotte Area includes six full counties and one partial county in North Carolina; and one partial county in South Carolina. The North Carolina portion of the bi-state Charlotte Area consists of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union and a portion of Iredell County which includes Davidson and Coddle Creek Townships.<sup>2</sup> The South Carolina portion of the bi-state Charlotte Area consists of the portion of York County, South Carolina that falls within the Rock Hill-Fort Mill Area Transportation Study Metropolitan Planning Organization Area. As a result of this moderate nonattainment designation, North Carolina and South Carolina were required to amend their SIPs for their respective portions of the bi-state Charlotte Area to satisfy the requirements of section 182 of the Clean Air Act (CAA or Act). Today's action specifically addresses the North Carolina portion of the bi-state Charlotte Area. EPA approved the RACT requirements for the South Carolina portion of the bi-state Charlotte Area on November 28, 2011. See 76 FR 72844.

Section 172(c)(1) of the CAA requires SIPs to provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable. RACT, a subset of RACM, relates specifically to stationary point sources. Section 182(b)(2) of the CAA requires states to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. The three parts of the section 182(b)(2) RACT requirements are: (1) RACT for sources covered by an existing CTG (i.e., a CTG issued prior to enactment of the 1990 amendments to the CAA); (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG (i.e., non-CTG sources). Pursuant to 40 CFR 51.165, a major source for a moderate ozone area is a source that emits 100 tons per year (tpy) or more of VOC or NO<sub>x</sub>.<sup>3</sup> If no major sources of

VOC or NO<sub>x</sub> emissions (each pollutant should be considered separately) in a particular source category exist in an applicable nonattainment area, a state may submit a negative declaration for that category. For more information regarding the RACT requirements, including requirements and schedules for sources covered by CTGs, see EPA's March 13, 2013, proposed rulemaking related to this final action at 78 FR 15895.

## II. This Action

EPA is approving several SIP revisions submitted to EPA by the State of North Carolina, through NC DENR, to address the NO<sub>x</sub> RACT requirements for the North Carolina portion of the bi-state Charlotte Area. Additionally, EPA is approving in part, and conditionally approving in part, several SIP revisions to address the VOC RACT requirements and related CTG requirements. Specifically, North Carolina submitted SIP revisions on October 14, 2004, April 6, 2007, June 15, 2007, January 31, 2008, November 19, 2008, September 18, 2009, February 3, 2010, April 6, 2010, and November 9, 2010, to address NO<sub>x</sub> RACT, VOC RACT and CTG requirements. Together, these SIP revisions establish the RACT requirements for the major sources located in the North Carolina portion of the bi-state Charlotte Area. In a separate rulemaking, EPA has already taken action on RACT and CTG requirements for the South Carolina portion of the bi-state Charlotte Area.

Today, EPA is approving the portions of five of the aforementioned SIP revisions as they relate to RACT requirements for the North Carolina portion of the bi-state Charlotte Area.<sup>5</sup> In addition to the SIP revisions, or portions of SIP revisions for which EPA is taking final approval, NC DENR submitted a letter on August 30, 2012, requesting that EPA conditionally approve portions of previously-submitted SIP revisions as they relate to VOC RACT and CTG requirements.<sup>6</sup> Specifically, NC DENR committed to submit specific enforceable SIP

revisions to provide, within one year of EPA's final rulemaking, appropriate applicability thresholds for VOC RACT for all sources addressed by CTG in the Area. A copy of NC DENR's letter is provided in the docket for today's rulemaking and can be accessed at [www.regulations.gov](http://www.regulations.gov) using docket ID: EPA-R04-OAR-2009-0140. Consistent with section 110(k)(4), EPA is conditionally approving portions of five of the aforementioned SIP revisions as they relate to VOC RACT and CTG requirements for the Area.

