

#### IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

##### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

##### B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

##### C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

##### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

##### E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

##### F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law.

Thus, Executive Order 13175 does not apply to this action.

##### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

##### H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

##### I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

##### J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

##### K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

##### L. Petitions for Judicial Review

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 March 14, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: December 24, 2015.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 DD—Nevada

##### § 52.1470 [Amended]

■ 2. In § 52.1470 in paragraph (c), Table 3 is amended by removing the entries for “Section 29,” “Section 30: Subsections 30.1–30.7 (excluding subsection 30.4),” “Section 30 (Incinerators): Subsection 30.4,” and “Section 30 (Incinerators): Subsection 30.8.”

[FR Doc. 2016–00340 Filed 1–13–16; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R06–OAR–2015–0647; FRL–9941–21–Region 6]

#### Approval and Promulgation of Implementation Plans; Arkansas; Crittenden County Base Year Emission Inventory

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Arkansas State Implementation Plan (SIP) submitted to meet the Clean Air Act (CAA) emissions inventory (EI) requirement for the Crittenden County ozone nonattainment area. EPA is approving the SIP revision because it

satisfies the CAA EI requirement for Crittenden County under the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The inventory includes emissions data for Nitrogen Oxides (NO<sub>x</sub>) and Volatile Organic Compounds (VOCs). EPA is approving the revisions pursuant to section 110 and part D of the CAA and EPA's regulations.

**DATES:** This rule is effective on March 14, 2016 without further notice, unless the EPA receives relevant adverse comment by March 14, 2016. If the EPA receives such comment, the 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-2015-0647, at <http://www.regulations.gov> or via email to [Schwartz.Colin@epa.gov](mailto:Schwartz.Colin@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.Regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Mr. Colin Schwartz, 214-665-7262, [Schwartz.Colin@epa.gov](mailto:Schwartz.Colin@epa.gov). For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**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 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. 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 at either location (*e.g.*, CBI).

**FOR FURTHER INFORMATION CONTACT:** Mr. Colin Schwartz, 214-665-7262, [Schwartz.Colin@epa.gov](mailto:Schwartz.Colin@epa.gov). To inspect the hard copy materials, please schedule an

appointment with Mr. Schwartz or Mr. Bill Deese at 214-665-7253.

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" means the EPA.

## I. Background

### A. The 2008 Ozone NAAQS and Emissions Inventory Requirement

On March 12, 2008, the EPA revised the eight-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm. (73 FR 16436, March 27, 2008). The EPA designated Crittenden County as a nonattainment area for the 2008 ozone NAAQS (77 FR 30088, May 21, 2012).<sup>1</sup>

CAA sections 172(c)(3) and 182(a)(1) require states to develop and submit as a SIP revision an emissions inventory for all areas designated as nonattainment for the ozone NAAQS. 42 U.S.C. 172(c) and 182(a). An emissions inventory is an estimation of actual emissions of air pollutants in an area. Ground-level ozone, O<sub>3</sub>, is a gas that is formed by the reaction of VOCs and NO<sub>x</sub> in the atmosphere in the presence of sunlight. These precursor emissions are emitted by many types of pollution sources, including power plants and industrial emissions sources, on-road and non-road motor vehicles and engines, and smaller sources, collectively referred to as area sources. The EIs provide data for a variety of air quality planning tasks including establishing baseline emission levels, calculating federally required emission reduction targets, emission inputs into air quality simulation models, and tracking emissions over time. The total EI of VOC and NO<sub>x</sub> for an area are summarized from the estimates developed for four general categories of emissions sources: Point, area, mobile, and biogenic. The EPA's 2008 ozone standard SIP requirements rule recommends that states use 2011 as a base year to address EI requirements (80 FR 12264, 34190, March 6, 2015).

### B. Arkansas' Submittal

On August 28, 2015, Arkansas submitted to the EPA the SIP revision addressing the emissions inventory requirement for Crittenden County under the 2008 ozone NAAQS. The inventory includes estimates of 2011 NO<sub>x</sub> and VOC emissions in tons per year. The 2011 Base Year Inventory is the starting point for calculating the reductions necessary to meet the

<sup>1</sup> On October 1, 2015, the EPA strengthened the ozone standard to 0.070 ppm (80 FR 65292, October 26, 2015). The EPA has not made designations under this new standard and the emission inventory under evaluation in this rulemaking does not address that standard.

requirements of the CAA. Sections 172(c)(3) and 182(b)(1) of the CAA require that nonattainment plan provisions include an inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The inventory includes all area, point, non-road mobile, and on-road mobile source emissions in the Crittenden County ozone nonattainment area. The inventory also includes a description of the methods used to estimate emissions. A copy of the submittal is available in the electronic docket for this action.

### C. What criteria must be met for the EPA to approve this SIP revision?

Section 182(a)(1) of the CAA requires states with nonattainment areas to submit a comprehensive and accurate inventory of ozone precursor emissions from all sources within two years of the effective date of designation, which was July 20, 2012. Also, Section 172(c)(3) requires that such an inventory shall include a comprehensive accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area, including such periodic revisions as the Administrator may determine necessary to assure that the requirements of this part are met.

## II. The EPA's Evaluation

EPA reviewed the revision for consistency with the requirements of EPA regulations. A summary of EPA's analysis is provided below. For a full discussion of our evaluation, please see our Technical Support Document (TSD).

