Compensation for Service-Connected Disability.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on November 28, 2011, for publication.

**List of Subjects in 38 CFR Part 3**

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Dated: December 22, 2011.

**Robert C. McFetridge,**

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

For the reasons set out in the preamble, VA amends 38 CFR part 3 as follows:

## PART 3—ADJUDICATION

■ 1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

**§ 3.317 [Amended]**

■ 2. In § 3.317, paragraph (a)(1)(i), remove the date ''December 31, 2011'' and add, in its place, ''December 31, 2016''.

[FR Doc. 2011–33222 Filed 12–28–11; 8:45 am]

**BILLING CODE 8320–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 52**

**[EPA–R06–OAR–2011–0032; FRL–9613–3]**

## Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving a revision to the Albuquerque/Bernalillo County, New Mexico State Implementation Plan (SIP) that was submitted by the Governor of New Mexico to EPA on December 15, 2010. This SIP revision modifies Albuquerque/Bernalillo County's Prevention of Significant Deterioration (PSD) program to establish appropriate emission thresholds for determining which new stationary sources and modification projects become subject to Albuquerque/Bernalillo County's PSD permitting requirements for their greenhouse gas (GHG) emissions. EPA is fully approving the Albuquerque/Bernalillo County, New Mexico December 15, 2010 PSD SIP revision because the Agency has determined that this PSD SIP revision is in accordance with section 110 and part C of the Federal Clean Air Act and EPA regulations regarding PSD permitting for GHGs.

**DATES:** This final rule will be effective January 30, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2011–0032. All documents in the docket are listed in the *http://www.regulations.gov* 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. A 15 cent per page fee will be charged for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area on the seventh floor at 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

The State submittal related to this SIP revision, and which is part of the EPA docket, is also available for public inspection at the Local Air Agency listed below during official business hours by appointment:

Albuquerque Environmental Health Department, Suite 3023, 3rd floor, One Civic Plaza, 400 Marquette Avenue NW., Albuquerque, New Mexico 87102.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning today's final rule, please contact Mr. Mike Miller (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733. The telephone number is (214) 665–7550. Mr. Miller can also be reached via electronic mail at *miller.michael@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. This supplementary information section is arranged as follows:

I. What is the background for this action?
II. What final action is EPA taking?
III. Statutory and Executive Order Reviews

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

The background for EPA's national actions pertaining to GHG's as well as today's action is discussed in detail in our September 26, 2011 proposal (76 FR 59334). The comment period was open for thirty days and no comments were received.

### II. What final action is EPA taking?

We are fully approving Albuquerque/Bernalillo County's December 15, 2010, SIP submittal, relating to PSD requirements for GHG-emitting sources in Albuquerque/Bernalillo County. Specifically, the SIP revision establishes appropriate emissions thresholds for determining PSD applicability to new and modified GHG-emitting sources in accordance with EPA's Tailoring Rule. We are approving this SIP revision because it is in accordance with the Clean Air Act (CAA) and EPA regulations regarding PSD permitting for GHGs.

As explained in our proposed approval of the Albuquerque/Bernalillo County December 15, 2010, SIP revision, 76 FR 59334 (September 26, 2011), since we are approving Albuquerque/Bernalillo County's changes to its air quality regulations to incorporate the appropriate thresholds for GHG permitting applicability into its SIP, then paragraph (e) in Section 52.1634 of 40 CFR part 52, as included in EPA's SIP Narrowing Rule—which codifies EPA's limiting its approval of Albuquerque/Bernalillo County's PSD SIP to not cover the applicability of PSD to GHG-emitting sources below the Tailoring Rule thresholds—is no longer necessary. In today's action, we are also amending Section 52.1634 of 40 CFR part 52 to remove this unnecessary regulatory language.

### III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; 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 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 February 27, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purpose 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, and Reporting and recordkeeping requirements.

Dated: December 14, 2011.