Comprehensively, these SIP revisions address NO<sub>x</sub> RACT, VOC RACT and CTG requirements for the Area.<sup>7</sup>

On March 13, 2013, EPA proposed to approve in part, and conditionally approve in part, the aforementioned SIP revisions provided by NC DENR to address NO<sub>x</sub> and VOC RACT requirements. See 78 FR 15895. No comments, adverse or otherwise, were received on EPA's March 13, 2013, proposed rulemaking. EPA has evaluated the proposed revisions to North Carolina's SIP, and has made the determination that they are consistent with statutory and regulatory requirements and EPA guidance except for the applicability of the CTG VOC requirements to some sources. For further information regarding the conditionally approved rules, see Section II. A. (a), (b), (d), (f), and (i) of the proposed rulemaking for this action. See 78 FR 15895 (March 13, 2013). Consistent with section 110(k)(4) of the Act, EPA is relying upon a commitment by North Carolina to include appropriate applicability thresholds for VOC RACT for the all sources addressed by CTG in the Area as a basis for conditionally approving North Carolina's SIP revisions as they relate to VOC RACT. If the State fails to submit a SIP revision to correct the aforementioned deficiencies by May 9, 2014 today's conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval.

## III. Final Action

EPA is taking final action to approve, in part, and conditionally approve in part, North Carolina SIP revisions submitted on October 14, 2004, April 6, 2007, June 15, 2007, January 31, 2008, November 19, 2008, September 18, 2009, February 3, 2010, April 6, 2010, and November 9, 2010, to address NO<sub>x</sub> RACT, VOC RACT and CTG requirements. Together, these SIP

<sup>7</sup> South Carolina previously met the RACT requirements for the South Carolina portion of the bi-state Charlotte Area.

<sup>2</sup> Effective July 20, 2012, EPA designated one full county and six partial counties in the bi-state Charlotte area as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. Today's final rulemaking regarding RACT is not related to requirements for the 2008 8-hour ozone NAAQS.

<sup>3</sup> The emission threshold is based on an area's nonattainment designation classification. Section 182 of the CAA and 40 CFR 51.912(b) define "major source" for ozone nonattainment areas to include sources which emit or which have the potential to emit 100 tpy or more of VOC or NO<sub>x</sub> (ozone precursors) in areas classified as "marginal" or "moderate," 50 tpy or more of these ozone precursors in areas classified as "serious," 25 tpy or more of these ozone precursors in areas classified as "severe," and 10 tpy or more of these ozone precursors in areas classified as "extreme." The bi-

state Charlotte Area is a moderate nonattainment area.

<sup>4</sup> Section 182(b)(2) also requires that all CTG source category sources, including those with less than 100 tpy emissions, meet RACT. CTG sources are addressed later in this document.

<sup>5</sup> SIP revisions submitted on April 6, 2007, June 15, 2007, January 31, 2008, November 19, 2008, and February 3, 2010.

<sup>6</sup> SIP revisions submitted on October 14, 2004, April 6, 2007, January 31, 2008, September 18, 2009, and November 9, 2010. See Section III below for additional information regarding the conditional approvals.

revisions establish the RACT requirements for the major sources located in the North Carolina portion of the bi-state Charlotte Area. EPA is approving in part, and conditionally approving in part these SIP revisions because they are consistent with the CAA and requirements related to VOC and NO<sub>x</sub> RACT.

#### 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 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 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.

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).

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 8, 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).

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 29, 2013.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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 II—North Carolina

- 2. Section 52.1770(c) Table 1, is amended under Subchapter 2D:
  - a. At section .0900 by:
    - i. Adding the entries for "Sect .0929," "Sect .0961," "Sect .0962," "Sect .0963," "Sect .0964," "Sect .0965," "Sect .0966," "Sect .0967" and "Sect .0968;" and
    - ii. Revising the entries for "Sect .0901," "Sect .0902," "Sect .0909," "Sect .0912," "Sect .0913," "Sect .0914," "Sect .0915," "Sect .0916," "Sect .0917," "Sect .0920," "Sect .0921," "Sect .0922," "Sect .0923," "Sect .0927," "Sect .0930," "Sect .0932," "Sect .0933," "Sect .0934," "Sect .0935," "Sect .0936," "Sect .0939," "Sect .0940," "Sect .0941," "Sect .0942," "Sect .0943," "Sect .0945," "Sect .0951;"
  - b. At section .1400 by:
    - i. Revising the title to read "Section .1400 Nitrogen Oxides;"
    - ii. Adding the entries for "Sect .1407," "Sect .1408," "Sect .1410," "Sect .1411," "Sect .1412," and "Sect .1415;" and
  - 3. Revising the entries for "Sect .1402," "Sect .1403," "Sect .1404," "Sect .1409," "Sect .1416," "Sect .1417," "Sect .1418," "Sect .1419," "Sect .1420," "Sect .1421," and "Sect .1422;" and
  - c. By adding a new section entitled "Section .2600 Source Testing" and adding the new entries for "Sect .2601," "Sect .2602," "Sect .2603," "Sect .2604," "Sect .2605," "Sect .2606," "Sect .2607," "Sect .2608," "Sect .2612," "Sect .2613," "Sect .2614," "Sect .2615," and "Sect .2621" to read as follows:

