

Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 8, 2010.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 OO—Rhode Island**

■ 2. Section 52.2088 is amended by adding paragraph (d) to read as follows:

##### **§ 52.2088 Control strategy: Ozone.**

\* \* \* \* \*

(d) *Determination of Attainment.* Effective November 22, 2010, EPA is determining that the Providence (All of Rhode Island) 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard based on 2007–2009 monitoring data. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area does not monitor any violations of the 1997 8-hour ozone standard. If a violation of the 1997 ozone NAAQS is monitored in the Providence (All of Rhode Island) 8-hour ozone nonattainment area, this determination shall no longer apply. In addition, this area met its June 15, 2010 attainment deadline for the 1997 ozone standard.

[FR Doc. 2010–26446 Filed 10–20–10; 8:45 am]

**BILLING CODE 6560–50–P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

**[EPA–R05–OAR–2007–1096; FRL–9215–8]**

#### **Approval and Promulgation of Implementation Plans; Illinois; Voluntary Nitrogen Oxides Controls**

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

**ACTION:** Final rule.

**SUMMARY:** On May 1, 2001, the Illinois Environmental Protection Agency (Illinois EPA) submitted a request for

EPA approval of a State Implementation Plan (SIP) revision for regulations governing Nitrogen Oxides (NO<sub>x</sub>) emission allowances granted for implementation of voluntary control of NO<sub>x</sub> emissions from sources other than those covered by other Illinois NO<sub>x</sub> emission control regulations. On March 4, 2008, EPA proposed to disapprove the requested SIP revision. This final rule completes the disapproval of the requested SIP revision.

**DATES:** This final rule is effective on November 22, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2007–1096. 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, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Edward Doty, Environmental Scientist, at (312) 886–6057 before visiting the Region 5 office.

#### **FOR FURTHER INFORMATION CONTACT:**

Edward Doty, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6057, [Doty.Edward@epa.gov](mailto:Doty.Edward@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What action is EPA taking?
- II. Did anyone comment on the proposed disapproval of the state's SIP revision request?
- III. Illinois' Voluntary Nitrogen Oxides Control Rule
- IV. Why did EPA propose to disapprove this rule as a SIP revision?
- V. Final Action
- VI. Statutory and Executive Order Reviews

#### **I. What action is EPA taking?**

EPA is disapproving a requested Illinois SIP revision, submitted on May 1, 2001, which would have incorporated

a rule governing NO<sub>x</sub> emission allowances (estimation and crediting of NO<sub>x</sub> emission reductions as emission allowances for use in a national, Federally-operated NO<sub>x</sub> emissions trading program) resulting from the application of voluntary NO<sub>x</sub> emission reductions at source facilities not subject to Illinois' existing NO<sub>x</sub> emission control rules. This rule is specified/codified in Illinois' 35 Illinois Administrative Code (IAC), part 217, subpart X (the Subpart X rule).

#### **II. Did anyone comment on the proposed disapproval of the state's SIP revision request?**

No comments were received during the 30-day comment period on the proposed disapproval of the Subpart X rule as an Illinois SIP revision. The proposed rule was published on March 4, 2008 (73 FR 11565).

#### **III. Illinois' Voluntary Nitrogen Oxides Control Rule**

On May 1, 2001, the Illinois EPA submitted 35 Illinois Administrative Code (IAC), part 217, subpart X as a requested revision of the Illinois SIP. The Subpart X rule provided for the determination and crediting of NO<sub>x</sub> emission reductions resulting from the voluntary application of NO<sub>x</sub> emission controls as NO<sub>x</sub> emission allowances that could be sold in a national NO<sub>x</sub> emission allowance trading system. A detailed description of the Subpart X rule and its subparts can be found in our proposed rule published in the **Federal Register** on March 4, 2008 (73 FR 11566).

#### **IV. Why did EPA propose to disapprove this rule as a SIP revision?**

Our March 4, 2008, proposed rule contained a number of comments specific to each subpart of the Subpart X rule (73 FR 11573). Based on the more detailed comments and concerns raised in the proposed rule, we had the following general concerns regarding the Subpart X rule: (1) The Subpart X rule would unacceptably grant NO<sub>x</sub> emission allowances for source closures; (2) the rule does not prevent crediting of facility-specific NO<sub>x</sub> emission reductions resulting from shifting of production and NO<sub>x</sub> emissions from one facility to another; (3) the rule establishes an emission baseline year (from which NO<sub>x</sub> emission allowances are earned through subsequent NO<sub>x</sub> emission reductions), 1995, that is too far in the past, prior to the State's adoption of the Subpart X rule and prior to the baseline year used for other sources involved in EPA's NO<sub>x</sub> Budget Trading Program; (4) the rule

unacceptably allows the use of 40 CFR part 60 emission monitoring requirements rather than 40 CFR part 75 monitoring requirements required of other sources involved in the NO<sub>x</sub> Budget Trading Program; and, (5) the rule contains other minor deficiencies as noted in our March 4, 2008, proposed rule. Together, these problems led us to propose disapproval of the Subpart X rule as a revision to the Illinois SIP.

