

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

2. Add 33 CFR 100.35–T01–0103 to read as follows:

##### **§ 100.35–T01–0103 Special Local Regulation; Extreme Sailing Series Boston; Boston Harbor; Boston, MA.**

(a) *Regulated Area.*

(1) The following is designated as the special local regulation area: All waters of Boston Harbor near Boston, MA, surface to bottom, encompassed by an area starting at position: 42°21.3' N; 071°03' W, thence crossing the Fort Point Channel along Northern Avenue to position 42°21.3' N; 071°02.9' W, continuing Southeast along the Shoreline past Fan Pier to the end of the North Jetty at position 42°20.8' N; 071°01.4' W, continuing and crossing Boston Harbor to the opposite shore near Logan Airport at position 42°21.2' N; 071°01' W, continuing Northwest in a straight line along the shoreline to Pier One at position 42°21.9' N; 071°02.5' W, thence back across Boston Harbor to the point of origin at position 42°21.3' N; 071°03' W.

(2) The following area within the special local regulation area is specified as the race area:

All waters of Boston Harbor near Boston, MA, surface to bottom, encompassed by an area starting at position: 42°21.59' N; 071°02.52' W, thence to position 42°21.28' N; 071°01.83' W, thence to position 42°21.10' N; 071°01.95' W, thence to position 42°21.20' N; 071°02.26' W, thence to position 42°21.15' N; 071°02.31' W, thence to position 42°21.31' N; 071°02.72' W, thence to the point of origin at position 42°21.59' N; 071°02.52' W. This area will be clearly defined by floating buoys and will have the ability to be collapsed quickly to allow for safe passage of traffic if they have obtained permission from the COTP or the designated representative.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 100, to enter, transit through, anchor in, or remain within the special local regulation area is prohibited unless permission has been authorized by the Captain of the Port (COTP) Boston, or the designated on-scene representative. The “designated on-scene representative” is any Coast Guard commissioned, warrant, or petty officer

who is designated by the COTP to act on his behalf. The designated on-scene representative will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The COTP or the designated on-scene representative may be contacted via VHF Channel 16 or by telephone at (617) 223–5750.

(1) The following restrictions apply to the special local regulation area identified in section (a)(1) of this regulation.

(i) Special Anchorage “A”, which is a small vessel anchorage located near Rowes Wharf, is the only permitted area for anchoring. All other anchoring within this special local regulation area, including in Anchorage Area #1, is prohibited.

(ii) This special local regulation area is designed to restrict vessel traffic, including all non-motorized vessels, except as may be permitted by the COTP Boston or the designated on-scene representative.

(iii) Within this area all vessels will transit at the minimum speed necessary to maintain headway without creating a wake.

(iv) Due to the waterway area restriction and the expected increase in recreational vessels in the area, vessel operators of all vessels 65 feet in length or greater desiring to enter or operate within the special local regulation area shall contact the COTP or the designated on-scene representative at least five hours prior to the desired transit time to obtain permission to do so. Permission to enter the special local regulation area will be considered on a case-by-case basis at the discretion of the COTP and vessels may be escorted through the area if the COTP deems it necessary for safe transit. Failure to provide notification of entry at least five hours prior to transit may result in a denial of entry into the regulated area during the enforcement period. Vessel operators given permission to enter the area must comply with all directions given to them by the COTP or the designated on-scene representative.

(2) The following restrictions apply to the area identified as the race area in section (a)(2) of this regulation.

(i) This area is closed to all vessel traffic, with the exception of vessels involved directly with the event such as: sailboat race participants, event safety vessels, on-scene patrol and law enforcement vessels.

(c) *Effective Period:* This regulation is effective from 1 p.m. on June 30, 2011, to 6 p.m. on July 4, 2011. This regulation will be enforced daily from 1 p.m. until 6 p.m., June 30, 2011 through July 4, 2011.

Dated: March 30, 2011.

