

long. 111°26'11" W., to lat. 34°58'47" N.,
 long. 111°37'17" W., to lat. 34°43'58" N.,
 long. 111°50'21" W., to lat. 34°45'01" N.,
 long. 112°01'17" W., to lat. 34°54'24" N.,
 long. 112°05'16" W., to lat. 35°08'10" N.,
 long. 111°51'59" W., thence to the point of
 beginning. That airspace extending upward
 from 1,200 feet above the surface bounded by
 a line beginning at lat. 35°05'04" N., long.
 112°27'43" W., to lat. 35°11'22" N., long.
 110°52'43" W., thence clockwise along the 39
 mile arc to the point of beginning, excluding
 the Sedona, AZ, Class E airspace area.

Issued in Seattle, Washington, on
 September 30, 2010.

Lori Andriesen,

*Acting Manager, Operations Support Group,
 Western Service Center.*

[FR Doc. 2010-25200 Filed 10-5-10; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-R09-OAR-2010-0680; FRL-9209-7]

State of California; Request for Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards From Dry Cleaning Facilities

AGENCY: Environmental Protection
 Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve
 California's Airborne Toxic Control
 Measure for Emissions of
 Perchloroethylene from Dry Cleaning
 and Water-Repelling Operations,
 Requirements for Perc Manufacturers,
 and Requirements for Perc Distributors
 to be implemented and enforced in
 place of the National Perchloroethylene
 Air Emission Standards for Dry
 Cleaning Facilities. EPA is proposing
 this action under section 112(l) of the
 Clean Air Act (CAA). We are taking
 comments on this proposal and plan to
 follow with a final action.

DATES: Comments on California's
 request for approval must be received
 on or before November 5, 2010.

ADDRESSES: Submit comments,
 identified by docket number EPA-R09-
 OAR-2010-0680, concurrently to EPA
 and the California Air Resources Board.
 Comments submitted to the California
 Air Resources Board should be mailed
 to the address below:

Dan Donohoue, Chief, Emissions
 Assessment Branch, Stationary Source
 Division, California Air Resources
 Board, 1001 "I" Street, P.O. Box 2815,
 Sacramento, CA 95812.

Comments sent to EPA should be
 submitted by one of the following
 methods:

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

2. *E-mail:* steckel.andrew@epa.gov.

3. *Mail or Deliver:* Andrew Steckel
 (Air-4), U.S. Environmental Protection
 Agency Region IX, 75 Hawthorne Street,
 San Francisco, CA 94105-3901.

Instructions: All comments 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
 Confidential Business Information (CBI)
 or other information whose disclosure is
 restricted by statute. Information that
 you consider CBI or otherwise protected
 should be clearly identified as such and
 should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an "anonymous
 access" system, and EPA will not know
 your identity or contact information
 unless you provide it in the body of
 your comment. If you send e-mail
 directly to EPA, your e-mail address
 will be automatically captured and
 included as part of the public comment.
 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.

Docket: The index to the docket for
 this action is available electronically at
<http://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 in
 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: Mae
 Wang, EPA Region IX, (415) 947-4124,
wang.mae@epa.gov.

SUPPLEMENTARY INFORMATION:
 Throughout this document, "we," "us"
 and "our" refer to EPA.

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I. Background

Under CAA section 112(l), EPA is
 authorized to delegate to State agencies
 the authority to implement and enforce
 the National Emission Standards for
 Hazardous Air Pollutants (NESHAPs).
 The Federal regulations governing
 EPA's approval of State rules or
 programs under section 112(l) are
 located at 40 CFR part 63, subpart E.
 Under these regulations, a State has the
 option to request EPA's approval to
 substitute a State rule for the
 comparable NESHAP. Under this "rule
 substitution" option, EPA is required to
 make a detailed and thorough
 evaluation of the State's submittal to
 ensure that it meets the stringency and
 other requirements of 40 CFR 63.93.
 Upon approval the State is given the
 authority to implement and enforce its
 rule in lieu of the NESHAP.

On September 22, 1993, EPA
 promulgated the NESHAP for
 perchloroethylene (perc) dry cleaning
 facilities, which has been codified in 40
 CFR part 63, subpart M, National
 Perchloroethylene Air Emission
 Standards for Dry Cleaning Facilities
 (dry cleaning NESHAP) (see 58 FR
 49354). On May 21, 1996, EPA approved
 a request submitted by the California
 Air Resources Board (CARB) for
 approval to implement and enforce
 California's Airborne Toxic Control
 Measure for Emissions of
 Perchloroethylene from Dry Cleaning
 Operations (original dry cleaning
 ATCM) in lieu of the dry cleaning
 NESHAP (see 61 FR 25397).

