

public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise issues during the comment period, or the grounds for the issues arose after this period.

On September 20, 2010, EPA received a petition from the Petitioners requesting that EPA object to the Title V operating permit that IDEM proposed to issue to Duke. The Petitioners alleged that the permit is not in compliance with the requirements of the Act. Specifically, the Petitioners alleged that: (1) The permit fails to include a Best Available Control Technology limit for particulate matter with a diameter of 2.5 microns or less (PM_{2.5}) because of the improper use of coarse particulate matter as a surrogate for PM_{2.5}; and (2) emissions of PM_{2.5} from the plant would cause a violation of the PM_{2.5} National Ambient Air Quality Standard.

On December 13, 2011, the Administrator issued an Order denying the Petitioners' petition. The Order explains the reasons behind EPA's conclusion.

Dated: January 23, 2012.

Susan Hedman,

Regional Administrator, Region 5.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2012-0057; FRL-9337-1]

Notice of Availability of Memorandum of Understanding Between U.S. Environmental Protection Agency and Department of the Interior, Bureau of Land Management

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of a Memorandum of Understanding (MOU) between the Environmental Protection Agency and the Department of Interior, Bureau of Land Management. The two agencies will work together to support and facilitate reviewing pesticide regulatory activities under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) relevant to risk assessments for the active ingredient formulations—aminopyralid, fluroxpyr, and rimsulfuron, proposed by the Bureau of Land Management, as well as to update risk assessment of two other ingredients.

FOR FURTHER INFORMATION CONTACT: Mario Steadman, Information Technology and Resources Management

Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-8338; email address: *steadman,mario@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2011-0057. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

The complete text of the MOU can also be viewed in the electronic docket at [regulations.gov](http://www.regulations.gov).

II. Brief Summary of Memorandum of Understanding

Under the MOU the EPA and the BLM will work together to support and facilitate reviewing pesticide regulatory activities under the FIFRA relevant to work on some risk assessments for active ingredient formulations proposed by the BLM. Currently, the BLM is proposing to use three new active ingredients: aminopyralid, fluroxpyr, and rimsulfuron. The BLM is conducting human health and ecological risk assessments to evaluate the risks to humans, and fish and wildlife, from the use of these new active ingredients. In addition, the BLM is proposing to update risk assessments for 2, 4-D and clopyralid.

List of Subjects

Environmental protection, Confidential Business Information, Interagency Agreements, Pesticides and pests, Memorandum of Understanding.

Dated: January 25, 2012.

Michael Hardy,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2012-2212 Filed 1-31-12; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9624-8]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement to settle a lawsuit filed by Zen Noh Grain Corporation in the United States District Court for the Eastern District of Louisiana: *Zen-Noh Grain Corporation v. Jackson*, Case No. 10-4367 (E.D. La.). Plaintiff filed this suit to compel the Administrator to respond to an administrative petition requesting, among other things, that EPA object to a CAA Title V operating permit issued by the Louisiana Department of Environmental Quality to Consolidated Environmental Management, Inc.—Nucor Steel Louisiana for a pig iron manufacturing process in St. James Parish, Louisiana. After subsequent permitting actions, Plaintiff submitted a second administrative petition requesting, among other things, that EPA object to two CAA Title V permits issued by Louisiana Department of Environmental Quality to Consolidated Environmental Management, Inc.—Nucor Steel Louisiana: a modified Title V permit for the aforementioned pig iron manufacturing process and a Title V permit for a direct reduced iron manufacturing process in St. James Parish, Louisiana. Under the terms of the proposed settlement agreement, EPA has agreed to respond to both petitions by March 16, 2012 to the extent that such response is required under 42 U.S.C. 7661d(b)(2).

DATES: Written comments on the proposed settlement agreement must be received by March 2, 2012.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2012-0074, online at www.regulations.gov (EPA's preferred method); by email to