**John N. Healey,**

*Captain, U.S. Coast Guard, Captain of the Port Boston.*

[FR Doc. 2011–8833 Filed 4–12–11; 8:45 am]

**BILLING CODE 9110–04–P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

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

[EPA–R05–OAR–2008–0514; FRL–9294–6]

#### **Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by Volatile Organic Compound Reasonably Available Control Technology Rules**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve, as part of Ohio’s State Implementation Plan (SIP) under the Clean Air Act (CAA), a revised rule 3745–21–07, “Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745–21–09, 3745–21–12, 3745–21–14, 3745–21–15, 3745–21–16, or 3745–21–18 of the Administrative Code).” This rule has been revised because the prior version of 3745–21–07, in Ohio’s SIP, has inadequate compliance test methods and definitions. The most significant problem with the prior version is the definition of “photochemically reactive material,” which is different than the definition of “volatile organic compounds” (VOC), upon which EPA’s reasonably available control technology (RACT) regulations are based. The revised rule is approvable because it satisfies the requirements for RACT under the CAA.

**DATES:** Comments must be received on or before May 13, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2008–0514, by one of the following methods:

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

- *E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

- *Fax:* (312) 692–2511.

- *Mail:* John Mooney, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

- *Hand Delivery:* John Mooney, Chief, Attainment Planning and Maintenance

Section, Air Programs Branch (AR-18)), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R05-OAR-2008-0514. 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 information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. 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. For additional instructions on submitting comments, go to Section I of the **SUPPLEMENTARY INFORMATION** section of this document.

**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, e.g., 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.

Publicly available docket materials are available either electronically in <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 Steven Rosenthal, Environmental Engineer, at (312) 886-6052 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18)), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052, [Rosenthal.steven@epa.gov](mailto:Rosenthal.steven@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 should I consider as I prepare my comments for EPA?
- II. What action is EPA taking today and what is the purpose of this action?
- III. What are the provisions of OAC 3745-21-07 and are they approvable?
- IV. Statutory and Executive Order Reviews

#### **I. What should I consider as I prepare my comments for EPA?**

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date, and page number).
2. Follow directions—EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns, and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

#### **II. What action is EPA taking today and what is the purpose of this action?**

EPA is proposing to approve into Ohio's SIP revised rule OAC 3745-21-07, "Control of emissions of organic materials from stationary sources (*i.e.*,

emissions that are not regulated by rule 3745-21-09, 3745-21-12, 3745-21-14, 3745-21-15, 3745-21-16, or 3745-21-18 of the Administrative Code)." This rule was submitted by the Ohio Environmental Protection Agency (Ohio EPA) to EPA on April 7, 2008, but was not approvable at that time because both sheet molding compound (SMC) manufacturing operations and new or modified sources after February 18, 2008, were exempted from that version of the rule. However, on November 10, 2010, Ohio EPA submitted to EPA a new Rule 3745-21-25 "Control of VOC emissions from reinforced plastic composites production operations," which adequately regulates SMC manufacturing operations. Also, on October 25, 2010, Ohio EPA submitted a demonstration that the new 3745-21-07 does not violate the requirements of Section 110(l) of the CAA by not applying to new or modified sources after February 18, 2010. This demonstration is discussed in detail in the following section of this document.

#### **III. What are the provisions of OAC 3745-21-07 and are they approvable?**

As discussed below, this rule satisfies RACT requirements and is consistent with the CAA and EPA regulations. A general discussion of the main elements of OAC 3745-21-07 (Control of emissions of organic materials from stationary sources), all of which are approvable, follows:

##### **3745-21-07(A) Applicability**

- (1)—Reserved.
- (2)—Reserved.
- (3)—This paragraph states that the rule applies to any source or operation, for which installation commenced prior to the effective date of this rule, and that is specifically identified in tables in paragraphs (K) to (N). This rule shall not apply to VOC emissions from any such source or operation regulated by the VOC rules 3745-21-09, 3745-21-12, 3745-21-13, 3745-21-14, 3745-21-15, 3745-21-16, or 3745-21-18. Although this rule does not apply to any sources for which installation commenced after the effective date of the rule (February 18, 2010) or will commence installation in the future, Ohio demonstrated that this will likely not result in an increase in emissions. More specifically, Ohio reviewed all permits issued between January 2008 and September 2010, and determined that, due to other control requirements, no permit would result in an increase in VOC emissions due to paragraphs (A)(3) and (A)(5). Furthermore, Ohio also demonstrated that sufficient reductions are available from oxides of nitrogen

(NO<sub>x</sub>) RACT rule reductions to more than offset any potential future increase in emissions, thereby satisfying the requirements of section 110(l) of the CAA.