#### § 52.1770 Identification of plan.

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

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Subchapter 2D Air Pollution Control Requirements</b>				
<b>Section .0900 Volatile Organic Compounds</b>				
Sect .0901	Definitions	1/1/2009	5/9/2013 [Insert citation of publication].	
Sect .0902	Applicability	9/1/2010	5/9/2013 [Insert citation of publication].	Conditional approval of rule .0902 as submitted on 10/14/2004 (with the exception of the start-up shutdown language as described in Section II. A. a. of EPA's 3/13/2013 proposed rule (78 FR 15895)), 4/6/2007, 1/31/2008, 9/18/2009, and 11/9/2010.
Sect .0909	Compliance Schedules for Sources in Nonattainment Areas.	9/1/2010	5/9/2013 [Insert citation of publication].	Conditional approval of rule .0909 as submitted on 4/6/2007, 1/31/2008, 9/18/2009, and 11/9/2010.
Sect .0912	General Provisions on Test Methods and Procedures.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .0913	Determination of Volatile Content of Surface Coatings.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0914	Determination of VOC Emission Control System Efficiency.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0915	Determination of Solvent Metal Cleaning VOC Emissions.	6/1/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0916	Determination: VOC Emissions From Bulk Gasoline Terminals.	6/1/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0917	Automobile and Light Duty Truck Manufacturing.	9/1/2010	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0920	Paper Coatings	9/1/2010	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0921	Fabric and Vinyl Coating	9/1/2010	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0922	Metal Furniture Coating	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0923	Surface Coating of Large Appliance Parts.	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0927	Bulk Gasoline Terminals	6/1/2008	5/9/2013 [Insert citation of publication].	
Sect .0929	Petroleum Refinery Sources	4/6/2010	5/9/2013 [Insert citation of publication].	Repealed—North Carolina made a negative declaration for VOC emissions from bulk gasoline plants on 4/6/2010.

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0930	Solvent Metal Cleaning	6/1/2008	5/9/2013 [Insert citation of publication].	
*	*	*	*	*
Sect .0932	Gasoline Truck Tanks and Vapor Collection Systems.	11/7/2007	5/9/2013 [Insert citation of publication].	
Sect .0933	Petroleum Liquid Storage in External Floating Roof Tanks.	8/1/2004	5/9/2013 [Insert citation of publication].	
Sect .0934	Coating of Miscellaneous Metal Parts and Products.	9/1/2010	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0935	Factory Surface Coating of Flat Wood Paneling.	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0936	Graphic Arts	9/1/2010	5/9/2013 [Insert citation of publication].	Repealed.
*	*	*	*	*
Sect .0939	Determination of Volatile Organic Compound Emissions.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0940	Determination of Leak Tightness and Vapor Leaks.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0941	Alternative Method for Leak Tightness.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0942	Determination of Solvent in Filter Waste.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .0943	Synthetic Organic Chemical and Polymer Manufacturing.	11/7/2007	5/9/2013 [Insert citation of publication].	
*	*	*	*	*
Sect .0945	Petroleum Dry Cleaning	11/7/2007	5/9/2013 [Insert citation of publication].	
*	*	*	*	*
Sect .0951	RACT for Sources of Volatile Organic 3 Compounds.	9/1/2010	5/9/2013 [Insert citation of publication].	Conditional approval of rule .0951 as submitted on 11/9/2010.
*	*	*	*	*
Sect .0961	Offset Lithographic Printing and Letterpress Printing.	9/1/2010	5/9/2013 [Insert citation of publication].	Conditional approval of rule .0961 as submitted on 11/9/2010.
Sect .0962	Industrial Cleaning Solvents	9/1/2010	5/9/2013 [Insert citation of publication].	Conditional approval of rule .0962 as submitted on 11/9/2010.
Sect .0963	Fiberglass Boat Manufacturing	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0964	Miscellaneous Industrial Adhesives.	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0965	Flexible Package Printing	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0966	Paper Film and Foil Coatings	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0967	Miscellaneous Metal and Plastic Parts Coatings.	9/1/2010	5/9/2013 [Insert citation of publication].	
Sect .0968	Automobile and Light Duty Truck Assembly Coatings.	9/1/2010	5/9/2013 [Insert citation of publication].	
*	*	*	*	*

