

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 27. Add § 721.10224 to subpart E to read as follows:

**§ 721.10224 Diglycidylaniline (generic).**

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as diglycidylaniline (PMN P-10-9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(3), (b) (concentration set at 0.1 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (v)(1), (w)(1), and (x)(1).

(iii) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 28. Add § 721.10225 to subpart E to read as follows:

**§ 721.10225 Quino[2,3-b] acridine-7,14-dione, 2,9-dichloro-5,12-dihydro [4-[[2-(sulfooxy) ethyl] substituted] phenyl]-, sodium salt (1:1) (generic).**

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as quino[2,3-b] acridine-7,14-dione, 2,9-dichloro-5,12-dihydro [4-[[2-(sulfooxy) ethyl] substituted] phenyl]-, sodium salt (1:1) (PMN P-10-14) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j), (v)(1), (w)(1), and (x)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to this section.

[FR Doc. 2010-23415 Filed 9-17-10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R04-OAR-2010-0203-201035; FRL-9202-9]**

**Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama: Birmingham; Determination of Attaining Data for the 2006 24-Hour Fine Particulate Standard**

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

**ACTION:** Final rule.

**SUMMARY:** On February 24, 2010, the State of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a request to EPA to make a determination that the Birmingham, Alabama, nonattainment area has attained the 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) based on quality assured, quality controlled monitoring data from 2007–2009. The Birmingham, Alabama, 2006 24-hour PM<sub>2.5</sub> nonattainment area (hereafter referred to as “the Birmingham Area”) is comprised of Jefferson and Shelby Counties in their entirety, and a portion of Walker County in Alabama. In this action, EPA is taking final action to determine that the Birmingham Area has attained the 2006 24-hour PM<sub>2.5</sub> NAAQS. This clean data determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2007–2009 showing that the Birmingham Area has monitored attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS.

**DATES:** *Effective Date:* This final rule is effective on October 20, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R04-OAR-2010-0203. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, 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 <http://www.regulations.gov> or in hard copy for public inspection during normal business hours 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.

**FOR FURTHER INFORMATION CONTACT:** Sara Waterson, 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. Ms. Waterson may be reached by phone at (404) 562-9061 or via electronic mail at [waterson.sara@epa.gov](mailto:waterson.sara@epa.gov).

**SUPPLEMENTARY INFORMATION:**

- I. What action is EPA taking?
- II. What is the effect of this action?
- III. What is EPA's final action?
- IV. What are the statutory and Executive order reviews?

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

EPA is taking final action to determine that the Birmingham Area (comprised of Jefferson and Shelby Counties in their entirety and a portion of Walker County) has attained data for the 2006 24-hour PM<sub>2.5</sub> NAAQS. This clean data determination is based upon quality assured, quality controlled and certified ambient air monitoring data that shows the Area has monitored attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS based on the 2007–2009 data. While still preliminary, the available 2010 24-hour PM<sub>2.5</sub> data also monitored attainment for the 2006 24-hour PM<sub>2.5</sub> standard.

Other specific requirements of the clean data determination and the rationale for EPA's action are explained in the notice of proposed rulemaking (NPR) published on June 14, 2010 (75 FR 33562) and will not be restated here. The comment period closed on July 14, 2010. No comments, adverse or otherwise, were received in response to the NPR.

## II. What is the effect of this action?

This final action, in accordance with 40 CFR 51.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS as long as this Area continues to meet the 2006 24-hour PM<sub>2.5</sub> NAAQS. Finalizing this action does not constitute a redesignation of the Birmingham Area to attainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS under section 107(d)(3) of the Clean Air Act (CAA). Further, finalizing this action does not involve approving maintenance plans for the Area as required under section 175A of the CAA, nor does it involve a determination that the Area has met all requirements for a redesignation. Additionally, this action is not in regards to the Birmingham Area's status for the 1997 PM<sub>2.5</sub> standard.

## III. What is EPA's final action?

EPA is taking final action to determine that the Birmingham Area has attaining data for the 2006 24-hour PM<sub>2.5</sub> NAAQS. This clean data determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that this Area has monitored attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS during the period 2007–2009. This final action, in accordance with 40 CFR 51.1004(c), will suspend the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS as long as the Area continues to meet the 2006 24-hour PM<sub>2.5</sub> NAAQS. EPA is taking this final action because it is in accordance with the CAA and EPA policy and guidance.

## IV. What are statutory and Executive order reviews?

Under the CAA, the Administrator is required to approve a SIP submission or State request that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions or State request, 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 action does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the impacted area is not 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 November 19, 2010. 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, pertaining to the determination of attaining data for the 2006 24-hour fine particulate matter standard for the Birmingham Area, 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, Particulate matter.

Dated: September 3, 2010 .

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

- 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 B—Alabama

- 2. Section 52.62 is amended by adding (a) to read as follows:

#### § 52.62 Control strategy: Sulfur oxides and particulate matter.

\* \* \* \* \*

(a) *Determination of Attaining Data.* EPA has determined, as of September 20, 2010, the Birmingham, Alabama, nonattainment area has attaining data for the 2006 24-hour PM<sub>2.5</sub> NAAQS. This clean data determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2006 24-hour PM<sub>2.5</sub> NAAQS.

[FR Doc. 2010–23318 Filed 9–17–10; 8:45 am]

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