In December 2007, Ohio EPA promulgated rules in OAC chapter 3745-110, "NO<sub>x</sub> RACT." These rules addressed the control of emissions of NO<sub>x</sub> from stationary sources such as boilers, combustion turbines, and stationary internal combustion engines. The rules were submitted as part of the attainment strategy in the Cleveland-Akron-Lorain ozone moderate nonattainment area. On September 15, 2009, EPA redesignated the Cleveland-Akron-Lorain metropolitan area to attainment for the 1997 8-hour ozone National Ambient Air Quality Standard. At the same time, EPA approved a waiver from the NO<sub>x</sub> RACT requirements of section 182(f) of the CAA for this area. Ohio's NO<sub>x</sub> RACT rules are, therefore, "surplus" and can be used to offset any potential increase in emissions from any future source that would have had more stringent control requirements from the older 3745-21-07 that is currently in the SIP. Ohio obtained 538 tons NO<sub>x</sub>/year actual (and surplus) emission reductions from the Arcelor-Mittal facility as a result of the installation of low NO<sub>x</sub> burners in its three reheat furnaces. The requirement for these low NO<sub>x</sub> burners is permanent and enforceable because the burner controls are needed to comply with OAC 3745-110, Ohio's NO<sub>x</sub> RACT rule. In the Cleveland-Akron-Lorain area, the ratio of NO<sub>x</sub> emissions to VOC emissions is 1.36 pounds NO<sub>x</sub>/pound VOC. Applying this factor, the VOC offset potential for the Arcelor-Mittal facility NO<sub>x</sub> reductions is 396 tons VOC/year. Even if any reasonably foreseeable source were to be constructed that would have been controlled under the prior version of 3745-21-07 but would be uncontrolled under revised rule 3745-21-07, the difference in emissions would be more than compensated by the surplus emission reduction at the Arcelor-Mittal facility.

(4)—This paragraph voids control requirements contained in a permit-to-install, permit-by-rule, permit-to-operate, or Title V permit if the requirements refer to photochemically reactive materials or the need to determine or document materials as being photochemically reactive materials or any recordkeeping and reporting requirements related to photochemically reactive materials. This paragraph is approvable because it is consistent with the main purpose of this rule revision, namely to eliminate

the definition of photochemically reactive material.

(5)—This paragraph states that the rule does not apply to any source for which installation commenced after the effective date of the rule. Please refer to the discussion of (A)(3).

(6)—This paragraph specifies methods of determining compliance.

(6)(a)—This paragraph specifies that the test methods and procedures of paragraphs (A) to (C) of rule 3745-21-10 of Ohio's rules be used to determine emission and control efficiency information for controlled and uncontrolled sources.

(6)(b)—This paragraph allows the use of emission factors approved by EPA.

(6)(c)—This paragraph allows emission test data from similar sources or operations to be used provided where EPA has indicated in writing that the use of such tests is acceptable.

This paragraph is approvable because it specifies EPA-approved test methods, emission factors and test data from similar sources.

(B)-(J)—Reserved.

(K)—This paragraph provides specific control requirements for storage tanks covered by the prior version of 3745-21-07 that is contained in Ohio's SIP.

(K)(1)—Lists emission units subject to the control requirements in (K)(2), which requires that the storage tank be equipped with either a floating pontoon or double-deck type cover that includes closure seals or with a vapor recovery system or control system that reduces the emissions of organic compounds by at least 90 percent by weight.

(K)(3)—Lists emission units, consisting of storage tanks with a capacity of 65,000 gallons or less, subject to the control requirements in (K)(4). (K)(4) requires the use of submerged fill or a vapor recovery system.

This paragraph is approvable because it is consistent with the control requirements in the prior version of 3745-21-07 that is contained in Ohio's SIP.

(L)—This paragraph provides facility specific control requirements for oil-water separators covered by the prior version of 3745-21-07 that is contained in Ohio's SIP. Any subject oil-water separators must be equipped with a solid cover with all openings sealed, a floating pontoon or double deck type cover that includes closure seals, or a vapor recovery system that reduces the emissions of organic compounds by at least ninety percent by weight.

This paragraph is approvable because the control requirements are consistent with the prior version of 3745-21-07 that is contained in Ohio's SIP.

