

example, signage, plaques, media and communication). What are the appropriate ways the Forest Service should recognize our partners, both non-profit and for-profit?

### Conclusion

The Forest Service is considering how best to proceed with policy development relating to partnership arrangements. Public input relating to the questions listed above will be helpful in developing the Agency's policy.

Dated: September 8, 2010.

**Thomas L. Tidwell,**

*Chief, Forest Service.*

[FR Doc. 2010-22819 Filed 9-13-10; 8:45 am]

**BILLING CODE 3410-11-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51, 52, 72, 78, and 97

[EPA-HQ-OAR-2009-0491; FRL-9201-6]

RIN 2060-AP50

### Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone; Correction

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

**ACTION:** Proposed rule; correcting amendments.

**SUMMARY:** The preamble to the proposed Transport Rule contains minor, technical errors that EPA is correcting in this action. In the portion of the preamble discussing in detail the proposed trading programs, EPA states clearly that it is proposing provisions that allow units to opt into these trading programs. Moreover, the proposed rule text for the Transport Rule includes detailed opt-in provisions for each proposed trading program. However, two sentences in other portions of the Transport Rule preamble erroneously state that the proposed trading programs do not allow units to opt in. In this proposed rule, EPA is correcting these technical errors.

**DATES:** *Effective Date:* These correcting amendments are effective on September 14, 2010.

*Comments:* The deadline for receipt of comments on the proposed Transport Rule (including the corrections proposed by this action) continues to be October 1, 2010, the same date set forth in the proposed Transport Rule (75 FR 45210, August 2, 2010) as the deadline for receipt of comments.

**Public Hearing:** As explained in the proposed Transport Rule, three public hearings were scheduled to be held before the end of the comment period. The dates, times and locations were announced separately. Please refer to the notice of public hearings (75 FR 45075, August 2, 2010) on the proposed Transport Rule for additional information on the comment period and the public hearings.

**ADDRESSES:** The EPA has established a docket for the proposed Transport Rule, including this action, under Docket ID EPA-HQ-OAR-2009-0491. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742. This action and other rulemaking actions related to the proposed Transport Rule are also available at EPA's Air Transport Web site at <http://www.epa.gov/airtransport>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tim Smith, Air Quality Policy Division, Office of Air Quality Planning and Standards (C539-04), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-4718; fax number: (919) 541-0824; e-mail address: [smith.tim@epa.gov](mailto:smith.tim@epa.gov).

### SUPPLEMENTARY INFORMATION:

The proposed Transport Rule contains minor, technical errors in two sentences in the preamble. In the portion of the preamble (i.e., section V.D.4.a (75 FR 45307-9)) that discusses in detail the proposed Transport Rule trading programs, EPA states clearly that it is proposing provisions that allow units to opt into the proposed trading programs. Moreover, the proposed rule text in the proposed Transport Rule (75 FR 45389-92, 45414-17, 45438-41, and 45462-65) includes detailed opt-in provisions for each of these trading programs. However, subsequent portions (i.e., sections V.F.3 (75 FR 45338) and V.G.1

(75 FR 45340)) of the preamble compare the proposed rule with the Clean Air Interstate Rule and the Acid Rain Program and mention in a summary way the treatment of opt-in units in the proposed rule. Two sentences in those portions of the preamble erroneously state that the proposal does not allow units to opt in.

EPA believes that the proposed Transport Rule, as written, makes it clear that the Agency is proposing to allow units to opt into the Transport Rule trading programs. Furthermore, on July 15, 2010, EPA put a statement on its Web site noting that the proposed trading programs allow for opt-in units and explaining that the two sentences on 75 FR 45338 and 45340 are in error. On August 2, 2010, the docket for the proposed Transport Rule, including a memorandum noting that this statement had been put on EPA's Web site, became publicly available.