## Section .1400 Nitrogen Oxides

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Sect .1402	Applicability	1/1/2010	5/9/2013 [Insert citation of publication].	
Sect .1403	Compliance Schedules	7/1/2007	5/9/2013 [Insert citation of publication].	
Sect .1404	Recordkeeping: Reporting: Monitoring.	5/1/2004	5/9/2013 [Insert citation of publication].	
Sect .1407	Boilers and Indirect Process Heaters.	7/15/2002	5/9/2013 [Insert citation of publication].	
Sect .1408	Stationary Combustion Turbines	7/15/2002	5/9/2013 [Insert citation of publication].	
Sect .1409	Stationary Internal Combustion Turbines.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .1410	Emissions Averaging	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .1411	Seasonal Fuel Switching	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .1412	Petition for Alternative Limitations	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .1415	Test Methods and Procedures	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .1416	Emission Allocations for Utility Companies.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .1417	Emission Allocations for Large Combustion Sources.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .1418	New Electric Generating Units, Large Boilers, and Large Internal Combustion Engines.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .1419	Nitrogen Oxide Budget Trading Program.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .1420	Periodic Review and Reallocations.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .1421	Allocations for New Growth of Major Point Sources.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
Sect .1422	Compliance Supplement Pool Credits.	3/13/2008	5/9/2013 [Insert citation of publication].	Repealed.
*	*	*	*	*
<b>Section .2600 Source Testing</b>				
Sect .2601	Purpose and Scope	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2602	General Provisions on Test Methods.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2603	Testing Protocol	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2604	Number of Test Points	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2605	Velocity and Volume Flow Rate	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2606	Molecular Weight	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2607	Determination of Moisture Content.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2608	Number of Runs and Compliance Determination.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2612	Nitrogen Oxide Testing Methods	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2613	Volatile Organic Compound Testing Methods.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2614	Determination of VOC Emission Control System.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2615	Determination of Leak Tightness and Vapor Leaks.	3/13/2008	5/9/2013 [Insert citation of publication].	
Sect .2621	Determination of Fuel Heat Content Using F-Factor.	3/13/2008	5/9/2013 [Insert citation of publication].	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * * * *	• <i>Hand Delivery/Courier</i> : EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101. Attention: Keith Rose, Office of Air, Waste and Toxics, AWT-107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.			
[FR Doc. 2013-10944 Filed 5-8-13; 8:45 am] BILLING CODE 6560-50-P	<p><i>Instructions</i>: Direct your comments to Docket ID No. EPA-R10-OAR-2009-0340. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <a href="http://www.regulations.gov">www.regulations.gov</a>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <a href="http://www.regulations.gov">www.regulations.gov</a> or email. The <a href="http://www.regulations.gov">www.regulations.gov</a> Web site is an "anonymous access" system, which means the 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 the EPA without going through <a href="http://www.regulations.gov">www.regulations.gov</a> 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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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.