

L. Technical Standards

The National Technology Transfer and Advancement Act (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards, nor is the Coast Guard aware of the existence of any standards that address these TSSs. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2-1, paragraph (34)(i) of the Instruction. This rule involves navigational aids, which include TSSs. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 167

Harbors, Marine safety, Navigation (water), Waterways.

Accordingly, the interim rule amending 33 CFR part 167, subpart B, which was published at 75 FR 77529 on December 13, 2010, is adopted as a final rule.

Dated: April 4, 2011.

Dana A. Goward,

U.S. Coast Guard, Director of Marine Transportation Systems Management.

[FR Doc. 2011-9892 Filed 4-25-11; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2010-0946; FRL-9294-7]

Approval and Promulgation of Air Quality Implementation Plans; IL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a revision to the Illinois State Implementation Plan (SIP) for ozone. The State is revising its definition of volatile organic compound (VOC) to add two chemical compounds to the list of compounds that are exempt from being considered a VOC. This revision is based on EPA's 2009 determination that these two compounds do not significantly contribute to ozone formation.

DATES: This direct final rule will be effective June 27, 2011, unless EPA receives adverse comments by May 26, 2011. If adverse comments are received, EPA 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-R05-OAR-2010-0946, by one of the following methods:

1. *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail*: aburano.douglas@epa.gov.
3. *Fax*: (312) 408-2279.
4. *Mail*: Douglas Aburano, Chief, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery*: Douglas Aburano, Chief, Control Strategies Section, 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-2010-0946. 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 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 Charles Hatten, Environmental Engineer, (312) 886-6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, hatten.charles@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 is the background for this action?
 - A. When did the State submit the SIP revision to EPA?
 - B. Did Illinois hold public hearings on this SIP revision?
- II. What is EPA approving?
- III. What is EPA's analysis of the SIP revision?
- IV. What action is EPA taking today?
- V. Statutory and Executive Order Reviews

I. What is the background for this action?

A. When did the State submit the SIP revision to EPA?

The Illinois Environmental Protection Agency (Illinois EPA) submitted a revision of the Illinois SIP provision at 35 Illinois Administrative Code (IAC) 211.7150(a) to EPA for approval on October 25, 2010. The SIP revision at 35 IAC 211.7150(a) updates the definition of "volatile organic material (VOM) or volatile organic compound (VOC)."

B. Did Illinois hold public hearings on this SIP revision?

The Illinois Pollution Control Board held a public hearing on the proposed SIP revision on November 19, 2009. The Board received public comments only from Illinois EPA; these comments were in support of the proposed revision.

II. What is EPA approving?

EPA is approving an Illinois SIP revision that adds to the list of compounds that are exempt from being considered a VOM or VOC. On October 25, 2010, Illinois EPA submitted its revision to Title 35 of IAC 211.7150(a), the state's VOC exemption list, with the addition of two chemical compounds—propylene carbonate and dimethyl carbonate, requesting that this revised rule be incorporated into the Illinois SIP in place of the current 35 IAC 211.7150(a). Compounds listed under 35 IAC 211.7150(a) are excluded from the definition of a VOM or VOC. Illinois EPA took this action based on EPA's determination that these compounds have negligible photochemical reactivity. (See 74 FR 3437, January 20, 2009.)

III. What is EPA's analysis of the SIP revision?

In 2009, EPA evaluated petitions submitted by manufacturers asking EPA to exempt propylene carbonate and dimethyl carbonate from the definition of VOC and determined that the level of reactivity of these two chemical compounds is negligible. EPA concluded that these two compounds make a negligible contribution to

tropospheric ozone formation (74 FR 3437, Jan. 21, 2009). Therefore, on January 21, 2009, EPA amended 40 CFR 51.100(s)(1) to exclude propylene carbonate and dimethyl carbonate from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under Title I of the Clean Air Act (74 FR 3437). EPA's action became effective on February 20, 2009. Illinois EPA's SIP revision is consistent with EPA's action amending EPA's definition of VOC at 40 CFR 51.100(s).

IV. What action is EPA taking today?

EPA is approving a revision to the Illinois SIP for ozone which is consistent with EPA's 2009 action revising the definition of VOC. The Illinois SIP revision adds propylene carbonate and dimethyl carbonate compounds to the list of compounds considered exempt from being a VOC compound at 35 IAC 211.7150(a).

