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■ 3. In § 52.2423, paragraph (t) is removed.

[FR Doc. 2011-11710 Filed 5-12-11; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2010-0999; FRL-9304-8]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a request submitted by the Indiana Department of Environmental Management (IDEM) on November 24, 2010, to revise the Indiana State Implementation Plan (SIP). The submission revises the Indiana Administrative Code (IAC) by amending and updating the definition of "References to the Code of Federal Regulations," to refer to the 2009 edition. The submission also makes a minor revision to the definition of "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" by deleting an outdated **Federal Register** citation.

**DATES:** This rule is effective on July 12, 2011, unless EPA receives adverse written comments by June 13, 2011. If EPA receives adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2010-0999 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](mailto: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-2010-0999. 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 U.S. 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, at (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), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, [hatten.charles@epa.gov](mailto: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 requested SIP revision to EPA?
  - B. Did Indiana hold public hearings on this SIP revision?
- II. What revision did the State request be incorporated into the SIP?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

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

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

IDEM submitted the SIP revision on November 24, 2010.

*B. Did Indiana hold public hearing on this SIP revision?*

IDEM held a public hearing on June 2, 2010. IDEM did not receive any public comments concerning the SIP revision.

#### II. What revision did the State request be incorporated into the SIP?

The State has requested that SIP revision include: (1) updated references to the CFR at 326 IAC 1-1-3, and (2) the deletion of a reference to **Federal Register** citation at 326 IAC 1-2-48 to clarify that the compounds dimethyl carbonate and propylene carbonate are excluded from the definition of volatile organic compound (VOC).

*Rule 326 IAC 1-1-3, definition of "References to the Code of Federal Regulations."* IDEM updated the reference to the CFR in 326 IAC 1-1-3 from the 2008 edition to the 2009 edition. This is solely an administrative change that allows Indiana to reference a more current version of the CFR. By amending 326 IAC 1-1-3 to reference the most current version of the CFR, Title 326 of the IAC will be consistent and current with Federal regulations.

*Rule 326 IAC 1-2-48, definition of "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds."* IDEM has amended 326 IAC 1-2-48 to clarify the inclusion of two additional compounds to the list of compounds that are excluded from the definition of VOC by deleting language in section

(a)(1) that EPA had not previously approved and which unnecessarily cited a January 21, 2009 **Federal Register** notice (74 FR 3437). Rule 326 IAC 1–2–48 (a)(1) now clearly incorporates by reference the Federal regulation at 40 CFR 51.100(s)(1), which lists all the negligibly reactive compounds excluded from the definition of VOC, and does so without any additional qualifying citations.

### III. What action is EPA taking today?

We are approving revisions to the Indiana SIP to: (1) Update the definition at 326 IAC 1–1–3, “References to the Code of Federal Regulations,” to refer to the 2009 edition, and (2) delete language that references the **Federal Register** in 326 IAC 1–2–48(a)(1), that are redundant as a result of the update to the references to CFR.

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 July 12, 2011 without further notice unless we receive relevant adverse written comments by June 13, 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. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective July 12, 2011.

### IV. 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 July 12, 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 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 3, 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 P—Indiana

- 2. In § 52.770 the table in paragraph (c) is amended by revising the entry for “Article 1. General Provisions” to read as follows:

