

We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

### III. 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 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.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: October 25, 2010.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2010-28019 Filed 11-4-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA-HQ-OAR-2009-0559; FRL-9222-4]

RIN 2060-AP90

### Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units; Correction

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

**ACTION:** Proposed rule; technical correction.

**SUMMARY:** This action clarifies certain text of the proposed rules titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units." The proposed rules were published in the **Federal Register** on October 14, 2010. The action proposes how EPA will address Clean Air Act requirements to establish new source performance standards for new units and emission guidelines for existing units for specific categories of solid waste incineration units.

**DATES:** Comments must be received on or before November 29, 2010.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2009-0559 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *A-and-r-docket@epa.gov*.

- *Facsimile:* Fax your comments to (202) 566-1741, Attention Docket ID Number EPA-HQ-OAR-2009-0559.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket Information Center, 1200 Pennsylvania Avenue, NW.; Mail Code: 6102T, Washington, DC 20460. Please include a total of two copies. We request that a separate copy also be sent to the contact person identified in the **FOR FURTHER INFORMATION CONTACT** section below.

- *Hand Delivery:* To send comments or documents through a courier service, the address to use is: EPA Docket Center, Public Hearing Room, EPA West, Room 334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are accepted only during the Docket's normal hours of operation—8:30 a.m. to 4:30 p.m., Monday through Friday. Special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Hambrick, Natural Resource and Commerce Group, Sector Policies and Programs Division (E143-03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0964; facsimile number: (919) 541-3470; e-mail address: [hambrick.amy@epa.gov](mailto:hambrick.amy@epa.gov).

### SUPPLEMENTARY INFORMATION:

*Organization of This Document.* The following outline is provided to aid in locating information in this notice.

- What is the background for the correction?
- What are the corrections to the proposed rules (75 FR 63260)?
- Statutory and Executive Order Reviews

### I. What is the background for the correction?

On October 14, 2010 (75 FR 63260), EPA proposed rules that would address in part Clean Air Act requirements to establish new source performance standards (NSPS) for new units and emission guidelines (EG) for existing units for specific categories of solid waste incineration units. In that action, EPA proposed NSPS and EG for sewage sludge incineration (SSI) units. EPA subsequently determined that one sentence in the proposed regulatory text could have been interpreted in a manner inconsistent with what EPA intended to propose. This notice clarifies that language.

This action does not affect the substance of the proposed rules, nor does it change the rights or obligations of any party. Rather, this notice merely clarifies certain regulatory text in the proposed rules. This action is minor,

noncontroversial, and does not substantively change the proposed rule.

## II. What are the corrections to the proposed rules (75 FR 63260)?

In this notice, we are clarifying the scope of the proposed affirmative defense for exceedance of an emission limit or standard during a malfunction. See proposed regulatory text at 75 FR 63260. Specifically, we are clarifying the regulatory text to reflect that the affirmative defense is available only against claims for civil penalties. The preamble to the October 14, 2010 (75 FR 63283), notice stated this position, as did other portions of the proposed regulatory text. See 75 FR 63299 proposed § 60.4861(b) and 75 FR 63323 proposed § 60.5181(b). However, one sentence in the regulatory text created a potential ambiguity that may not have reflected the Agency's intent. Therefore, we are clarifying this in the proposed regulatory text to explain that a facility may assert an affirmative defense to a claim for civil penalties for exceedances of the standards that are caused by a malfunction, as defined in 40 CFR 60.2, but may not assert such a defense to a claim for injunctive relief.

EPA is soliciting public comment on the proposed SSI rule published on October 14, 2010, until November 15, 2010, unless a public hearing is held. If a public hearing is held, then comments on the proposed SSI rule published on October 14, 2010, must be received by November 29, 2010. Members of the public may also comment on this technical correction during that time, and should submit any such comments to the docket for that proposed rule. Submit your comments, identified by Docket ID Number EPA-HQ-OAR-2009-0559, by one of the following methods identified in 75 FR 63260.

## III. Statutory and Executive Order Reviews

EPA's compliance with relevant statutes and Executive Orders for the proposed SSI rule is discussed in the October 14, 2010, **Federal Register** notice titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units." (75 FR 63260). This technical correction does not affect the analyses contained in the October 14, 2010, notice.

### List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 29, 2010.

**Gina A. McCarthy,**

*Assistant Administrator.*

For the reasons stated in the preamble, FR Doc. No. 2010-25122, published in the **Federal Register** on October 14, 2010, at 75 FR 63260 is corrected as follows:

1. Beginning on page 63298, in the third column, remove the second sentence in § 60.4861 introductory text and add the following two sentences in its place: "Appropriate penalties may be assessed, however, if the respondent fails to meet its burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief."

2. On page 63323, in the center column, remove the second sentence in § 60.5181 introductory text and add the following two sentences in its place: "Appropriate penalties may be assessed, however, if the respondent fails to meet its burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief."

[FR Doc. 2010-28002 Filed 11-4-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 152

[EPA-HQ-OPP-2009-0456; FRL-8424-8]

**RIN 2070-AJ58**

### Pesticides; Satisfaction of Data Requirements; Procedures To Ensure Protection of Data Submitters' Rights

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to revise its regulations governing procedures for the satisfaction of data requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These provisions include, among other things, procedures for the protection of exclusive use and data compensation rights of data submitters. The proposed revisions would update the regulations, which have not been revised since issuance in 1984, to accommodate statutory and procedural changes that have occurred since that time. The revisions would also make minor changes to clarify the regulations. The revisions would simplify the procedures and reduce burdens for certain data submitters.

**DATES:** Comments must be received on or before January 4, 2011.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0456, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2009-0456. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](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 [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket index available