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective June 27, 2011 without further notice unless we receive relevant adverse written comments by May 26, 2011. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective June 27, 2011.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act 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 Clean Air Act. 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 Clean Air Act; 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.
- 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 27, 2011. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Ozone, Volatile organic compound.

Dated: April 4, 2011.

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 52.720 is amended by adding paragraph (c)(187) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(187) On October 25, 2010, Illinois submitted revised regulations that are consistent with 40 CFR 51.100(s)(1), as amended by 74 FR 3437. The

compounds propylene carbonate and dimethyl were added to the list of negligibly reactive compounds excluded from the definition of VOC in 35 IAC 211.7150(a).

(i) *Incorporation by reference.* Illinois Administrative Code Title 35: Environmental Protection, Part 211: Definitions and General Provisions, Section 211.7150: Volatile Organic Matter (VOM) or Volatile Organic Compound (VOC), Subsection 211.7150(a). Effective January 11, 2010.

[FR Doc. 2011-10027 Filed 4-25-11; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2090 and 2800

[WO 300-1430-PQ]

RIN 1004-AE19

Segregation of Lands—Renewable Energy

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of interim temporary final rule and opportunity to comment.

SUMMARY: The Bureau of Land Management (BLM) is issuing this interim temporary final rule (Interim Rule) to amend the BLM's regulations found in 43 CFR parts 2090 and 2800 by adding provisions allowing the BLM to temporarily segregate from the operation of the public land laws, by publication of a **Federal Register** notice, public lands included in a pending or future wind or solar energy generation right-of-way (ROW) application, or public lands identified by the BLM for a potential future wind or solar energy generation ROW authorization under the BLM's ROW regulations, in order to promote the orderly administration of the public lands. If segregated under this rule, such lands will not be subject to appropriation under the public land laws, including location under the Mining Law of 1872 (Mining Law), but not the Mineral Leasing Act of 1920 (Mineral Leasing Act) or the Materials Act of 1947 (Materials Act), subject to valid existing rights, for a period of up to 2 years. This Interim Rule is effective immediately upon publication in the **Federal Register** for a period not to exceed 2 years after publication, but public comments received within 60 days of the publication of this rule will be considered by the BLM. Any necessary changes will be made to the Interim Rule. The BLM is also

publishing in today's **Federal Register** a proposed rule that would make this segregation authority permanent. At the completion of the notice and comment rulemaking process for the proposed rule, or at the end of 2 years, whichever occurs first, this Interim Rule will expire.

DATES: *Effective date:* The Interim Rule is effective April 26, 2011 through April 26, 2013.

Comment deadline: You should submit your comments on the Interim Rule on or before June 27, 2011. The BLM need not consider, or include in the administrative record for the Interim Rule, comments that the BLM receives after the close of the comment period or comments delivered to an address other than those listed below (see **ADDRESSES**). **ADDRESSES:** Mail: Director (630), Bureau of Land Management, U.S. Department of the Interior, 1849 C St., NW., Washington, DC 20240, *Attention:* 1004-AE19. Personal or messenger delivery: U.S. Department of the Interior, Bureau of Land Management, 20 M Street, SE., Room 2134LM, *Attention:* Regulatory Affairs, Washington, DC 20003. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at this Web site.

FOR FURTHER INFORMATION CONTACT: Ray Brady at (202) 912-7312 or the Division of Lands, Realty, and Cadastral Survey at (202) 912-7350 for information relating to the BLM's renewable energy program or the substance of the Interim Rule, or Ian Senio at (202) 912-7440 for information relating to the rulemaking process generally. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, 24 hours a day, seven days a week to contact the above individuals.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Section-by-Section Analysis
- IV. Procedural Matters

I. Public Comment Procedures

While this Interim Rule is effective immediately upon publication in the **Federal Register**, the BLM still seeks the public's input and will consider any comments on the Interim Rule received within 60 days after the date of publication (see **DATES**).¹ If the BLM

¹ As noted above, the BLM has also published, concurrently with this Interim Rule, a proposed rule that would make permanent the segregation authority included here. There will be a separate opportunity for public comment on the proposed rule as outlined in the **Federal Register** notice for that rule.