#### § 52.770 Identification of plan.

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(c) \* \* \*

## EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
<b>Article 1. General Provisions</b>				
Rule 1. Provisions Applicable Throughout Title 326				
1-1-2	References to federal Act	6/24/1994	7/21/1997, 62 FR 38919.	
1-1-3	References to the Code of Federal Regulations	10/31/2010	5/13/2011, [Insert page number where the document begins].	
1-1-4	Severability		2/18/1982, 47 FR 6622.	
1-1-5	Savings clause		2/18/1982, 47 FR 6622.	
1-1-6	Credible evidence	3/16/2005	10/19/2005, 70 FR 60735.	
Rule 2. Definitions				
1-2-1	Applicability of definitions	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-2	"Allowable emissions" defined	6/24/1994	7/21/1997, 62 FR 38919.	
1-2-3	Air pollution control equipment	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-4	"Applicable state and federal regulations" defined	6/24/1994	7/21/1997, 62 FR 38919.	
1-2-5	"Attainment area" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-6	"Best available control technology (BACT)" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-7	"Bulk gasoline plant" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-8	"Bulk gasoline terminal" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-9	"Catalytic cracking unit" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-10	"Charging" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-11	"Charge port" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-12	"Clean Air Act" defined	6/24/1994	7/21/1997, 62 FR 38919.	
1-2-13	"Coal processing" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-14	"Coating line" defined	6/5/1991	3/6/1992, 57 FR 8082.	
1-2-16	"Coke oven battery" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-17	Coke Oven Topside	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-18	Coke-Side	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-18.5	"Cold cleaner degreaser" defined	5/18/1990	3/6/1992, 57 FR 8082.	
1-2-19	"Combustion for indirect heating" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-20	Commence Construction	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-21	Construction	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-21.5	"Conveyorized degreaser" defined	5/18/1990	3/6/1992, 57 FR 8082.	
1-2-22	Cutback asphalt	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-22.5	"Department" defined	1/21/1995	7/5/1995, 60 FR 34856.	
1-2-23	"Electric arc furnaces" defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-24	EPA	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-25	Excess air	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-26	Existing facility	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-27	Facility	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-28	Farming operation	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-28.5	"Federally enforceable" defined	1/21/1995	7/5/1995, 60 FR 34856.	
1-2-29	Flare	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-29.5	"Freeboard height" defined	5/18/1990	3/6/1992, 57 FR 8082.	
1-2-29.6	"Freeboard ratio" defined	5/18/1990	3/6/1992, 57 FR 8082.	
1-2-30	Fugitive dust	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-31	Gas collector main	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-32	Gasoline	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-32.1	"Gooseneck cap" defined	6/11/1993	6/15/1995, 60 FR 31412.	
1-2-33	Governmental unit	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-33.1	"Grain elevator" defined	6/24/1994	7/21/1997, 62 FR 38919.	
1-2-33.2	"Grain terminal elevator" defined	6/24/1994	7/21/1997, 62 FR 38919.	
1-2-34	Incinerator	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-34.1	"Jumper pipe" defined	6/11/1993	6/15/1995, 60 FR 31412.	
1-2-35	Larry car	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-36	Lowest achievable emission rate	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-37	Luting material	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-38	Major facility	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-39	Malfunction	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-40	Material	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-41	Military specifications	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-42	Modification	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-43	Natural growth	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-44	Necessary preconstruction approvals for permits	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-45	New facility	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-46	Nonattainment areas	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-47	"Noncombustible container" defined	9/26/1980	11/5/1981, 46 FR 54943.	

## EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
1-2-48	“Nonphotochemically reactive hydrocarbons” or “negligibly photochemically reactive compounds” defined.	10/31/2010	5/13/2011, [Insert page number where the document begins].	
1-2-49	Offtake piping	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-49.5	“Open top vapor degreaser” defined	5/18/1990	3/6/1992, 57 FR 8082.	
1-2-50	Oven door	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-51	“Owner or operator” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-52	“Particulate matter” defined	1/19/2005	10/19/2005, 70 FR 60735.	
1-2-52.2	“PM2.5” defined	1/19/2005	10/19/2005, 70 FR 60735.	
1-2-52.4	“PM10” defined	1/19/2005	10/19/2005, 70 FR 60735.	
1-2-54	Positive net air quality benefit	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-55	Potential emissions	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-56	Pre-carbonization	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-57	Primary chamber	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-58	Process	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-59	Process weight; weight rate	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-60	Pushing	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-61	“Push-side” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-62	“Qualified observer” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-62.1	“Quench car” defined	6/11/1993	6/15/1995, 60 FR 31412.	
1-2-63	Quenching	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-63.1	“Quench reservoir” defined	6/11/1993	6/15/1995, 60 FR 31412.	
1-2-63.2	“Quench tower” defined	6/11/1993	6/15/1995, 60 FR 31412.	
1-2-64	Reasonable further progress	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-64.1	“Reasonably available control technology” or “RACT” defined.	1/21/1995	7/5/1995, 60 FR 34856.	
1-2-65	Reconstruction	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-66	Regulated pollutant	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-67	Reid vapor pressure	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-68	Related facilities	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-69	Respirable dust	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-70	“Secondary chamber” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-71	“Shutdown condition” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-72	“Solvent” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-73	“Source” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-74	“Stack” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-75	“Standard conditions” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-76	“Startup condition” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-77	“Standpipe lid” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-80	“Tank wagon” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-81	“Temporary emissions” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-82	“Theoretical air” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-82.5	“Total suspended particulate” or “TSP” defined	1/19/2005	10/19/2005, 70 FR 60735.	
1-2-83	“Transfer efficiency” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-84	“Transport” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-85	“True vapor pressure” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-86	“Unclassifiable (unclassified) areas” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-87	“Underfire” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-88	“Vapor balance system” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-89	“Vapor control system” defined	9/26/1980	11/5/1981, 46 FR 54943.	
1-2-90	“Volatile organic compound” or “VOC” defined	5/26/2007	3/18/2008, 73 FR 14389.	
1-2-91	“Wood products” defined	9/26/1980	11/5/1981, 46 FR 54943.	
<b>Rule 3. Ambient Air Quality Standards</b>				
1-3-1	Applicability		11/27/1981, 46 FR 57895.	
1-3-2	Sampling Methods and Analysis		11/27/1981, 46 FR 57895.	
1-3-3	Quality assurance guidelines		11/27/1981, 46 FR 57895.	
1-3-4	Ambient air quality standards	4/5/2006	10/31/2006, 71 FR 63699.	
<b>Rule 5. Episode Alert Levels</b>				
1-5-1	Air Pollution Forecast		5/31/1972, 37 FR 10842.	
1-5-2	Air Pollution Alert		5/31/1972, 37 FR 10842.	
1-5-3	Air Pollution Warning		5/31/1972, 37 FR 10842.	
1-5-4	Air Pollution Emergency		5/31/1972, 37 FR 10842.	
1-5-5	Termination		5/31/1972, 37 FR 10842.	
<b>Rule 6. Malfunctions</b>				
1-6-1	Applicability	6/24/1994	7/21/1997, 62 FR 38919.	

EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
1-6-2	Records; notice of malfunction	3/15/1984	5/3/1990, 55 FR 18604.	
1-6-3	Preventive maintenance plans	3/15/1984	5/3/1990, 55 FR 18604.	
1-6-4	Conditions under which malfunction not considered violation	3/15/1984	5/3/1990, 55 FR 18604.	
1-6-5	Excessive malfunctions; department actions	3/15/1984	5/3/1990, 55 FR 18604.	
1-6-6	Malfunction emission reduction program	3/15/1984	5/3/1990, 55 FR 18604.	
<b>Rule 7. Stack Height Provisions</b>				
1-7-1	Applicability	8/27/1980	3/12/1982, 47 FR 10824.	
1-7-3	Actual stack height provisions	8/27/1980	3/12/1982, 47 FR 10824.	
1-7-5	Exemptions; limitations	8/27/1980	3/12/1982, 47 FR 10824.	
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 [FR Doc. 2011-11726 Filed 5-12-11; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R01-OAR-2010-0445; A-1-FRL-9305-1]

**Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised Carbon Monoxide Maintenance Plan for Lowell**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Massachusetts. This SIP submittal contains revisions to the carbon monoxide (CO) maintenance plan for Lowell, Massachusetts. Specifically, Massachusetts has revised the contingency plan portion of the original maintenance plan. The intended effect of this action is to approve this revision to the Lowell CO maintenance plan. This action is being taken in accordance with the Clean Air Act.

**DATES:** *Effective Date:* This rule is effective on June 13, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2010-0445. 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., 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 Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Anne K. McWilliams, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, (mail code OEP05-2), Boston, MA 02109-3912, telephone number (617) 918-1697, fax number (617) 918-0697, email [mcwilliams.anne@epa.gov](mailto:mcwilliams.anne@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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**I. Background and Purpose**

On April 14, 2010, the Massachusetts Department of Environmental Protection (DEP) submitted a revision to its State Implementation Plan (SIP) for Massachusetts. The SIP revision consists of a minor modification to the

carbon monoxide (CO) maintenance plan for Lowell, Massachusetts. (A redesignation request and a maintenance plan for the Lowell CO nonattainment area were approved by EPA on February 19, 2002 (67 FR 7272).) The modification changes the triggering mechanism which will be used by the State to determine if contingency measures need to be implemented in Lowell.

On February 17, 2011, EPA proposed approval of this SIP revision (76 FR 9281). EPA received no comments on the proposed rulemaking.

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

EPA is approving revisions to the Lowell carbon monoxide maintenance plan submitted by the State of Massachusetts on April 14, 2010. Specifically, EPA is approving the State’s modification of the portion of the maintenance plan used to determine when contingency measures need to be triggered to reduce CO concentrations in Lowell. This action will allow the discontinuation of CO monitoring in the Lowell maintenance area. Other specific requirements of the revised carbon monoxide plan for Lowell, Massachusetts and the rationale for EPA’s proposed action are explained in the Notice of Proposed Rulemaking (NPR) and will not be restated here.

**III. Summary of SIP Revision**

On April 14, 2010, the Massachusetts Department of Environmental Protection submitted a SIP revision to EPA that contains a modification to its CO maintenance plan for the Lowell CO maintenance area. The modifications to the maintenance plan change the triggering mechanism by which contingency measures would be implemented and will allow the State to discontinue CO monitoring in the Lowell maintenance area. CO concentrations measured in Lowell have