

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[R09-OAR-2010-0718; FRL-9233-1]

**Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM<sub>10</sub> Nonattainment Areas, Arizona; Withdrawal of Direct Final Rule****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to the receipt of an adverse comment, EPA is withdrawing the November 2, 2010 (75 FR 67220), direct final rule determining that the Hayden, Nogales, and Paul Spur/Douglas areas in Arizona had attained the national ambient air quality standard (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to ten microns by the applicable attainment date. On the basis of this determination, EPA concluded that these three “moderate” nonattainment areas were not subject to reclassification. In the direct final rule, EPA stated that if adverse comments were submitted by December 2, 2010, the rule would be withdrawn and not take effect. On November 3, 2010, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed action also published on November 2, 2010 (75 FR 67303). EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published at 75 FR 67220 on November 2, 2010, is withdrawn as of November 29, 2010.

**FOR FURTHER INFORMATION CONTACT:** Wienke Tax, Air Planning Office, Air Division (AIR-2), Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947-4192, [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, National Parks, Particulate matter, Wilderness Areas.

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

Dated: November 19, 2010.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R05-OAR-2007-0642; FRL-9231-8]

**Disapproval and Promulgation of Air Quality Implementation Plans; Indiana; Addition of Incentive for Regulatory Flexibility for Its Environmental Stewardship Program****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** On July 6, 2007, the Indiana Department of Environmental Management (IDEM) submitted a request to EPA to amend its State Implementation Plan (SIP) to add incentives for regulatory flexibility for participants in its Environmental Stewardship Program (ESP) and Comprehensive Local Environmental Action Network (CLEAN) Community Challenge Program. Indiana requested that EPA approve the following for ESP and CLEAN members: The incorporation by reference of certain incentives under the National Environmental Performance Track (NEPT) Program, monthly averaging of volatile organic compound (VOC) coating limits, and the processing of pollution prevention projects as minor permit revisions. EPA proposed to disapprove these three incentives on August 19, 2010, and received no comments.

**DATES:** This final rule is effective on December 29, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Nos. EPA-R05-OAR-2007-0642. 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 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-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 public comments were received on the proposed approval and what is EPA’s response?
- II. What action is EPA taking today and what is the reason for this action?
- III. Statutory and Executive Order Reviews

**I. What public comments were received on the proposed approval and what is EPA’s response?**

EPA’s August 19, 2010, proposed action at 75 FR 51188 provided a 30-day public comment period. We did not receive any comments on the proposed action.

**II. What action is EPA taking today and what is the reason for this action?**

EPA is disapproving IDEM’s request for an amendment to the Indiana SIP for incentives for regulatory flexibility for its ESP and CLEAN Community Challenge Program. EPA is disapproving the incorporation by reference of Federal incentives for NEPT members because EPA has discontinued its NEPT program. EPA is disapproving monthly averaging of VOC coating limits because this would constitute a relaxation that could exacerbate high ozone levels and contribute to violations of the ozone standard. EPA is disapproving the third incentive, which affects public notice requirements for pollution prevention projects, because it relaxes the existing SIP-approved public notice requirements and is inconsistent with EPA minor new source rule requirements.

**III. 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.