On July 27, 2006, EPA amended the
 dry cleaning NESHAP (see 71 FR
 42743). In 2007, CARB revised
 California's original dry cleaning
 ATCM.

II. California's Submittal

A. Amended Dry Cleaning ATCM

California's Airborne Toxic Control
 Measure for Emissions of
 Perchloroethylene from Dry Cleaning
 and Water Repelling Operations,
 Requirements for Perc Manufacturers,
 and Requirements for Perc Distributors,
 sections 93109, 93109.1, and 93109.2,
 Title 17 of the California Code of
 Regulations (amended dry cleaning
 ATCM), became State law on December
 27, 2007. On July 15, 2009, CARB
 submitted a request to implement and
 enforce the amended dry cleaning
 ATCM in lieu of the dry cleaning
 NESHAP and the previously approved
 original dry cleaning ATCM. This
 request was submitted pursuant to the

provisions of 40 CFR 63.93 and found to be complete on August 13, 2009.

The amended dry cleaning ATCM is implementing a ban on the use of perc in dry cleaning operations in California. Since January 1, 2008, there has been a prohibition on the installation or use of any perc dry cleaning machines at new facilities. Existing facilities must meet equipment and operational requirements until the existing

machines are phased out in accordance with the time frames established in the amended dry cleaning ATCM.

B. Major Dry Cleaning Sources

Under the dry cleaning NESHAP, dry cleaning facilities are divided between major sources and area sources. CARB's request for approval includes only those provisions of the dry cleaning NESHAP that apply to area sources. Thus, dry cleaning facilities that are major

sources, as defined by the dry cleaning NESHAP, remain subject to the dry cleaning NESHAP and the CAA Title V operating permit program.

C. California District Rules

After the May 21, 1996, approval of the original dry cleaning ATCM, the following California District rules were approved in place of the dry cleaning NESHAP:

District	Rule	Adoption date	Approval date
San Luis Obispo County APCD ...	432: Perchloroethylene Dry Cleaning Operations	11/13/1996	12/10/1997 (62 FR 65022)
South Coast AQMD	1421: Control of Perchloroethylene Emissions from Dry Cleaning Systems.	6/13/1997	5/13/1998 (63 FR 26463)
Yolo-Solano AQMD	9.7: Perchloroethylene Dry Cleaning Operations	11/13/1998	1/28/1999 (64 FR 4298)

If the current submittal of the amended dry cleaning ATCM is approved, then the amended dry cleaning ATCM will replace the above rules from San Luis Obispo County Air Pollution Control District and Yolo-Solano County Air Quality Management District as the federally-enforceable regulation in those Districts for perc dry cleaning area sources. In the future, a District may request approval for a local rule under the provisions of 40 CFR § 63.93. Until a request for delegation of a local regulation is submitted and approved by EPA, the amended dry cleaning ATCM would serve as the federally applicable regulation, with the one exception discussed below.

In the South Coast Air Quality Management District (SCAQMD), the previously approved version of Rule 1421 would remain in place as the federally-enforceable regulation for perc dry cleaning area sources. The SCAQMD has asked to be excluded from the CARB request for delegation and intends to submit an amended version of Rule 1421 in a separate delegation request in the future. Therefore, if the amended dry cleaning ATCM is approved, then it will be the federally applicable regulation for perc dry cleaning area sources in all Districts of California except the SCAQMD.

D. California's Authorities and Resources To Implement and Enforce CAA Section 112 Standards

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and 40 CFR part 63, subpart E. To streamline the approval process for future applications, a State may submit for approval a demonstration that it has adequate authorities and resources to implement

and enforce *any* CAA section 112 standards. Approval of this demonstration will obviate the need for the State to resubmit in each subsequent request for approval its prior demonstration that it has adequate authorities and resources to implement and enforce the section 112 standard.

As part of its original dry cleaning ATCM application, approved on May 21, 1996, CARB also requested and received approval of California's authorities and resources to implement and enforce all CAA section 112 programs and rules, with the exception of the accidental release prevention program promulgated pursuant to CAA section 112(r) (*see* 61 FR 25397). Although approval of California's authorities and resources did not result in delegation of the section 112 standards, it obviated the need for California to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of section 112 standards, regardless of whether the State requests approval of rules that are identical to or differ from the Federal standards as promulgated.

