

NOAA is opening a public comment period to:

1. Solicit public comments and identify issues on the continued management of the Hawaiian Islands Humpback Whale National Marine Sanctuary; and
2. Help determine the scope of issues to be addressed in the preparation of a management plan and an environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA), if warranted; and
3. Conduct a series of statewide scoping meetings across the State of Hawai'i to collect public comment. The intent of the scoping meetings is to gather information and other comments from individuals, organizations, and government agencies on the scope, types, and significance of issues related to the sanctuary's management plan and regulations. These scoping meetings will also help determine the scope of issues to be addressed in the preparation of an EIS pursuant to the NEPA, 43 U.S.C. 4321 *et seq.*, if warranted. The public scoping meeting schedule is presented below.

This notice confirms that NOAA will coordinate its responsibilities under section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. 470) with its ongoing NEPA process, pursuant to 36 CFR 800.8(a)—coordination with NEPA—including the use of NEPA documents and public and stakeholder meetings to also meet the section 106 requirements. The NHPA specifically applies to any agency undertaking that has an adverse effect on historic properties. Pursuant to 36 CFR 800.16(1)(1), historic properties includes: “any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. The term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.”

In coordinating its responsibilities under the NHPA and NEPA, NOAA intends to identify consulting parties; identify historic properties and assess the effects of the undertaking on such properties; initiate formal consultation with the Hawaii State Historic Preservation Officer, the Advisory Council of Historic Preservation, and other consulting parties; involve the public in accordance with NOAA's NEPA procedures, and develop in consultation with identified consulting

parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects on historic properties and describe them in any Environmental Assessment or Draft Environmental Impact Statement.

**Public Scoping Meetings:** The public scoping meetings will be held on the following dates and at the following locations beginning at 6 p.m. unless otherwise noted:

1. Hilo, Hawai'i, Tuesday, August 10, Mokupāpapa Discovery Center, 308 Kamehameha Avenue, Suite 109, Hilo, HI 96720.
2. Kailua-Kona, Hawai'i, Wednesday, August 11, Outrigger Keauhou Beach Resort, 78–6740 Ali'i Drive, Kailua-Kona, HI 96740.
3. Honolulu, O'ahu, Thursday, August 12, 5:30 p.m. to 8:30 p.m., Central Union Church, 1660 South Beretania Street, Honolulu, HI 96826.
4. Līhu'e, Kaua'i, Saturday, August 14, 9 a.m. to 12 p.m., Chiefess Kamakahelei Middle School Cafeteria, 4431 Nuhou Street, Līhu'e, HI 96766.
5. Kilauea, Kaua'i, Saturday, August 14, 4 p.m. to 7 p.m., Kaua'i Christian Academy Library, 4000 Kilauea Road, Kilauea, HI 96754.
6. Kihei, Maui, Monday, August 16, Lokilani Middle School, 1401 Liloa Drive, Kihei, HI 96753.
7. Lahaina, Maui, Tuesday, August 17, Lahaina Civic Center, 1840 Honoapi'ilani Highway, Lahaina, HI 96761.
8. Kaunakakai, Moloka'i, Wednesday, August 18, Mitchell Pauole Center, 90 Ainoa Street, Kaunakakai, HI 96748.
9. Hale'iwa, O'ahu, Monday, August 23, Sunset Beach Elementary School, 59–360 Kamehameha Highway, Hale'iwa, HI 96712.
10. Lana'i City, Lana'i, Wednesday, August 26, Lana'i High and Elementary School, 555 Fraser Avenue, Lana'i City, HI 96763.

### Condition Report

In preparation for management plan review, NOAA has produced a Hawaiian Islands Humpback Whale National Marine Sanctuary 2010 Condition Report. The Condition Report provides a summary of resources, with a specific focus on humpback whales in the sanctuary, pressures on those resources, the current condition and trends, and management responses to the pressures that threaten the integrity of the marine environment. Specifically, the Condition Report includes information on the status and trends of water quality, habitat, living resources and maritime archaeological resources and the human activities that affect them. The report serves as a supporting

document for the Management Plan Review Process, to inform constituents of the current status of humpback whales in the sanctuary.

An electronic copy of the final Hawaiian Islands Humpback Whale National Marine Sanctuary 2010 Condition Report is available to the public on the Internet at: <http://sanctuaries.noaa.gov/science/condition/welcome.html> or it can be accessed from the HIHWNMS Web site at: <http://hawaiihumpbackwhale.noaa.gov/>.

### Scoping Comments

Scoping meetings provide an opportunity to make direct comments to NOAA on the management of the sanctuary's natural and cultural resources, including administrative programs. We encourage the public to participate and welcome any comments related to the sanctuary. In particular, we are interested in hearing about the public's view on the sanctuary's potential management priorities for the next ten to fifteen years. Specifically, the sanctuary is seeking input on a proposal to expand its scope and direction to protect and conserve other living marine resources, in addition to humpback whales and submerged cultural heritage resources within the sanctuary. This proposal is detailed in the State of the Sanctuary Report Special Management Plan Review Edition and is available to the public on the Internet at: [http://hawaiihumpbackwhale.noaa.gov/management/management\\_plan\\_review.html](http://hawaiihumpbackwhale.noaa.gov/management/management_plan_review.html).

**Authority:** 16 U.S.C. 1431 *et seq.*; 16 U.S.C. 470.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: July 7, 2010.