</p> <p><i>Docket</i>: All documents in the docket are listed in the <a href="http://www.regulations.gov">www.regulations.gov</a> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which 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. Publicly available docket materials are available either electronically in</p>	<p><a href="http://www.regulations.gov">www.regulations.gov</a> or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle WA, 98101.</p> <p><b>FOR FURTHER INFORMATION CONTACT:</b> Keith Rose at: (206) 553-1949, <a href="mailto:rose.keith@epa.gov">rose.keith@epa.gov</a>, or the above EPA, Region 10 address.</p> <p><b>SUPPLEMENTARY INFORMATION:</b> Throughout this document wherever "we", "us" or "our" are used, it is intended to refer to the EPA.</p>	<p><b>Table of Contents</b></p> <p>I. Background</p> <p>A. PM<sub>10</sub> National Ambient Air Quality Standards</p> <p>B. Mendenhall Valley Nonattainment Area and Planning Background</p> <p>C. PM<sub>10</sub> Emissions Inventory of the Mendenhall Valley Nonattainment Area</p> <p>II. Requirements for Redesignation</p> <p>A. Clean Air Act (CAA) Requirements for Redesignation of Nonattainment Areas</p> <p>B. The LMP Option for PM<sub>10</sub> Nonattainment Areas</p> <p>C. Conformity Under the LMP Option</p> <p>III. Review of the Alaska Submittal Addressing the Requirements for Redesignation and LMP</p> <p>A. Has the Mendenhall Valley NAA attained the applicable NAAQS?</p> <p>B. Does the Mendenhall Valley NAA have a fully approved SIP under Section 110(k) of the CAA?</p> <p>C. Has the State met all applicable requirements under Section 110 and Part D of the CAA?</p> <p>D. Has the State demonstrated that the air quality improvement is due to permanent and enforceable reductions?</p> <p>E. Does the area have a fully approved maintenance plan pursuant to Section 175A of the CAA?</p> <p>F. Has the State demonstrated that the Mendenhall Valley NAA qualifies for the LMP option?</p> <p>G. Does the State have an approved attainment emissions inventory which can be used to demonstrate attainment of the NAAQS?</p> <p>H. Does the LMP include an assurance of continued operation of an appropriate EPA-approved air quality monitoring network, in accordance with 40 CFR Part 58?</p> <p>I. Does the plan meet the CAA requirements for contingency provisions?</p> <p>J. Has the State met conformity requirements?</p> <p>IV. Final Action</p> <p>V. Statutory and Executive Order Reviews</p>	
<b>ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>40 CFR Parts 52 and 81</b>				
[Docket EPA-R10-OAR-2009-0340; FRL-9794-2]				
<b>Approval and Promulgation of Air Quality Implementation Plans; Alaska: Mendenhall Valley Nonattainment Area PM<sub>10</sub> Limited Maintenance Plan and Redesignation Request</b>				
<b>AGENCY:</b> Environmental Protection Agency (EPA).				
<b>ACTION:</b> Direct final rule.				
<b>SUMMARY:</b> The EPA is taking direct final action to approve the Limited Maintenance Plan (LMP) for particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM <sub>10</sub> ) submitted by the State of Alaska on May 8, 2009, for the Mendenhall Valley nonattainment area (Mendenhall Valley NAA), and to concurrently redesignate the area to attainment for the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM <sub>10</sub> ).				
<b>DATES:</b> This direct final rule will be effective July 8, 2013, without further notice, unless the EPA receives adverse comments by June 10, 2013. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final rule in the <b>Federal Register</b> informing the public that the rule will not take effect. The EPA will then address all public comments in a subsequent final rule.				
<b>ADDRESSES:</b> Submit your comments, identified by Docket ID No. EPA-R10-OAR-2009-0340, by any of the following methods:				
• <a href="http://www.regulations.gov">www.regulations.gov</a> : Follow the on-line instructions for submitting comments.				
• <i>Email</i> : R10-				
<i>Public Comments@epa.gov</i> .				
• <i>Mail</i> : Keith Rose, EPA Region 10, Office of Air, Waste and Toxics (AWT-107), 1200 Sixth Avenue, Suite 900, Seattle WA, 98101.				