(M)—This paragraph provides facility-specific and general control requirements for emissions from operations using liquid organic materials.

(M)(1)—Lists emission units, covered by the prior version of 3745-21-07 that is contained in Ohio's SIP, that are subject to the control requirements in (M)(2).

(M)(2)—Requires that the emission units listed in (M)(1) be subject to a control system that reduces organic emissions by at least 85 percent.

(M)(3)—Other operations using liquid organic materials.

(M)(3)(a)—This paragraph lists nine conditions in (M)(3)(a)(i) to (M)(3)(a)(ix). Any article, machine, equipment, or other contrivance meeting all of these conditions must comply with the control requirements in (M)(2). These conditions include that the article, machine, equipment, or other contrivance is equipped with control equipment for organic compound emissions and also that it commenced installation prior to the effective date of this rule.

(M)(3)(b)—This paragraph requires the owner or operator of any article, machine, equipment, or other contrivance meeting the specifications of paragraph (M)(3)(a), and not listed in paragraph (M)(1), to notify Ohio EPA, within 90 days after the effective date of this rule, of the need to be specified in paragraph (M)(1)—and therefore be subject to the control requirements in (M)(2).

(M)(3)(c)—This paragraph lists seven conditions and if any of them are met then the control requirements of (M)(2)/(M)(3)(a), and the reporting requirements in (M)(3)(b) shall not apply to any article, machine, equipment, or other contrivance that would otherwise be subject.

(M)(3)(c)(i)—This paragraph exempts any article, machine, equipment, or other contrivance that commenced operation after the effective date of this rule. Please see discussion for (A)(3) and (A)(5).

(M)(3)(c)(ii)—This paragraph exempts any article, machine, equipment, or other contrivance whose uncontrolled potential to emit does not exceed 40 pounds per day of organic compound emissions and allows the uncontrolled potential to emit to be established using physical or operational limitation(s) that are federally enforceable or legally and practically enforceable by the state.

(M)(3)(c)(iii) and (iv)—These paragraphs exempt any article, machine, equipment, or other contrivance that is subject to and complying with an

overall control efficiency that is greater than 85 percent.

(M)(3)(c)(v)—This paragraph refers to paragraphs (M)(3)(g) and (M)(4), and is discussed with those paragraphs.

(M)(3)(c)(vi)—This paragraph exempts heatset web offset printing lines that are subject to and complying with a requirement that specifies that their drier(s) be equipped with a control device having either a control efficiency equal to or greater than 90 percent or an outlet concentration of less than 20 parts per million, by volume.

(M)(3)(c)(vii)—This paragraph exempts any article, machine, equipment, or other contrivance that is regulated by and complying with chapter 3745–76, which regulates non-methane organic emissions from existing landfills.

(M)(3)(d), (e) and (f)—These paragraphs provide alternative emission limitations, which have been adequately documented, to those in (M)(2), for specifically identified emission units at the indicated facilities.

(M)(3)(g) and (h)—These paragraphs address SMC operations. Please refer to the discussion of (M)(5)(h).

(M)(4)—Except as provided in paragraph (M)(5) (discussed below) this paragraph requires the owner or operator of each article, machine, equipment, or other contrivance in which any liquid organic material comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, and is not specified in paragraph (M)(1) of this rule, to not discharge more than 15 pounds of organic materials into the atmosphere in any one day, nor more than 3 pounds in any hour, unless the organic material emissions have been reduced by at least 85 percent by weight. This paragraph does not apply to any source for which installation commenced on or after the effective date of this rule.

(M)(5)—This paragraph lists several exemptions that are carried over from the prior version of 3745–21–07 that is contained in Ohio's SIP.

(M)(5)(a)—exempts the use of cleanup material from the control requirements in paragraph (M)(2).

(M)(5)(b)—exempts emissions that are not VOCs from the control requirements in (M)(2), (M)(3)(a), and (M)(4).

(M)(5)(c)—This paragraph exempts the use of liquid organic material, from the control requirements in paragraph (M)(2), if the liquid organic material has a boiling point higher than 200 degrees Fahrenheit at 0.5 millimeter mercury absolute pressure, or has an equivalent vapor pressure, unless the liquid organic material is exposed to

temperatures exceeding 220 degrees Fahrenheit.

