

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;

- Does not provide the 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); and

- This notice does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects

##### 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

##### 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: July 8, 2011.

**Lisa P. Jackson,**  
Administrator.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 97

[FRL-9435-6]

#### Data Availability Concerning Transport Rule Allowance Allocations to Existing Units

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

**ACTION:** Notification of data availability (NODA).

**SUMMARY:** In the Transport Rule Federal Implementation Plans (FIPs), EPA finalized allowance allocations for 2012 and thereafter to existing units subject to the Transport Rule FIP trading programs in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. As required in the Transport Rule, this NODA notifies the public of the availability of data on these allowance allocations for existing units. Through this NODA, EPA is also making available to the public the data upon which the allocations were based.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this action should be addressed to Brian Fisher, telephone (202) 343-9633, and e-mail [fisher.brian@epa.gov](mailto:fisher.brian@epa.gov), Michael Cohen, telephone (202) 343-9497 and e-mail [cohen.michael@epa.gov](mailto:cohen.michael@epa.gov), or Robert Miller, telephone (202) 343.9077, and e-mail [miller.robertl@epa.gov](mailto:miller.robertl@epa.gov). The mailing address for the aforementioned contacts is U.S. Environmental Protection Agency, CAMD (6204J), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The detailed unit-by-unit data, calculations, and allowance allocation determinations are set forth in a technical support document in an Excel spreadsheet format titled "Unit Level Allocations Under the Transport Rule FIP" and available on EPA's Web site at <http://www.epa.gov/airtransport/actions.html>.

EPA is not requesting responses to the data made available through this NODA, which makes available data on allowance allocations finalized in the Transport Rule. Providing an allocation to an existing unit does not constitute a determination that the unit is a covered unit, and not providing an existing-unit allocation to a unit does not constitute a determination that the unit is not a covered unit. See §§ 97.411(a)(1), 97.511(a)(1), 97.611(a)(1), and 97.711(a)(1) of the Transport Rule.

Under the Transport Rule FIPs, EPA must record allowance allocations by certain deadlines. In particular, allowance allocations addressed by this NODA for existing units for 2012 must be recorded, within 90 days of the publication of the Transport Rule in the **Federal Register**, in the compliance accounts of existing units. See

§§ 97.421(a), 97.521(a), 97.621(a), and 97.721(a) of the Transport Rule.

For 2013 and beyond, the Administrator must record, by certain specified deadlines, allowance allocations for existing units. See §§ 97.421(b) through (f), 97.521(b) through (f), 97.621(b) through (f), and 97.721(b) through (f) of the Transport Rule.

Under certain circumstances, the allowance allocations addressed in this NODA to existing units are subject to termination or correction, and the provisions establishing these allocations may be replaced by a SIP revision. See §§ 97.411(a)(2), 97.511(a)(2), 97.611(a)(2), and 97.711(a)(2) (concerning termination of allocations of non-operating units) and 97.411(c), 97.511(c), 97.611(c), and 97.711(c) (concerning incorrect allocations) of the Transport Rule and §§ 52.38(a)(3) through (5) and (b)(3) through (5) and 52.39(d) through (i) of the Transport Rule (concerning SIP revisions).

Dated: July 6, 2011.

**Jackie Krieger,**  
Chief of Staff, Office of Atmospheric Programs.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1983-0002; FRL-9440-4]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On May 24, 2011, EPA published a Notice of Intent for Partial Deletion (76 FR 30081) and a direct final rule of Partial Deletion (76 FR 30027) for the remaining portions of Operable Unit 9 (OU9), the Residential Populated Areas, of the California Gulch Superfund Site (Site), located in Lake County, Colorado, from the National Priorities List. The EPA is withdrawing the Final Rule of Partial Deletion due to adverse comments that were received during the public comment period. After consideration of the comments received, if appropriate, EPA will publish a Notice of Partial Deletion in the **Federal Register** based on the parallel Notice of Intent for Partial Deletion and place a copy of the final partial deletion package, including a