

(2) In accordance with 10 U.S.C. 2536, DoD and the Department of Energy (DOE) cannot award a contract involving access to proscribed information to a contractor effectively owned or controlled by a foreign government unless a waiver has been issued by the Secretary of Defense or Secretary of Energy.

(3) NIDs may be program-, project-, or contract-specific. For program and project NIDs, a separate NID is not required for each contract. The CSO may require the GCA to identify all contracts covered by the NID. NID decisions shall be made by officials as specified by CSA policy or as designated by the agency head.

(4) NID decisions shall be made within 30 days.

(i) Where no interagency coordination is required because the department or agency owns or controls all of the proscribed information in question, the GCA shall provide a final documented decision to the applicable CSO, with a copy to the contractor, within 30 days of the date of the request for the NID.

(ii) If the proscribed information is owned by, or under the control of, a department or agency other than the GCA (e.g., National Security Agency (NSA) for Communications Security, the Office of the Director of National Intelligence (ODNI) for Sensitive Compartmented Information, and DOE for Restricted Data), the GCA shall provide written notice to that department or agency that its written concurrence is required. Such notice shall be provided within 30 days of being informed by the CSO of the requirement for a NID. The GCA shall provide a final documented decision to the applicable CSO, with a copy to the contractor, within 60 days of the date of the request for the NID.

(iii) If the NID decision is not provided within 30 days, per § 2004.22(c)(4)(i), or 60 days, per § 2004.22(c)(4)(ii), the CSA shall

intercede to request the GCA to provide a decision. In such instances, the GCA, in addition to formally notifying the CSA of the special circumstances, per § 2004.22(c)(1)(iii), will provide the CSA or its designee with updates at 30-day intervals. The CSA, or its designee, will, in turn, provide the contractor with updates at 30-day intervals until the NID decision is made.

(5) The CSO shall not delay implementation of an SSA pending completion of a GCA's NID processing, provided there is no indication that a NID will be denied either by the GCA or the owner of the information (i.e., NSA, DOE, or ODNI). However, the contractor shall not have access to additional proscribed information under a new contract until the GCA determines that the release of the information is consistent with national security interests and issues a NID.

(6) The CSO shall not upgrade an existing contractor clearance under an SSA to Top Secret unless an approved NID covering the prospective Top Secret access has been issued.

Dated: March 30, 2010.

**William J. Bosanko,**  
Director, Information Security Oversight Office.

Approved: March 30, 2010.

**David S. Ferriero,**  
Archivist of the United States.

[FR Doc. 2010-7776 Filed 4-5-10; 8:45 am]

**BILLING CODE 7515-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2009-0521; FRL-9096-8]

**Revisions to the Arizona State Implementation Plan; Pinal County**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of revisions to the Pinal County portion of the Arizona State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on August 17, 2009 and concern particulate matter (PM) emissions from construction, earthmoving, and related activities, and commercial and residential unpaved parking lots. We are approving these local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** *Effective Date:* This rule is effective on May 6, 2010.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2009-0521 for this action. The index to the docket 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:** Jerry Wamsley, EPA Region IX, (415) 947-4111, [wamsley.jerry@epa.gov](mailto:wamsley.jerry@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

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**I. Proposed Action**

On August 17, 2009 (74 FR 41357), EPA proposed to approve into the Arizona SIP the rules listed below.

Local agency	Rule No.	Rule title	Adopted	Submitted
Pinal County .....	2-8-302	Performance Standards—Hayden PM10 Non-attainment Area .....	01/07/09	06/12/09
	4-2-020	Fugitive Dust—General .....	12/04/02	06/12/09
	4-2-030	Fugitive Dust—Definitions .....	12/04/02	06/12/09
	4-4	PM-10 Non-attainment Area Rules; Dustproofing and Stabilization for Commercial Unpaved Parking, Drive and Working Yards.	06/03/09	06/12/09
	4-5	PM-10 Non-attainment Area Rules; Stabilization for Residential Parking and Drives.	06/03/09	06/12/09
	4-7	Construction Sites in Non-Attainment Areas—Fugitive Dust .....	06/03/09	06/12/09
	4-9	Test Methods .....	06/03/09	06/12/09

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received one inquiry as to how to obtain the Technical Support Document and other electronic files related to the rulemaking. We received no other comments.

## III. EPA Action

No comments were submitted that change our assessment that the submitted rules comply with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules into the Arizona SIP.

Also, on August 17, 2009, we published an Interim Final Determination staying and deferring CAA section 179 sanctions for Pinal County pending our final action on the rules listed above (see 74 FR 41340). With this final approval action, we find that these rules correct the deficiencies we described in our August 1, 2007 limited disapproval action (see 72 FR 41896). Consequently, all section 179 sanctions and our Federal Implementation Plan obligations under CAA section 110(c) following from our August 1, 2007 limited disapproval are terminated upon the effective date of this final rule action.

