

correct the exemption of agricultural activities from fugitive dust rules. In these submittals, the exemption for agricultural activities at subsection 4–2–020.B, along with the definition of “normal farm cultural practice” at subsection 4–2–030.2, were deleted; thus, correcting this deficiency. After the 12/02/02 adoption of this amendment, the Pinal County Governing Board amended its list of SIP measures (Chapter 1, Article 1, Section 105—SIP List) on 01/07/09 to reflect its 12/02/02 action and has submitted this list to EPA.

Pinal County’s submittal of Rules 2–8–302, 4–4, 4–5, 4–7, and 4–9 is intended to address and correct the Rule 4–2–030 “reasonable precautions” and Rule 4–2–050 recordkeeping deficiencies in our limited disapproval.

Should EPA complete a final approval action on the submitted rules, we will find that Pinal County has corrected the deficiencies described above. Consequently, sanctions will be terminated and our Federal Implementation Plan (FIP) obligation will be removed.

Today, we are also publishing an interim final determination with this proposal that will stay sanctions during the public comment period and while we review any public comments we may receive.

The TSDs have more information on our evaluation. Because correcting the 4–2–020 and 4–2–030 deficiencies only involved removing the agricultural activities exemption, we have not provided a TSD discussing this amendment to Rules 4–2–020 and 4–2–030.

C. EPA Recommendations To Further Improve the Rules

The TSD for Rule 4–7 describes additional rule revisions that do not affect EPA’s current action but are recommended for the next time Pinal County modifies Rule 4–7 and 4–9. Rule 4–9 contains an editorial error that should be corrected as soon as practicable.

D. Public Comment and Final Action

Because EPA believes the submitted rules fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. 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 these rules into the federally enforceable SIP and remove all sanctions and FIP obligations

associated with our August 1, 2007 limited disapproval.

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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: July 31, 2009.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. E9–19651 Filed 8–14–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2005–0161; FRL–8945–6]

RIN 2060–A081

Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program; Notice of Availability of Expert Peer Review Record

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for comments.

SUMMARY: The U.S. Environmental Protection Agency (“EPA”) announces the availability of documents pertaining to the expert peer review record completed on the Renewable Fuel Standard Program (RFS2) Lifecycle Greenhouse Gas (GHG) Analysis. On May 5, 2009, EPA announced proposed revisions to the National Renewable Fuel Standard program (commonly known as the RFS program) as required by the Energy Independence and Security Act (EISA) of 2007. EISA established new renewable fuel categories and eligibility requirements, including setting the first ever mandatory GHG reduction thresholds for the various categories of renewable fuels. EISA also defined the term lifecycle greenhouse gas (GHG) emissions. As part of proposed revisions to the RFS program and in accordance with the EISA definition of GHG emissions, EPA examined the GHG impacts associated with different types of renewable fuels. Several new pieces of analysis were developed to support this lifecycle assessment. EPA decided to initiate an independent peer review to help respond to stakeholder concerns and to ensure that the Agency makes decisions based on the best science available. The Agency, in accordance

with the Office of Management and Budget and EPA peer review guidance contracted with independent, third party sources to conduct an external expert peer review of this work. The results of the expert peer review are being made available to the public for notice and comment to supplement the current record.

DATES: Written comments must be received on or before September 25, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2005-0161, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* a-and-r-docket@epa.gov.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.

- *Hand Delivery:* EPA Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. 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: Direct your comments to Docket ID No. EPA-HQ-OAR-2005-0161. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at 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 www.regulations.gov or e-mail. The 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 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, please refer to the notice of proposed rulemaking (Section XI, Public Participation, of the **SUPPLEMENTARY INFORMATION** section of the proposed rulemaking document).

How Can I Access the Docket?

All documents in the docket are listed in the 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 www.regulations.gov or in hard copy at the Air and Radiation Docket and Information 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 Air Docket is (202) 566-1742.

How Can I Get Copies of This Document, the Proposed Rule, and Other Related Information?

The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2005-0161. The EPA has also developed a Web site for the proposed RFS2 rule, including the notice of proposed rulemaking, at: <http://www.epa.gov/otaq/renewablefuels/index.htm>. Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal, including the expert peer review record. **FOR FURTHER INFORMATION CONTACT:** Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4131; Fax number:

(734) 214-4816; E-mail address: macallister.julia@epa.gov, or Assessment and Standards Division Hotline; telephone number (734) 214-4636; E-mail address: asdinfor@epa.gov.

