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[FR Doc. 2010–15889 Filed 6–29–10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2008–0708, FRL–9169–6]

RIN 2060–AP36

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** on March 3, 2010, a document amending the national emission standards for hazardous air pollutants for existing stationary compression ignition reciprocating internal combustion engines. The amendments inadvertently removed paragraphs from the regulation. EPA is correcting this error.

DATES: Effective on June 30, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie King, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–2469; facsimile number (919) 541–5450; e-mail address *king.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Amendments

EPA published in the **Federal Register** on March 3, 2010 (75 FR 9674) a document amending the national emission standards for hazardous air pollutants for existing stationary compression ignition reciprocating internal combustion engines. 40 CFR 63.6590 was amended by revising paragraphs (b)(1) and (3). Inadvertently, paragraphs (b)(1)(i) and (ii) of section 63.6590(b)(1) were removed. This correction amends section 63.6590 by reinstating paragraphs 63.6590(b)(1)(i) and (ii).

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the Agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment because this action only corrects a simple and obvious instructional error that would cause a change that was clearly not intended by the Agency in the final rule, as indicated by the preamble to the final rule. Thus, notice and public procedure is unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B). (*See also* the final sentence of section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. 307(d)(1), indicating that the good cause provisions in subsection 553(b) of the APA continue to apply to this type of rulemaking under section 307(d) of the CAA.)

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The correction does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute (*see* Section I of this preamble), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4]. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

This action does not have substantial direct effects on the States, or on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of Government, as specified in Executive Order 13132, Federalism (64 FR 43255, August 10, 1999).

This action does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000). This action also is not subject to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

This action is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because this action is not a significant regulatory action under Executive Order 12866.

This action does not involve changes to the technical standards related to test methods or monitoring requirements; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

This action also does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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 U.S. Section 808 allows the issuing Agency to make a rule effective sooner than otherwise provided by the CRA if the Agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, we have determined that there is good cause for making this correction final without prior proposal and opportunity for comment because this action only corrects a simple and obvious instructional error that would cause a change that was clearly not intended by the Agency in the final rule, as indicated by the preamble to the final rule. Thus, notice and public procedure is unnecessary. EPA has therefore established an effective date of June 30, 2010. The EPA will submit a report containing this final action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the U.S. prior to publication of this action in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule is effective June 30, 2010.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure,

Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 24, 2010.

Lisa P. Jackson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—[Amended]

■ 2. Section 63.6590 is amended by revising paragraph (b)(1) to read as follows:

§ 63.6590 What parts of my plant does this subpart cover?

* * * * *

(b) * * *

(1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of § 63.6645(f).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

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[FR Doc. 2010–15886 Filed 6–29–10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2005–0161; FRL–9169–9]

RIN 2060–AQ31

Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: EPA published a direct final rule to amend the Renewable Fuel Standard program requirements on May 10, 2010. Because EPA received adverse comment, we are withdrawing several provisions of the direct final rule.

DATES: Effective June 30, 2010, EPA withdraws the definitions of "actual peak capacity," "baseline volume," and "permitted capacity" from 40 CFR 80.1401, and the amendments to 40 CFR 80.1403(a), 80.1425 introductory text and paragraph (i), 80.1426(d)(1) introductory text, 80.1426 Table 2, 80.1426(f)(3)(iv), 80.1426(f)(3)(v), 80.1426(f)(12), 80.1452(b) introductory text, (b)(2), (b)(4), (b)(6), (b)(9), (b)(13), and (b)(15), and 80.1452(c) introductory text, (c)(4), (c)(5), and (c)(7), that were published at 75 FR 26026 on May 10, 2010.

FOR FURTHER INFORMATION CONTACT: Megan Brachtl, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality (Mail Code: 6405J), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343–9473; fax number: (202) 343–2802; e-mail address: *brachtl.megan@epa.gov.*

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing several provisions of the direct final rule to amend the Renewable Fuel Standard program requirements, published on May 10, 2010. We stated in that direct final rule that if we received adverse comment by June 9, 2010, the portion of the direct final rule on which adverse comment was received would not take effect, and we would publish a timely withdrawal of such portions of the direct final rule in the **Federal Register**.

We subsequently received adverse comment on the following provisions: Certain of the amendments to 40 CFR 80.1401 (moved the definitions of "actual peak capacity," "baseline volume," and "permitted capacity" from 40 CFR 80.1403(a), revised the definition of "actual peak capacity" to clarify how it is calculated and revised the definition of "permitted capacity" to clarify the dates before which permits used to establish a facility's permitted capacity must have been issued or revised); 40 CFR 80.1425 (clarified that RINs generated after July 1, 2010, may only be generated and transferred using the EPA-Moderated Transaction System (EMTS) and will not be identified by a 38-digit code and that the value of EEEEEEEE in a batch-RIN will be determined by the number of gallon-RINs generated for the batch); 40 CFR 80.1426(d)(1), 80.1426(f)(3)(iv), and 80.1426(f)(3)(v) (clarified that a unique BBBBB code in the RIN, or its equivalent in EMTS, is used to identify a batch of renewable fuel from a given renewable fuel producer or importer); 40 CFR 80.1426 Table 2 (clarified the extent to which renewable fuel producers must use certain advanced technologies in order for them to be considered when determining the proper D code for their fuel); 40 CFR 80.1426(f)(12) (clarified the requirements for gas to be considered biogas for purposes of determining a renewable fuel's D code); 40 CFR 80.1452(b) (clarified that RINs must be generated in EMTS within five (5) business days of being assigned to a batch of renewable fuel and clarified the information required to be submitted via EMTS for each batch of renewable fuel produced or imported); and, 40 CFR 80.1452(c) (clarified that transactions involving RINs generated on or after July 1, 2010 must be conducted via EMTS within five (5) business days of a reportable event, and clarified the meaning of the term "reportable event" and the information required to be submitted via EMTS for each transaction involving RINs generated on or after July 1, 2010).

EPA published a parallel proposed rule on the same day as the direct final rule. The proposed rule invited comment on the substance of the direct final rule. We will address the comments received on the portions of the direct final rule listed above in a subsequent final action based on the parallel proposed rule also published on May 10, 2010 (75 FR 26049). The provisions for which we did not receive adverse comment will become effective on July 1, 2010, as provided in the May 10, 2010, direct final rule.

Dated: June 24, 2010.

Lisa P. Jackson,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ Accordingly, the definitions of "actual peak capacity," "baseline volume," and "permitted capacity" in 40 CFR 80.1401, and the amendments to 40 CFR 80.1403(a), 80.1425 introductory text and paragraph (i), 80.1426(d)(1) introductory text, 80.1426 Table 2, 80.1426(f)(3)(iv), 80.1426(f)(3)(v), 80.1426(f)(12), 80.1452(b) introductory text, (b)(2), (b)(4), (b)(6), (b)(9), (b)(13), and (b)(15), and 80.1452(c) introductory text, (c)(4), (c)(5), and (c)(7), that were published on May 10, 2010 (75 FR 26026) are withdrawn as of June 30, 2010.

[FR Doc. 2010–15881 Filed 6–29–10; 8:45 am]

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