(M)(5)(d)—This paragraph exempts sources from the requirements of paragraph (M)(4) if (i) the volatile content of the material described in (M)(4) consists only of water and liquid organic material, and the liquid organic material comprises no more than 20 percent by volume of the volatile content; or, (ii) the volatile content of the material described in paragraph (M)(4) does not exceed 20 percent by volume.

(M)(5)(e)—This paragraph allows the provisions of paragraphs (M)(2), (M)(3)(d), (M)(3)(e), (M)(3)(f), (M)(3)(g), (M)(3)(h), and (M)(4) to be replaced by an alternative emission limitation if EPA determines that the alternative emission limitation is the lowest emission limitation that the article, machine, equipment, or other contrivance is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(M)(5)(f)—This paragraph exempts emissions resulting from the use of any liquid organic materials if those emissions are regulated by rule 3745–21–09, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, or 3745–21–18.

(M)(5)(g)—Consistent with existing OAC 3745–21–07, this rule exempts sources in Darke, Fairfield, Madison, Perry, Pickaway, Preble, or Union County that are within a facility having the potential to emit not more than 100 tons of organic compounds per calendar year.

(M)(5)(h)—This paragraph exempts sheet molding compound manufacturing operations from the emission limits in (M)(3)(g) provided that the resin delivery system to the doctor box on the SMC manufacturing machine is closed or covered and a nylon containing film is used to enclose the sheet molding compound.

This exemption is acceptable because Ohio has adopted OAC 3745–21–25 for Reinforced Plastics Composites Production Operations, which provides a sufficient level of control (95 percent for subject sources) for SMC machines. OAC 3745–21–25 was proposed for approval on January 27, 2011 (76 FR 4835). Paragraph M is approvable because the control requirements (typically 85 percent or higher) and exemptions are consistent with the prior version of 3745–21–07 that is contained in Ohio's SIP, except as it applies to SMC machines. As stated above, Ohio adopted rule 3745–21–25 for the control of SMC machines. (N) This paragraph requires that smokeless flares be

required for the waste gas flare systems that were covered by the prior version of 3745–21–07 that is contained in Ohio's SIP. This paragraph is approvable because it is consistent with the control requirements in the prior version of 3745–21–07 that is contained in Ohio's SIP.

#### 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 CAA 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.

#### 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: March 30, 2011.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2011-8951 Filed 4-12-11; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R06-OAR-2011-0335; FRL-9294-4]

#### Approval and Promulgation of Implementation Plans; Texas; Proposed Disapproval of Interstate Transport State Implementation Plan Revision for the 2006 24-Hour PM<sub>2.5</sub> NAAQS

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to our authority under the Clean Air Act (CAA or Act), EPA is proposing to disapprove the portion of the Texas CAA section 110(a)(2) "Infrastructure" State Implementation Plan (SIP) submittal addressing significant contribution to nonattainment or interference with maintenance in another state with respect to the 2006 24-hour fine particle (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). On November 23, 2009, the State of Texas, through the Texas Commission on Environmental Quality (TCEQ), submitted a SIP to EPA intended to address the requirements of CAA section 110(a)(2) for "infrastructure." In this action, EPA is proposing to disapprove the portion of the Texas' SIP revision submittal that intended to address the section 110(a)(2)(D)(i)(I) requirements prohibiting a state's emissions from significantly contributing to nonattainment or interfering with maintenance of the NAAQS in any other state. The rationale for the disapproval action of the SIP revision is described in

this proposal. This action is being taken under section 110 of the CAA.

**DATES:** Comments must be received on or before May 13, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R06-OAR-2011-0335, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *E-mail:* Mr. Guy Donaldson at [donaldson.guy@epa.gov](mailto:donaldson.guy@epa.gov). Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), at fax number 214-665-7263.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.
- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays, and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket No. EPA-R06-OAR-2011-0335. 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 information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. 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, e.g., 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. 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. 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 Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

**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; fax number (214) 665-7263; e-mail address [young.carl@epa.gov](mailto:young.carl@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following questions:

- I. What action is EPA proposing in today's notice?
- II. What is the background for this proposed action?
- III. What is EPA's evaluation of Texas' submittal?
- IV. Statutory and Executive Order Reviews