In CARB's request for approval of the amended dry cleaning ATCM, submitted on July 15, 2009, CARB satisfied the need to submit certain demonstrations of legal authorities and resources by referencing the demonstrations contained in its original application, approved on May 21, 1996 (*see* 61 FR 25397), and stating that those demonstrations are still applicable. By reference, those original demonstrations are considered a part of this current submittal. The approval of the original application contained a more detailed discussion of EPA's evaluation of these demonstrations of legal authorities and

resources, including a discussion of penalty authorities and variances. The May 21, 1996, action should be consulted for further information.

III. EPA's Evaluation

When a State requests EPA's approval to substitute a State rule for the applicable CAA section 112 Federal rule, EPA is required to "make a detailed and thorough evaluation of the State's submittal to ensure that it meets the stringency and other requirements" of 40 CFR 63.93 (*see* 58 FR 62274). After reviewing CARB's request for approval of its amended dry cleaning ATCM (*see* docket for more information), EPA has determined that CARB's request meets all the requirements necessary to qualify for approval under CAA section 112(l) and 40 CFR 63.91 and 63.93.

While EPA notes that there are differences between the dry cleaning NESHAP and the amended dry cleaning ATCM because the regulations differ in structure and approach, the amended dry cleaning ATCM is designed to phase out the use of perc at dry cleaning facilities. For example, in addition to California's previous prohibition of transfer, vented, and self-service perc dry cleaning machines, the sale or new lease of perc dry cleaning machines was prohibited as of January 1, 2008. The use of perc dry cleaning machines or perc water-repelling operations at new facilities was also prohibited, along with the use of drying cabinets and dip tanks. As of July 1, 2010, existing perc converted machines and perc dry cleaning machines at co-residential locations have been prohibited. Other machines are being phased out according to the age of the machine, and all remaining perc dry cleaning machines must be removed from service

by January 1, 2023. In the final analysis, EPA believes that approval of the amended dry cleaning ATCM will result in emission reductions from each affected sources that are no less stringent than would result from the dry cleaning NESHAP. Accordingly, EPA is proposing to grant California the authority to implement and enforce its amended dry cleaning ATCM in place of the dry cleaning NESHAP for area sources in the State of California, with the exception of the SCAQMD.

IV. Public Comment and Proposed Action

Because EPA believes California's request meets all the requirements necessary to qualify for approval under CAA section 112(l) and 40 CFR 63.91 and 63.93, we are proposing approval of the amended dry cleaning ATCM as a substitute for the dry cleaning NESHAP. We will accept comments 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 establish the amended dry cleaning ATCM as the federally-enforceable regulation in California, with the exception of the SCAQMD, for perc dry cleaning area sources. Although California would have primary implementation and enforcement responsibility, EPA would retain the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112. If this proposal is finalized, the amended dry cleaning ATCM would be the federally-enforceable standard in California and would be enforceable by the Administrator and citizens under the CAA. However, any provision of the amended dry cleaning ATCM that allows for the approval of alternative means of emission limitations must also receive approval from EPA before such alternatives can be used (e.g., Section 93109(d)(27) and (38), and (i)(3)(A)(2)). Additionally, this delegation does not extend to the provisions regarding California's enforcement authorities or its collection of fees as described in Sections 93109.1(c) and 93109.2(c) and (d), Title 17 of the California Code of Regulations. Approval of the amended dry cleaning ATCM does not in any way limit the enforcement authorities, including the penalty authorities, of the Clean Air Act.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a State delegation submission that complies with the provisions of the CAA and applicable

Federal regulations. 42 U.S.C. 7412(l); 40 CFR 63.90. Thus, in reviewing delegation 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 submitted rule 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 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous

substances, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Title III of the Clean Air Act as amended, 42 U.S.C. 2399.

Dated: August 30, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2010-25127 Filed 10-5-10; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R4-ES-2008-0107]

[92210 1111 0000-B2]

RIN 1018-AV88

Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spiny mussel and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to list the Altamaha spiny mussel (*Elliptio spinosa*), a freshwater mussel endemic to the Altamaha River drainage of southeastern Georgia, as an endangered species under the Endangered Species Act of 1973, as amended (Act), and to designate approximately 240 kilometers (149 miles) of mainstem river channel as critical habitat in Appling, Ben Hill, Coffee, Jeff Davis, Long, Montgomery, Tattnall, Telfair, Toombs, Wayne, and Wheeler Counties, Georgia. This proposed rule, if made final, would implement the Federal protections provided by the Act.

DATES: We will consider comments received or postmarked on or before December 6, 2010. We must receive requests for public hearings, in writing, at the address shown in the **FOR FURTHER INFORMATION CONTACT** section by November 22, 2010.

ADDRESSES: You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket no. **FWS-R4-ES-2008-0107**.

- U.S. mail or hand-delivery: Public Comments Processing, Attn: **FWS-R4-ES-2008-0107**; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.