We have received no public comments or additional supporting documentation from the State that reverses or negates the above concerns. Therefore, these concerns remain as the bases for this final action.

## V. Final Action

EPA is disapproving Illinois' 35 Illinois Administrative Code (IAC), part 217, subpart X rule submitted as a requested SIP revision on May 1, 2001.

## VI. Statutory and Executive Order Reviews

### *Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, therefore, is not subject to review by the Office of Management and Budget.

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

Because it is not a "significant regulatory action" under Executive Order 12866 or a "significant energy action," this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

### *Regulatory Flexibility Act*

This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### *Unfunded Mandates Reform Act*

Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it 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).

### *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (59 FR 22951, November 9, 2000).

### *Executive Order 13132: Federalism*

This action also does not have Federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act (CAA).

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

This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it approves a State rule implementing a Federal Standard.

### *National Technology Transfer Advancement Act*

In reviewing State submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a State submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a State submission, to use VCS in place of a State submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

### *Paperwork Reduction Act*

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### *Congressional Review Act*

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 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. section 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 December 20, 2010. 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, Ozone, Reporting and recordkeeping requirements.

Dated: October 7, 2010.

**Susan Hedman**,  
Regional Administrator, Region 5.

■ 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 O—Illinois

■ 2. Section 52.726 is amended by adding paragraph (hh) to read as follows:

#### § 52.726 Control strategy: Ozone.

\* \* \* \* \*

(hh) *Disapproval.* EPA is disapproving 35 Illinois Administrative Code part 217, subpart X, Voluntary

NO<sub>x</sub> Emissions Reduction Program, as a revision to the Illinois SIP.

[FR Doc. 2010-26438 Filed 10-20-10; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2010-0415; FRL-9210-3]

### Approval and Promulgation of Implementation Plans; State of Missouri

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a revision to a State Implementation Plan (SIP) submitted by the State of Missouri. The purpose of this revision is to update the Springfield City Code and is part of ongoing SIP maintenance to assure that outdated local codes and ordinances do not remain in the SIP. The revision reflects updates to the Missouri statewide rules, and will ensure consistency between the applicable local agency rules and the Federally approved rules.

**DATES:** This direct final rule will be effective December 20, 2010, without further notice, unless EPA receives adverse comment by November 22, 2010. 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-2010-0415, by one of the following methods:

1. *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. *E-mail:* [kemp.lachala@epa.gov](mailto:kemp.lachala@epa.gov).

3. *Mail or Hand Delivery:* Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**Instructions:** Direct your comments to Docket ID No. EPA-R07-OAR-2010-0415. 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 through *http://*

*www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. 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 e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail 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, 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.

**Docket:** 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, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

#### FOR FURTHER INFORMATION CONTACT:

Lachala Kemp at 913-551-7214, or by e-mail at [kemp.lachala@epa.gov](mailto:kemp.lachala@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," or "our" refer to EPA. This section provides additional information by addressing the following questions:

- I. What is being addressed in this document?
- II. What revisions is EPA approving?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is being addressed in this document?

On January 21, 2009, EPA received a request from the Missouri Department of

Natural Resources to approve revisions to the SIP relating to changes in the SIP-approved program for Springfield, Missouri. In order for the local program's "Air Pollution" rules to be incorporated into the Federally-enforceable SIP, on behalf of the local agency, the State must submit the formally adopted regulations which are consistent with State and Federal requirements to EPA for inclusion in the SIP. The regulation adoption process generally includes public notice of a public comment period and a public hearing, and formal adoption of the rule by the State authorized rulemaking body. In this case that rulemaking body is the local agency. After the local agency formally adopts the rule, the local agency submits the rulemaking to the State, and then the State submits the rulemaking to EPA for consideration for formal action (inclusion of the rulemaking into the SIP). EPA must provide public notice and seek additional public comment regarding the proposed Federal action on the State's submission.

The 2009 revisions for Springfield consist of administrative changes, removing Springfield City Code Chapter 2A and replacing it with the Springfield City Code Chapter 6. EPA had previously approved portions of Chapter 2A, as it relates to regulation of incinerators. In general, these changes are administrative only and they do not add any new limitations, conditions or requirements. The revisions retain all previous sections pertaining to definitions, test methods and tables, stack emission test methods, and emission limitations for incinerators, but with new numbering and titles. The revision also removes compliance schedules for incinerators which were not in compliance upon the original effective date of the rule (1969).

#### II. What revision is EPA approving?

EPA is approving revisions to the relevant portions of Springfield City Code Chapter 2A "Air Pollution Control Standards", which are now found in Chapter 6 of the Code. The local agency's "Air Pollution Control Standards" were revised as follows:

Article I, section 2A has been renumbered as Chapter 6 with other corresponding renumbering within the chapter.

All previous sections pertaining to definitions, test methods and tables, stack emission test methods, and incinerators have all been retained, but with new numbering and titles.