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 public 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 October 1, 2012. 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. 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, Reporting and recordkeeping requirements.


Dennis J. McLerran,
Regional Administrator EPA Region 10.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations 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 N—Idaho

2. Amend the table in § 52.670(e) entitled “EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures” by adding an entry to the end to read as follows:

§ 52.670 Identification of plan.

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Ada County Air Quality Maintenance Area Second 10-year Carbon Monoxide Limited Maintenance Plan</td>
<td>State-wide</td>
<td>2/10/11</td>
<td>8/2/12</td>
<td>[Insert page number where the document begins]</td>
</tr>
</tbody>
</table>

3. Amend § 52.672 by adding paragraph (a)(2) to read as follows:

§ 52.672 Approval of plans.

(a) * * *

(2) EPA approves as a revision to the Idaho State Implementation Plan, the Northern Ada County Air Quality Maintenance Area Second 10-year Carbon Monoxide Limited Maintenance Plan submitted by the State on February 10, 2011.

* * * * * [FR Doc. 2012–18787 Filed 8–1–12; 8:45 am]
long as Arizona’s underlying obligation is suspended.

DATES: Effective Date: This rule is effective on September 4, 2012.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2012–0234 for this action. The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the FOR FURTHER INFORMATION CONTACT section.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, Air Planning Office, AIR–2, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, telephone number: (415) 947–4111, or email address, wamsley.jerry@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever “we”, “us” or “our” are used, we mean EPA. We are providing the following table of contents for ease of locating information in this proposal.

Table of Contents
I. EPA’s Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. EPA’s Proposed Action

On May 25, 2012, EPA proposed to find that the Paul Spur/Douglas nonattainment area (NA) is currently attaining the 24-hour PM\textsubscript{10} NAAQS based on certified and quality-assured data from the most recent three-year period, 2009–2011, and to suspend certain Clean Air Act (CAA) requirements related to attainment for so long as the area continues to attain the standard. See 77 FR 31268; [May 25, 2012].

To summarize our proposed rule, we described the 24-hour PM\textsubscript{10} NAAQS, which is 150 micrograms per cubic meter (\mu g/m\textsuperscript{3}), and reviewed the designation and classification of the Paul Spur/Douglas NA for that standard. We then discussed how EPA makes attainment determinations for PM\textsubscript{10} and indicated that the 24-hour PM\textsubscript{10} NAAQS is attained when the expected number of exceedances averaged over a three-year period is less than or equal to one at each monitoring site within the nonattainment area. See 40 CFR part 50, appendix K.

We described Arizona Department of Environmental Quality’s (ADEQ’s) two PM\textsubscript{10} monitoring sites in the Paul Spur/Douglas area. We noted that ADEQ’s annual network plans have met the applicable requirements for such plans, and based on the findings of our technical system audit report, ADEQ’s monitoring network meets or exceeds the applicable requirements. Finally, we noted that ADEQ has certified the data it submits to EPA’s Air Quality System (AQS) database as quality-assured.

Next, we reviewed the ambient PM\textsubscript{10} data collected at the two PM\textsubscript{10} monitoring sites in the Paul Spur/Douglas area for the most recent three-year period, 2009–2011. We noted that the highest annual 24-hour average PM\textsubscript{10} concentrations over the past three years ranged from 46 to 85 \mu g/m\textsuperscript{3} at the Paul Spur monitor and from 83 to 138 \mu g/m\textsuperscript{3} at the Douglas monitor. As a result, we concluded that the area is attaining the PM\textsubscript{10} standard because the expected number of exceedances per year for the Paul Spur/Douglas NA was less than 1.0. For additional information on the PM\textsubscript{10} NAAQS, the designation and classification of the Paul Spur/Douglas NA, ADEQ’s monitoring network plans and certifications, the monitoring sites in the Paul Spur/Douglas area, and the data we relied on for our clean data finding, please see 77 FR 31269–31271.

In conjunction with and based on our proposed determination that the Paul Spur/Douglas NA is currently attaining the PM\textsubscript{10} NAAQS, EPA proposed to determine that Arizona’s obligation to submit revisions to the Arizona State Implementation Plan (SIP) to meet the following CAA requirements is not applicable for so long as the Paul Spur/Douglas NA continues to attain the PM\textsubscript{10} standard: The part D, subpart 4 obligation to provide an attainment demonstration pursuant to section 189(a)(1)(B); the reasonably available control measure (RACM) provisions of section 189(a)(1)(C); the reasonable further progress (RFP) provisions of section 189(c); and, the attainment demonstration, RACM, RFP and contingency measure provisions of part D, subpart 1 contained in section 172. We proposed to suspend these SIP requirements as an action under the Clean Data Policy to the Paul Spur/Douglas NA. In doing so, we noted that our application of the Clean Data Policy to the Paul Spur/Douglas NA is consistent with a number of actions we have taken for other PM\textsubscript{10} nonattainment areas that we also determined were attaining the NAAQS. For a detailed explanation of our Clean Data Policy and its application to the Paul Spur/Douglas NA, please see 77 FR 31271–31273.

Lastly, we noted that suspension of the State’s SIP obligation would also serve to suspend EPA’s obligation to promulgate a Federal Implementation Plan (FIP) to address the same attainment-related requirements. See 77 FR 31273–31274.

II. Public Comments and EPA Responses

EPA’s proposed action provided a 30-day public comment period. During this period, we received a comment from a private citizen expressing a general skepticism of the ability to regulate PM\textsubscript{10} in a desert environment with no general information and no Paul Spur/Douglas NA specific information was provided to support the comment. Furthermore, no information was provided to dispute either the 2009–2011 Paul Spur/Douglas ambient PM\textsubscript{10} data, or our proposed suspension of attainment-related SIP obligations or the related FIP obligations. Therefore, no response is necessary. We note, however, that many effective measures exist to reduce dust from anthropogenic sources in desert environments, including paving unpaved roads and other paved surfaces used by motor vehicles, restricting off-road vehicle use to a designated time of year and/or location where the effects can be mitigated, and stabilizing soil in areas that have been disturbed by human activity.

III. EPA Action

No comments were submitted that change EPA’s assessment of the 2009–2011 ambient PM\textsubscript{10} data collected in the Paul Spur/Douglas NA and related finding that the area is attaining the NAAQS, or our application of the Clean Data Policy as described in our proposed action. Therefore, EPA is finalizing its determination that the Paul Spur/Douglas NA in Arizona is currently attaining the NAAQS for PM\textsubscript{10}.

EPA is also taking final action to determine that Arizona’s obligation to make SIP submissions to meet the following CAA requirements is not applicable for as long as the Paul Spur/Douglas NA continues to attain the PM\textsubscript{10} NAAQS: The part D, subpart 4 obligation to provide an attainment...
This action stays the effectiveness of national new source emission standards for hazardous air pollutants from coal- and oil-fired electric utility steam generating units issued pursuant to Clean Air Act section 112 that were published in the Federal Register on February 16, 2012 (77 FR 9304).

DATES: The effective date of 40 CFR 63.9984(a), 63.1005(g), and 63.1003(c), Table 1 to subpart UU of 40 CFR part 63, and row 2 of Table 3 to subpart UUUU of 40 CFR part 63, published in the Federal Register on February 16, 2012 (77 FR 9304), is stayed until November 2, 2012.

FOR FURTHER INFORMATION CONTACT: Mr. William Maxwell, Energy Strategies Group, Sector Policies and Programs Division, (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541–5430; Fax number (919) 541–5450; Email address: maxwell.bill@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On February 16, 2012, the EPA issued the National Emission Standards for Hazardous Air Pollutants from Coal-