While EPA maintains that its proposal is clear in proposing to allow opt-in units, EPA is publishing this amendment to the proposed Transport Rule to eliminate any possible claim of confusion. Specifically, EPA is amending the two erroneous sentences in the proposed Transport Rule preamble as follows. The second sentence in section V.F.3 of the preamble (75 FR 45338 (col. 1)) is amended to read: "First, the proposed Transport Rule allows units to opt into the trading programs." The seventh sentence of section V.G.1 of the preamble (75 FR 45340 (col. 2)) is amended to read: "The Transport Rule programs as proposed have opt-in provisions, so sources, including those that have opted into the Acid Rain Program, would be able to opt into the Transport Rule programs." These amendments are technical changes that do not alter the substance of the proposal. On the contrary, the amendments simply make two sentences in the preamble that summarily refer to the treatment of opt-in units in the proposal consistent with the portions of the preamble and rule text that contain not only a comprehensive, detailed discussion of EPA's proposed inclusion of opt-in units in the proposed Transport Rule programs, but also the proposed opt-in provisions themselves.

### Statutory and Executive Order Reviews

#### A. Executive Order 12866: Regulatory Planning and Review

This action only corrects minor, technical errors in the proposed Transport Rule and, as discussed above, does not make any substantive change

in the proposal. This action is therefore not an “economically significant regulatory action” under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993). Moreover, the Office of Management and Budget (OMB) previously reviewed the proposed Transport Rule under Executive Order 12866.

In addition, EPA previously prepared the Regulatory Impacts Analysis (RIA) for the proposed Transport Rule. This action correcting minor, technical errors does not affect the RIA. The RIA and the discussion of it in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

#### *B. Paperwork Reduction Act*

EPA previously submitted for approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) the information collection requirements in the proposed Transport Rule. This action correcting minor, technical errors does not change these requirements and their estimated burden. The discussion of the requirements and their burden in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

#### *C. Regulatory Flexibility Act (RFA)*

EPA previously certified that the proposed Transport Rule will not have a significant economic impact on a substantial number of small entities. This action correcting minor, technical errors does not change the economic impact. The certification and the discussion of it in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

#### *D. Unfunded Mandates Reform Act*

EPA previously prepared a written statement under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1531–1538), and addressed the requirements of sections 203 through 205 of UMRA, concerning the proposed Transport Rule. This action correcting minor, technical errors does not contain a Federal mandate that may result in expenditures of \$100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. The written statement and the discussion of the requirements of sections 203 through 205 of UMRA in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

#### *E. Executive Order 13132: Federalism*

EPA previously discussed the federalism implications of the proposed Transport Rule. This action correcting minor, technical errors does not have any federalism implications. The discussion of federalism implications and of the applicability of Executive Order 13132, Federalism (64 FR 43255, August 10, 1999) in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

#### *F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

EPA previously discussed the tribal implications of the proposed Transport Rule. This action correcting minor, technical errors does not have any tribal implications. The discussion of tribal implications, and of the applicability of Executive Order 13175, Consultation and Coordination With Indian Tribal Governments (65 FR 67249, November 9, 2000), in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

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

EPA previously discussed the applicability of Executive Order 13045, Protection of Children From Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) to the proposed Transport Rule. This action correcting minor, technical errors does not involve decisions on environmental health and safety that may disproportionately affect children. The discussion in the proposed Transport Rule concerning Executive Order 13045 remains fully applicable to the proposed Transport Rule with the corrections proposed by this action.

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

EPA previously prepared a Statement of Energy Effects under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001). This action correcting minor, technical errors not only is not a “significant energy action” as defined in section 4(b) of Executive Order 13211, but also does not affect the Statement of Energy Effects. The statement and the discussion of the statement in the proposed Transport Rule remain fully applicable to the proposed Transport Rule with the corrections proposed by this action.

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

EPA previously discussed the consistency of the proposed Transport Rule with the requirements of section 12(b) of the National Technology Transfer and Advancement Act of 1995, (NTAA) Public Law 104–113, 12(d) (15 U.S.C. 272 note). This action correcting minor, technical errors does not involve the use of technical standards. The discussion of the application of NTAA requirements in the proposed Transport Rule remains fully applicable to the proposed Transport Rule with the corrections proposed by this action.