**Daniel J. Basta,**

*Director for the Office of National Marine Sanctuaries.*

[FR Doc. 2010–17083 Filed 7–13–10; 8:45 am]

**BILLING CODE 3510–NK–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2009–0665; FRL–9175–3]

### Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Site-Specific State Implementation Plan for Abbott Laboratories

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve Illinois' amendments to its manufacturing rules into the Illinois State Implementation Plan (SIP). On July 17, 2009, the Illinois Environmental Protection Agency (Illinois EPA) submitted amendments to its pharmaceutical manufacturing rules for approval into its SIP. These amendments consist of a site-specific rulemaking for certain of Abbott Laboratories' (Abbott) tunnel dryers and fluid bed dryers. This site-specific rule revision is approvable because it lowers the allowable emissions from these dryers and it is consistent with the Clean Air Act (CAA) and EPA regulations.

**DATES:** Comments must be received on or before August 13, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2009-0665, by one of the following methods:

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

2. *E-mail:* [bortzer.jay@epa.gov](mailto:bortzer.jay@epa.gov).

3. *Fax:* (312) 692-2054.

4. *Mail:* Jay Bortzer, Chief, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Jay Bortzer, Chief, Air Programs Branch (AR-18J), 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-2009-0665. 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 and 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 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-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

**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 proposing to take?
- III. What is the background for this action?
- IV. What is EPA's analysis of Illinois' revised pharmaceutical manufacturing rule?
- V. Statutory and Executive Order Reviews

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

When submitting comments, remember to:

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 proposing to take?

EPA is proposing to approve revisions to Illinois' pharmaceutical manufacturing rule for three of Abbott's fluid bed dryers and four of its tunnel dryers. Each of the three fluid bed dryers previously had a five tons volatile organic compound (VOC) per year applicability cutoff and each of the four tunnel dryers had a 7.5 tons VOC per year applicability cutoff. This rule revision replaces these individual cutoffs with an overall combined cutoff for all seven dryers of 20.6 tons VOC per year.

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

This rule revision was requested by Abbott to provide it with more manufacturing flexibility. Abbott owns a pharmaceutical manufacturing facility located in Lake County, Illinois. Abbott's operations are subject to the emission standards for VOCs at 35 Ill. Adm. Code, Subpart T—Pharmaceutical Manufacturing (Subpart T rules). Section 218.480(b) contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas. This rule revision amends these site-specific exemptions by capping and lowering the overall

emissions allowable under the exemptions from its tunnel dryers numbered #1, #2, #3, and #4, and fluid bed dryers numbered #1, #2, and #3. This amendment reduces combined cutoffs for these seven dryers while increasing Abbott's operational flexibility, by allowing it to make preferential use of the more efficient fluid bed dryers.

#### IV. What is EPA's analysis of Illinois' revised pharmaceutical manufacturing rule?

The revisions to Illinois' pharmaceutical manufacturing rule are approvable because it lowers the total allowable emissions from seven dryers and is consistent with the CAA, EPA regulations, and relevant policy.

More specifically, the individual applicability cutoffs for the seven affected dryers results in a combined allowable emission total of 45 tons of VOC per year. The 45 tons VOC per year is based on a 5 tons VOC cutoff (in prior subsection 218.480(b)(2)) for each of the three fluid bed dryers and a 7.5 tons VOC per year cutoff (in prior subsection 218.480 (b)(3) for each of the four tunnel dryers. This compares with a 20.6 tons VOC per year total in new subsection 218.480(b)(4) for tunnel dryers numbered #1, #2, #3, and #4, and fluid bed dryers numbered #1, #2, and #3. Subsection 218.480(b)(4) replaces subsections 218.480(b)(2) and 218.480(b)(3) for these seven dryers.

The main basis for evaluating this proposal is EPA's January 2001 policy on Economic Incentive Programs (EIP), which is EPA's applicable policy for evaluating emission averaging plans, also referred to as "bubbles." Under the EIP policy, a combined emission limit is based on the lower of actual or allowable emissions. Actual emissions are based on the highest consecutive two-year period during the preceding ten-year period, which in this case is 1999–2000. The average annual actual emissions for the seven dryers during this two-year period was calculated to be 22.9 tons VOC per year. The EIP policy also requires reducing this annual emission average by ten percent to establish an environmental benefit. This results in a combined emission limit of 20.6 tons VOC per year, which is the value in the new subsection 218.480(b)(4).

Illinois amended its July 17, 2009, SIP submittal in a May 12, 2010, letter and attachments from Laurel L. Kroack, Chief, Bureau of Air, Illinois Environmental Protection Agency, to EPA. This letter establishes how compliance with Abbott's 20.6 tons VOC per year limit is determined as

well as Abbott's recordkeeping requirements. Specifically, this letter states:

It is the Illinois EPA's interpretation that compliance with Abbott's 20.6 tons VOC per year limit shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) consistent with Condition 7.1.6(i) of Abbott's current Title V permit #96010010, issued on September 26, 2007. Compliance will be demonstrated according to the compliance calculation methodology and corresponding recordkeeping procedures in Katherine Hodge's April 23, 2008 email to EPA, including both the body of the email and its attachments, as well as the compliance procedures in Condition 7.1.12(e) of Abbott's current Title V permit. Also, Abbott's recordkeeping requirements should also be consistent with the recordkeeping requirements reflected in Katherine Hodge's April 23, 2008 email, including both the body of the e-mail and its attachments. These records would need to be maintained for five years.

#### V. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 30, 2010.

**Walter W. Kovalick Jr.,**

*Acting Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2010–0514; FRL–9172–2]

### Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and South Coast Air Quality Management District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Sacramento Metropolitan Air Quality Management District (SMAQMD) and South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from vanishing oils, rust inhibitors, plastic coatings, rubber coatings, glass coatings, and aerospace operations. We are proposing to approve these local rules to