**Al Armendariz,**

*Regional Administrator, Region 6.*

40 CFR part 52 is amended as follows:

## PART 52—[AMENDED]

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

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

### Subpart GG—New Mexico

■ 2. The second table in § 52.1620(c) entitled ''EPA Approved Albuquerque/Bernalillo County, NM Regulations'' is amended by revising the entry for ''Part 61 (20.11.61), Prevention of Significant Deterioration,'' to read as follows:

**§ 52.1620 Identification of plan.**

* * * * *

(c) * * *

* * * * *

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

| State citation | Title/subject | State approval/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * | * * * |
| **New Mexico Administrative Code (NMAC) Title 20—Environment Protection, Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board** | | | | |
| * | * | * | * | * * * |
| Part 61 (20.11.61) ..... | Prevention of Significant Deterioration. | 1/10/2011 | 12/29/11 [Insert *FR* page number where document begins]. | Only sections 20.11.61.6, 20.11.61.7, 20.11.61.11, 20.11.61.12, 20.11.61.20, and 20.11.61.27 of Part 61 are approved as of 12/29/11. The remainder of Part 61 remains unchanged from EPA's approval of April 26, 2007 (72 FR 20728). |

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

| State citation | Title/subject | State approval/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * | * | * | * | * * |

**§ 52.1634 [Amended]**

■ 3. Section 52.1634 is amended by removing paragraphs (d) and (e).

[FR Doc. 2011–33280 Filed 12–28–11; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R06–OAR–2007–0314; FRL–9613–2]**

### Approval and Promulgation of Implementation Plans; Oklahoma; Interstate Transport of Pollution

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving severable portions of State Implementation Plan (SIP) revisions submitted by Oklahoma to address Clean Air Act (CAA) requirements that prohibit air emissions which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State for the 1997 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS or standards) and the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also approving the severable portion of a SIP revision submitted by the State of Oklahoma to address the CAA requirement that prohibits air emissions which will contribute significantly to nonattainment in any other State for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS or standards). EPA is taking no action at this time on the severable portion of the SIP revision submitted to address the CAA requirement that prohibits air emissions which will interfere with maintenance of the 1997 ozone NAAQS in any other State. This action is being taken under section 110 of the CAA.

**DATES:** This final rule is effective on January 30, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2007–0314. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., 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 *http://www.regulations.gov* or in hard copy at the Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 Freedom of Information Act Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The state submittal is also available for public inspection during official business hours, by appointment, at the Oklahoma Department of Environmental Quality, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101–1677.

**FOR FURTHER INFORMATION CONTACT:** Carl Young, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–6645; email address *young.carl@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

### Outline

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

### I. Background

The background for today's action is discussed in detail in our October 17, 2011, proposal (76 FR 64065). In that notice, we addressed severable portions of SIP revisions submitted by the state of Oklahoma to address the requirement in section 110(a)(2)(D)(i)(I) of the Clean Air Act that all SIPs contain adequate provisions to prohibit emissions that significantly contribute to nonattainment of the NAAQS in another state and to prohibit emissions that interfere with maintenance of the NAAQS in another state. 42 U.S.C. 7410(a)(2)(D)(i)(I). Specifically, we proposed to (1) disapprove, or in the alternative, approve the severable portion of the May 1, 2007, SIP submittal asserting that Oklahoma does not interfere with maintenance of the 1997 8-hour ozone NAAQS in other states, (2) approve the severable portion of the May 1, 2007, SIP submittal asserting that Oklahoma emissions do not contribute significantly to nonattainment of the 1997 8-hour ozone NAAQS in other states, and (3) approve the severable portions of the May 1, 2007, and April 5, 2011, SIP submittals asserting that Oklahoma emissions do not contribute significantly to nonattainment in, or interfere with maintenance of the 1997 and 2006 $PM_{2.5}$ NAAQS in other states.

We received comments on our proposal from (1) the Oklahoma Department of Environmental Quality, (2) Western Farmers Electric Cooperative and Oklahoma Gas and Electric Company, and (3) the Oklahoma Attorney General. The comments are available for review in the electronic docket for this rulemaking at the *regulations.gov* Web site (Docket No. EPA–R06–OAR–2007–0314). All the comments addressed our proposal to disapprove, or in the alternative, approve the severable portion of the May 1, 2007, SIP submittal demonstrating Oklahoma does not interfere with maintenance of the 1997 8-hour ozone NAAQS in other states. We are not taking any final action at this time on that severable portion of our October 17, 2011 proposal. Therefore, we are also not addressing at this time the comments we received regarding that severable portion of the proposal. We intend to respond to comments and take a final action in a future rulemaking.

We did not receive any adverse comments regarding our proposal to approve the severable portions of the SIP submittals demonstrating that