#### *J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

EPA previously discussed the application of the requirements of Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994) to the proposed Transport Rule. This action correcting minor, technical errors does not change the human health or environmental effects of the proposed Transport Rule on minority, low-income, and Tribal populations in the United States. The discussion applying the requirements of Executive Order 12898 in the proposed Transport Rule remains fully applicable to the proposed Transport Rule with the corrections proposed by this action.

### **List of Subjects**

#### *40 CFR Part 52*

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Regional haze, Reporting and recordkeeping requirements, Sulfur dioxide.

#### *40 CFR Part 78*

Acid rain, Administrative practice and procedure, Air pollution control, Electric utilities, Intergovernmental relations, Nitrogen oxides, Reporting and recordkeeping requirements, Sulfur dioxide.

#### *40 CFR Part 97*

Administrative practice and procedure, Air pollution control, Electric utilities, Nitrogen oxides, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: September 8, 2010.

Lisa Jackson,

Administrator.

[FR Doc. 2010-22851 Filed 9-13-10; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2006-0952; FRL-9200-9]

#### Air Quality Implementation Plans; Montana; Attainment Plan for Libby, MT PM<sub>2.5</sub> Nonattainment Area and PM<sub>10</sub> State Implementation Plan Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the State Implementation Plan (SIP) revision submitted by the State of Montana on March 26, 2008. Montana submitted this SIP revision to meet Clean Air Act requirements for attaining the 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) annual fine Particulate Matter (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS) for the Libby nonattainment area. The plan, herein called an "attainment plan," includes an attainment demonstration, an analysis of Reasonably Available Control Technology and Reasonably Available Control Measures (RACT/RACM), base-year and projection year emission inventories, and contingency measures. The requirement for a Reasonable Further Progress (RFP) plan is satisfied because Montana projects that attainment with the 1997 PM<sub>2.5</sub> NAAQS will occur in the Libby nonattainment area by April 2010. In addition, we are proposing to approve the PM<sub>10</sub> SIP revisions to the Lincoln County Air Pollution Control Program submitted by Montana on June 26, 2006 for inclusion into Libby's attainment plan. This submittal contains provisions, including contingency measures, for controlling both PM<sub>10</sub> and PM<sub>2.5</sub> emissions from woodstoves, road dust, and outdoor burning. Finally, EPA is proposing to find on-road directly emitted PM<sub>2.5</sub> and oxides of nitrogen (NO<sub>x</sub>) in the Libby, Montana nonattainment area insignificant for regional transportation conformity purposes. If this insignificance finding is finalized as proposed, the Libby, Montana nonattainment area will not have to perform a regional emissions analysis for either direct PM<sub>2.5</sub> or NO<sub>x</sub> as part of future conformity determinations for the annual 1997 PM<sub>2.5</sub> NAAQS.

**DATES:** Written comments must be received on or before October 14, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2006-0952, by one of the following methods:

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

- E-mail: [freeman.crystal@epa.gov](mailto:freeman.crystal@epa.gov).

- Fax: (303) 312-6064 (please alert the individual listed in **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop St., Denver, Colorado 80202-1129.

- Hand Delivery: Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop St., 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.

**Instructions:** Direct your comments to Docket ID No. EPA-R08-OAR-2006-0952. EPA's policy is that all comments received will be included in the public docket without change and may be made available online 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 <http://www.regulations.gov> or e-mail. The <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 <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public 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. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to Section I, "General Information," of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202-1129. EPA requests that, if at all possible, you contact the individual listed in **FOR FURTHER INFORMATION CONTACT** to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Crystal Freeman, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, Phone: (303) 312-6602, Fax: (303) 312-6064, [freeman.crystal@epa.gov](mailto:freeman.crystal@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The initials *PM<sub>2.5</sub>* mean or refer to particulate matter with an aerodynamic diameter of less than 2.5 micrometers.

(v) The initials *PM<sub>10</sub>* mean or refer to particulate matter with an aerodynamic diameter of less than 10 micrometers.

(vi) The word *State* or *Montana* refers to the State of Montana unless the context indicates otherwise.

(vii) The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.