SUPPLEMENTARY INFORMATION:

Background: To meet the lifecycle requirements as defined by the Energy Independence and Security Act of 2007 (EISA), EPA, in consultation with the U.S. Department of Agriculture (USDA) and the U.S. Department of Energy (DOE), developed a comprehensive methodology, including an assessment of significant indirect land use impacts. EPA has specifically relied on a number of expert peer reviewed models and data sources for individual components of the analysis. This methodology is described in detail in both the Preamble and Draft Regulatory Impact Analysis of EPA's Notice of Proposed Rulemaking available at: <http://www.epa.gov/OMS/renewablefuels/#regulations>.

In addition, several new pieces of analysis were developed to support this lifecycle assessment and these new pieces underwent scientific expert peer review contemporaneously with the public comment period of the rulemaking. The new pieces of analysis presented for expert peer review were: (1) Land use modeling (use of satellite data/land conversion GHG emission factors); (2) Methods to account for the variable timing of GHG emissions; (3) EPA estimates of GHG emissions from foreign crop production (modeling and data used); (4) How the models EPA relied upon are used together to provide overall lifecycle estimates (not a review of models themselves but how the results of each have been used together).

The reviews were conducted following the Office of Management and Budget's (OMB) expert peer review guidance that ensures consistent government-wide implementation of expert peer review and according to EPA's longstanding and rigorous expert peer review policies.

In accordance with this guidance, EPA used independent, third-party contractors to conduct the external expert peer review. The contractor was responsible for identifying a list of expert reviewers and checking for possible conflict of interest. EPA provided the contractor with a description of expertise required and examples of experts that fit the expertise needed for each review. EPA also provided a list of names, submitted from several external sources, for the contractor to consider during the selection process. Further, EPA provided charge questions for each

review which guided the review process. For these particular expert peer reviews, the charge questions were reviewed by OMB. As part of the review process, the Contractor also developed the expert peer review record which EPA is now publicly available. The expert peer reviewers were charged with working independently and were not asked to reach a consensus decision.

Notice of Availability: The expert peer review records completed in this process are now available in the public docket and available at <http://www.epa.gov/otaq/renewablefuels/index.htm>.

The docket includes: Materials provided to the expert peer reviewers; list of names and affiliations of the expert peer reviewers; a summary of comments, as well as comments attributable to individual reviewers.

Dated: August 7, 2009.

Margo T. Oge,

Director, Office of Transportation and Air Quality.

[FR Doc. E9-19466 Filed 8-14-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-2009-0227; FRL-8945-2]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent To Delete the Island Chemical Corp/Virgin Islands Chemical Corp. Superfund Site From the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete the Island Chemical Corp/Virgin Islands Chemical Corp. (Site) located in St. Croix, Virgin Islands, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the Territory of U.S. Virgin Islands, through the Virgin Islands Department of Planning and Natural Resources have determined that all appropriate response actions under CERCLA, have been completed. However, this deletion

does not preclude future actions under Superfund.

DATES: Comments must be received by September 16, 2009.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-2009-0227, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.

- *E-mail:* kwan.caroline@epa.gov.

- *Fax:* (212) 637-4284.

- *Mail:* U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th floor, New York, NY 10007-1866.

- *Hand delivery:* U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th floor, New York, NY. 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: Direct your comments to Docket ID no. EPA-HQ-SFUND-2009-0227. 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.

Docket: All documents in the docket are listed in the [http://](http://www.regulations.gov)

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 the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at: U.S. Environmental Protection Agency, Region 2, 290 Broadway, Superfund, Record Center, Room 1828, New York, NY 10007-1866. *Hours:* Monday to Friday from 9 a.m. to 5 p.m. Telephone No. (212) 637-4308
Department of Planning and Natural Resources, 45 Mars Hill, Frederiksted, U.S. Virgin Islands, 00850. *Hours:* Monday to Friday from 9 a.m. to 5 p.m. Telephone No. (340) 773-1082.
U.S. Environmental Protection Agency, Caribbean Environmental Protection Division, Tunick Building, Suite 102, 1336 Beltjen Road, St. Thomas, VI 00801. *Hours:* Monday to Friday from 9 a.m. to 5 p.m. Telephone No. (340) 714-2333.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Kwan, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th floor, New York, NY 10007-1866, (212) 637-4275, e-mail: kwan.caroline@epa.gov.

SUPPLEMENTARY INFORMATION: In the "Rules and Regulations" Section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of Island Chemical Corp/Virgin Islands Chemical Corp. Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the Rules section of this **Federal Register**.