

regulations at 40 CFR 50.10, the 1997 8-hour primary and secondary ozone ambient air quality standards are met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum 8-

hour average concentration is less than or equal to 0.08 ppm, as determined in accordance with appendix I of 40 CFR part 50.

Table 1 shows the design values (the metrics calculated in accordance with

40 CFR part 50, appendix I, for determining compliance with the NAAQS) for the 1997 8-hour ozone NAAQS for the Knoxville Area monitors for the years 2007–2009.

TABLE 1—DESIGN VALUES FOR COUNTIES IN THE KNOXVILLE, TENNESSEE NONATTAINMENT AREA FOR THE 1997 8-HOUR OZONE NAAQS

Location	AQS site ID	2007 (ppm)	2008 (ppm)	2009 (ppm)	2007–2009 design value (ppm)
Anderson County .....	Freels Bend Study Area (470010101–1) .....	0.080	0.073	0.065	0.072
Blount County .....	Look Rock, GSMNP (470090101–1) .....	0.088	0.082	0.069	0.079
	Cades Cove, GSMNP (470090102–1) .....	0.074	0.071	0.062	0.069
Jefferson County .....	1188 Lost Creek Road (470890002–1) .....	0.085	0.075	0.068	0.076
Knox County .....	9315 Rutledge Pike (470930021–1) .....	0.087	0.079	0.066	0.077
	4625 Mildred Drive (470931020–1) .....	0.092	0.086	0.068	0.082
Loudon County .....	130 Webb Drive (471050109–1) .....	0.088	0.077	0.067	0.077
Sevier County .....	Cove Mountain, GSMNP (471550101–1) .....	0.088	0.079	0.070	0.079

EPA's review of these data indicates that the Knoxville Area has met and continues to meet the 1997 8-hour ozone NAAQS. Preliminary air quality monitoring data available for 2010 also continue to demonstrate attainment. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

#### V. Proposed Action

EPA is proposing to determine that the Knoxville, Tennessee, 1997 8-hour nonattainment area has attained the 1997 8-hour ozone NAAQS based on 2007–2009 complete, quality-assured, quality-controlled and certified monitoring data. As provided in 40 CFR 51.918, if EPA finalizes this determination, it would suspend the requirements for the State of Tennessee to submit, for the Knoxville Area, an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as the Area continues to attain the 1997 8-hour ozone NAAQS.

#### VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission or state request 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 or state request, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed 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 proposed 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 CAA; 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 action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the impacted area is not 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, Ozone, Volatile organic compounds.

Dated: July 23, 2010.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 81

[EPA–R09–OAR–2010–0590; FRL–9184–7]

#### Determination of Attainment for PM<sub>10</sub> for the Las Vegas Valley Nonattainment Area, NV

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to determine that the Las Vegas Valley nonattainment area in Nevada attained the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers (PM<sub>10</sub>) by the applicable attainment date (December 31, 2006), and that the Las Vegas Valley nonattainment area is currently attaining the standard.

**DATES:** Comments must be received on or before **September 2, 2010**.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2010-0590, by one of the following methods:

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

2. *E-mail:* [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov).

3. *Mail or deliver:* Wienke Tax, Air Planning Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

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

**FOR FURTHER INFORMATION CONTACT:**

Wienke Tax at telephone number: (415) 947-4192, e-mail address: [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov), or the above EPA, Region IX address.

**SUPPLEMENTARY INFORMATION:** For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. EPA is approving the attainment determination as a direct final rule without prior proposal because EPA views this as a noncontroversial action 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 on this action should do so at this time. Please note that if we receive 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.

Dated: July 21, 2010.

**Keith Takata,**

*Acting Regional Administrator, EPA Region IX.*

[FR Doc. 2010-19062 Filed 8-2-10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 112**

[EPA-HQ-OPA-2009-0880; FRL-9184-2]

RIN 2050-AG59

**Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Proposed Amendments**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; compliance date amendment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA or the Agency) is proposing to amend the date by which certain facilities must prepare or amend their Spill Prevention, Control, and Countermeasure (SPCC) Plans, and implement those Plans. This action would allow additional time for those affected in the regulated community to understand the revisions to the SPCC rule finalized in December 2008 and November 2009. In light of the recent uncertainty surrounding EPA's review of the final amendments to the December 2008 rule and the delay of that rule's effective date, the Agency is proposing to provide an additional year for certain facilities, with a new compliance date of November 10, 2011. Additionally, the Agency is proposing to further delay the compliance date for facilities with milk containers, associated piping and appurtenances that are constructed according to the current applicable 3-A Sanitary Standards, and subject to the current applicable Grade "A" Pasteurized Milk Ordinance (PMO) or a State dairy regulatory requirement equivalent to the current applicable PMO. The delay would allow the Agency to take final action on a January 15, 2009 action that proposed to exempt these containers from the SPCC requirements. The compliance date would be delayed one year from the effective date of a final rule specifically addressing SPCC requirements for these milk containers, associated piping and appurtenances, or as specified by a rule that otherwise establishes a new compliance date for these facilities. Both the extension and the delay would provide sufficient time for facilities to undertake the actions necessary to prepare or amend their SPCC Plans, as well as implement them. However, EPA is not proposing to extend the compliance date for drilling, production and workover facilities that are offshore or that have an offshore component, or for onshore facilities

required to submit Facility Response Plans (FRPs).

**DATES:** Comments on this proposed rule must be received by August 18, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OPA-2009-0880, by one of the following methods:

(1) <http://www.regulations.gov>.

Follow the on-line instructions for submitting comments.

(2) *E-mail:* [Docket.RCRA@epa.gov](mailto:Docket.RCRA@epa.gov), Attention Docket ID No. EPA-HQ-OPA-2009-0880.

(3) *Fax:* 202-566-9744, Attention Docket ID No. EPA-HQ-OPA-2009-0880.

(4) *Mail:* EPA Docket Center (EPA/DC), Docket ID No. EPA-HQ-OPA-2009-0880, Mail Code 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(5) *Hand Delivery:* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington DC 20460. Attention Docket ID No. EPA-HQ-OPA-2009-0880. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* 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 [regulations.gov](http://www.regulations.gov) or e-mail.

The Federal [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of the comment and along 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>.

*Docket:* All documents in the docket are listed in the docket index at