Sections 172(c)(3) and 182(a)(1) of the CAA require an inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The 2011 base year emission inventory data include all point, area, and non-road and on-road mobile sources in Crittenden County. Point source emissions were entered through the State and Local Emissions Inventory System (SLEIS) and area sources were developed in accordance with the federal Air Emissions Reporting Requirements (AERR) rule. Non-road mobile sources utilized the National Mobile Inventory Model (NMIM) while the on-road sources used the Motor Vehicle Emissions Simulator (MOVES2010b). The EPA has determined that the inventory was developed in accordance with CAA guidelines and that the revised 2011 base year emission inventory is approvable. The submittal meets the goal of reaching attainment by reducing O<sub>3</sub> forming precursors. Table 1 lists the emissions inventory for the Crittenden County area. For more detail on how the

emissions inventories were estimated and evaluated, see the TSD.

TABLE 1—BASE YEAR EMISSIONS INVENTORY, 2011 DATA

Category	Ozone season daily NO <sub>x</sub>	Annual NO <sub>x</sub>	Ozone season daily VOC	Annual VOC	Ozone season daily CO	Annual CO
Units	Tons/day	Tons/year	Tons/day	Tons/year	Tons/day	Tons/year
Point .....	0.0017	.063	.051	186.84	0.004	1.58
Area .....	8.70	3,165.17	24.90	8,868.94	20.32	7,375.56
Non-road Mobile .....	2.11	582.63	3.66	881.35	13.78	3,476.63
On-road Mobile .....	6.80	2,542	2.42	845	23.13	9,051
Total .....	17.61	6,290.43	31.49	10,782.13	57.234	19,904.77

**III. Final Action**

We are approving revisions to the Arkansas SIP that pertain to the 2008 ozone SIP emissions inventory for Crittenden County, as are listed in Table 1.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no 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 March 14, 2016 without further notice unless we receive relevant adverse comment by February 16, 2016. 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 address all public comments in a subsequent final rule based on the proposed rule. 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 relevant 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.

**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, the 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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, 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have

tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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. The EPA will submit a report containing this rule 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 March 14, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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).)

Samuel Coleman was designated the Acting Regional Administrator on December 30, 2015 through the order of succession outlined in Regional Order R6–1110.1, a copy of which is included in the docket for this action.

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

Environmental protection, Air pollution control, Incorporation by

reference, Ozone, Reporting and recordkeeping requirements, Volatile Organic Compounds.

Dated: December 30, 2015.

**Samuel Coleman,**

*Acting 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 E—Arkansas**

■ 2. In § 52.170(e), the third table titled “EPA-Approved Nonregulatory

Provisions and Quasi-Regulatory Measures” is amended by adding an entry for “Crittenden County Base Year Emission Inventory for the 2008 Ozone Standard” to the end of the table.

The addition reads as follows:

**§ 52.170 Identification of plan.**

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

**EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Crittenden County Base Year Emission Inventory for the 2008 Ozone Standard.	Crittenden County .....	8/28/2015	1/13/2016 [Insert Federal Register citation].	

[FR Doc. 2016–00559 Filed 1–13–16; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R07–OAR–2015–0587; FRL 9941–01–Region 7]

**Approval of Missouri’s Air Quality Implementation Plans; Early Progress Plan of the St. Louis Nonattainment Area for the 2008 Ozone National Ambient Air Quality Standard**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State Implementation Plan (SIP) submitted by the State of Missouri consisting of the Early Progress Plan and motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) for the St. Louis Nonattainment area under the 2008 8-hour National Ambient Air Quality Standard (NAAQS). On August 26, 2013, EPA received from the Missouri Department of Natural Resources (MDNR) an Early Progress Plan for the St. Louis area showing progress toward attainment under the 2008 Ozone NAAQS. This submittal was developed to establish MVEBs for the St. Louis 8-hour ozone nonattainment area. This approval of the Early Progress Plan for the St. Louis 8-hour ozone nonattainment area fulfills EPA’s requirement to act on the MDNR SIP

submission and to formalize that the MVEB is approved, and when considered with the emissions from all sources, demonstrates progress toward attainment from the 2008 base year through a 2015 target year. EPA found these MVEBs adequate for transportation conformity purposes in an earlier action on March 5, 2014.

**DATES:** This direct final rule will be effective March 14, 2016, without further notice, unless EPA receives adverse comment by February 16, 2016. If EPA receives adverse comment, we 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 ID No. EPA–R07–OAR–2015–0587, to <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy,

information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Steven Brown, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7718 or by email at [brown.steven@epa.gov](mailto:brown.steven@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” or “our” refer to EPA. This section provides additional information by addressing the following:

- I. What is the background for this action?
- II. What are the criteria for early progress plans?
- III. What is EPA’s analysis of the request?
- IV. What are the MVEB’s for the St. Louis 8-hour ozone area?
- V. What action is EPA taking?

**I. What is the background for this action?**

EPA’s final rule designating nonattainment areas and associated classifications for the 2008 ozone National Ambient Air Quality Standards (NAAQS) was published in the **Federal Register** on May 21, 2012 (77 FR 30088). The St. Louis area was designated as marginal nonattainment. The St. Louis ozone area had previously been designated nonattainment for the 1-hour ozone standard and had 1-hour motor vehicle emissions budgets (MVEBs) for NO<sub>x</sub> and VOC established in the St. Louis 1-hour maintenance plan SIP (66 FR 33996). The 1-hour MVEBs were the only approved MVEBs for St. Louis and were based on EPA’s MOBILE6.2