## IV. 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.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the

appropriate circuit by June 7, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: November 24, 2009.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

**Editorial Note:** This document was received in the Office of the Federal Register on April 1, 2010.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is 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.*

### Subpart D—Arizona

■ 2. Section 52.120 is amended by adding paragraph (c)(145) to read as follows:

#### § 52.120 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(145) New and amended regulations were submitted on June 12, 2009 by the Governor's designee.

(i) *Incorporation by Reference.*

(A) Pinal County Air Quality Control District.

(1) Rule 2-8-302, "Performance Standards—Hayden PM-10 Non-attainment Area," adopted on January 7, 2009.

(i) Pinal County Board of Supervisors, Resolution No. 010709-AQ3, Pinal County Air Quality Control District, "A Resolution of the Board of Supervisors of Pinal County, Adopting Certain Revisions to the Pinal County Air Quality Control District Rules, adopted January 7, 2009; to Wit: Rule 2-8-302 (Performance Standards—Hayden PM10 Nonattainment Area). Rule 4-2-020, "Fugitive Dust—General," amended on December 4, 2002. Rule 4-2-030, "Fugitive Dust—Definitions," amended on December 4, 2002. Chapter 4, Article

4, "PM-10 Non-attainment Area Rules; Dustproofing and Stabilization for Commercial Unpaved Parking, Drive and Working Yards"; Section 4-4-100, "General Provisions," amended on June 3, 2009; Section 4-4-110, "Definitions," amended on June 3, 2009; Section 4-4-120, "Objective Standards," amended on June 3, 2009; Section 4-4-130, "Work Practice Standards," adopted on June 3, 2009; Section 4-4-140, "Recordkeeping and Records Retention," adopted on June 3, 2009. Chapter 4, Article 5, "PM-10 Non-attainment Area Rules; Stabilization for Residential Parking and Drives"; Section 4-5-150, "Stabilization for Residential Parking and Drives; Applicability," amended on June 3, 2009; Section 4-5-160, "Residential Parking Control Requirement," amended on June 3, 2009; Section 4-5-170, "Deferred enforcement date," amended on June 3, 2009. Chapter 4, Article 7, "Construction Sites in Non-Attainment Areas—Fugitive Dust"; Section 4-7-210, "Definitions," adopted on June 3, 2009; Section 4-7-214, "General Provisions," adopted on June 3, 2009; Section 4-7-218, "Applicability; Development Activity," adopted on June 3, 2009; Section 4-7-222, "Owner and/or Operator Liability," adopted on June 3, 2009; Section 4-7-226, "Objective Standards; Sites," adopted on June 3, 2009; Section 4-7-230, "Obligatory Work Practice Standards; Sites," adopted on June 3, 2009; Section 4-7-234, "Nonattainment-Area Dust Permit Program; General Provisions," adopted on June 3, 2009; Section 4-7-238, "Nonattainment Area Site Permits," adopted on June 3, 2009; Section 4-7-242, "Nonattainment Area Block Permits," adopted on June 3, 2009; Section 4-7-246, "Recordkeeping and Records Retention," adopted on June 3, 2009. Chapter 4, Article 9, "Test Methods"; Section 4-9-320, "Test Methods for Stabilization For Unpaved Roads and Unpaved Parking Lots," adopted on June 3, 2009; Section 4-9-340, "Visual Opacity Test Methods," adopted on June 3, 2009.

\* \* \* \* \*

[FR Doc. 2010-7737 Filed 4-5-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 272

[EPA-R10-RCRA-2009-0868; FRL-9122-8]

#### Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program

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

**ACTION:** Direct final rule.

**SUMMARY:** The Resource Conservation and Recovery Act, as amended, (RCRA), allows the Environmental Protection Agency (EPA) to authorize State hazardous waste programs if EPA finds that such programs are equivalent to and consistent with the Federal RCRA program and if such programs provide adequate enforcement of compliance. The regulations are used by EPA to codify its decision to authorize individual State programs and incorporate by reference those provisions of the State statutes and regulations that are subject to EPA's RCRA inspection and enforcement authorities as authorized provisions of the State's program. This direct final rule revises the codification of the authorized Idaho hazardous waste management program and incorporates by reference authorized provisions of the State's statutes and regulations.

**DATES:** This rule is effective June 7, 2010, unless the EPA receives adverse comment on this regulation by the close of business May 6, 2010. If the EPA receives such comments, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** informing the public that the rule will not take effect. The Director of the Federal Register approves this incorporation by reference as of June 7, 2010 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-RCRA-2009-0868 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [hedgpeth.zach@epa.gov](mailto:hedgpeth.zach@epa.gov).
- *Mail:* Zach Hedgpeth, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop AWT-122, Seattle, Washington 98101.
- *Hand Delivery:* Zach Hedgpeth, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop AWT-122, Seattle, Washington 98101. Such deliveries are only accepted during the normal business hours of operation; special

arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R10-RCRA-2009-0868. 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>.

**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 EPA Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101. This Docket Facility is open from 9 a.m. to noon, and 1 to 4 p.m. Monday through Friday, excluding legal holidays. The library telephone number is 206-553-1289.

**FOR FURTHER INFORMATION CONTACT:** Zach Hedgpeth, U.S. EPA, Region 10,