

requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications.” “Policies that have Federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under Executive Order 13132, EPA may not issue a regulation that has Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has Federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely proposes to approve a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

#### *F. Executive Order 13175, Coordination With Indian Tribal Governments*

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Thus, Executive Order 13175 does not apply to this rule.

#### *G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks*

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it proposes to approve a State rule implementing a Federal standard.

#### *H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

#### *I. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s proposed action does not require the public to perform activities conducive to the use of VCS.

#### **List of Subjects in 40 CFR Part 52**

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

Accordingly, 40 CFR part 52 is proposed to be 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.*

2. Section 52.245 is added to read as follows:

#### **§ 52.245 New source review rules.**

(a) Approval of the New Source Review rules for the San Joaquin Valley

Unified Air Pollution Control District Rules 2020 and 2201 as approved May 17, 2004, is limited, as it relates to agricultural sources, to apply the permit requirement only:

(1) To agricultural sources with potential emissions at or above a major source applicability threshold; and  
(2) To agricultural sources with actual emissions at or above 50 percent of a major source applicability threshold.

(b) The offset requirement, as it relates to agricultural sources, does not apply to new minor agricultural sources and minor modifications to agricultural sources.

Dated: January 21, 2010.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2010–1838 Filed 1–28–10; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[EPA–R08–OAR–2009–0198; FRL–9102–8]**

### **Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Montana on January 16, 2009 and May 4, 2009. The revisions are to the Administrative Rules of Montana. Revisions include minor editorial and grammatical changes, updates to the citations and references to Federal and State laws and regulations, and a clarification of agricultural activities exempt from control of emissions of airborne particulate matter. This action is being taken under section 110 of the Clean Air Act.

**DATES:** Written comments must be received on or before March 1, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2009–0198, by one of the following methods:

- <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- E-mail: [dolan.kathy@epa.gov](mailto:dolan.kathy@epa.gov).
- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- Mail: Director, Air Program, Environmental Protection Agency

(EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

• **Hand Delivery:** Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instruction on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Dolan, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, 303-312-6142, [dolan.kathy@epa.gov](mailto:dolan.kathy@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section of this **Federal Register**, EPA is approving the State’s SIP revisions as a direct final rule without prior proposal because the Agency views these noncontroversial SIP revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: January 5, 2010.

**Carol Rushin,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 2010-1746 Filed 1-28-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2007-0122; FRL-9107-7]

#### Withdrawal of Proposed Rule Revising the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** On February 20, 2008 (73 FR 9260), EPA published a rule proposing to correct EPA’s May 2004 final approval of revisions to the San Joaquin Valley Unified Air Pollution Control District portion of the California State Implementation Plan (SIP) and to approve revisions to certain District rules. EPA’s proposed correction, and proposed approval of District rules submitted in December 2006, would conform the SIP to a State law generally known as Senate Bill 700 by explicitly exempting certain minor agricultural sources from new source review permitting requirements and by limiting the applicability of offset requirements for all minor agricultural sources consistent with criteria identified in state law. EPA is withdrawing this previously published proposed rule, and in this **Federal Register**, EPA is publishing a proposed rule that replaces the February 20, 2008 proposed rule.

**DATES:** The proposed rule published on February 20, 2008 (73 FR 9260) is withdrawn as of January 29, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Laura Yannayon, Permits Office (AIR-3), U.S. Environmental Protection Agency, Region IX, (415) 972-3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us” and “our” refer to EPA.

On February 20, 2008 (73 FR 9260), EPA proposed to correct our May 2004 final approval of revisions to the San Joaquin Valley Unified Air Pollution Control District (“District”) portion of the California State Implementation Plan (“SIP”). EPA also proposed to approve revisions to two District rules submitted to EPA by the California Air Resources Board (CARB) on December 29, 2006. The subject rules included District Rule 2020 and District Rule 2201 (paragraph 4.6.9 only). The proposed correction and proposed approval that were the subject of our February 20, 2008 proposed rule relate to review and permitting of new or modified stationary sources (“NSR”) specifically in connection with agricultural sources. EPA received substantive comments on the February 2008 proposed rule, and, since publication of the February 2008 proposed rule, the District has adopted revisions to Rules 2020 and 2201, and CARB has submitted the amended rules in their entirety to EPA as revisions to the California SIP. In light of the comments on our February 2008 proposed rule, and the more recent submittals of District Rules 2020 and 2201, we have decided to withdraw the rule proposed on February 20, 2008, and in this **Federal Register**, EPA is publishing a new proposed rule. The rule being proposed in this **Federal Register** replaces the following rule published on February 20, 2008:

**Title:** Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (Proposed rule, 73 FR 9260, EPA-R09-OAR-2007-0122).

### List of Subjects in 40 CFR Part 52

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

Dated: January 21, 2010.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2010-1840 Filed 1-28-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 761

[EPA-HQ-RCRA-2008-0123; FRL-9108-1]

**RIN 2050-AG42**

#### Polychlorinated Biphenyls: Manufacturing (Import) Exemption for Veolia ES Technical Solutions, LLC

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** On November 14, 2006, Veolia ES Technical Solutions, LLC, (Veolia) submitted a rulemaking petition to the U.S. Environmental Protection Agency (EPA) requesting to import up to 20,000 tons of polychlorinated biphenyl (PCB) waste from Mexico for disposal at Veolia’s TSCA-approved facility in Port Arthur, Texas. Based on the information available at that time, EPA proposed to grant Veolia’s request in the proposed rule, Polychlorinated Biphenyls: Manufacturing (Import) Exemption for Veolia ES Technical Solutions, LLC.