

when it approves a local program or amendments to a program. Since the Montana Clean Air Act (MCAA) authorizes MDEQ to enforce board orders issued by MBER, MDEQ has the authority to assume jurisdiction over, and implement, an approved local program. However, the MCAA also requires a hearing before MBER before such an assumption of jurisdiction and authority can be taken.

#### D. Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. MDEQ submitted an emissions inventory for Thompson Falls on June 26, 1997, withdrew that inventory on February 28, 1999, and resubmitted it with revisions on June 13, 2000.

MDEQ chose July 1990 through June 1991 as the Thompson Falls base year inventory of PM<sub>10</sub> emissions. The results of the emissions inventory indicate that area sources contribute approximately 77 percent of the total emissions for the area, of which re-entrained road dust (from paved roads) contributes approximately 59 percent and woodburning contributes approximately 14.4 percent. Stationary sources accounted for 23 percent of the emissions inventory (this figure includes 2.8 percent for industrial road dust).<sup>3</sup>

EPA is proposing to approve the emission inventory for Thompson Falls because it is accurate and comprehensive, and consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the Act.<sup>4</sup>

In addition to the above requirements for the use of the clean data areas approach, any requirements that are dependent solely on designation or classification, such as new source review (NSR) and RACM/RACT, will remain in effect. New source review requirements have been approved as part of the Administrative Rules of Montana, title 17, chapter 8, subchapters 8 and 9 and were approved

as part of the SIP on August 13, 2001 (see 66 FR 42427). New source review requirements that were approved into the SIP will continue to be in effect. However, the requirements under CAA section 172(c) for developing attainment demonstrations, RFP demonstrations, and contingency measures are waived due to the fact that the areas which are eligible under this approach have already attained the PM<sub>10</sub> NAAQS and have met RFP. Any sanctions clocks that may be running for an area due to failure to submit, or disapproval of, any attainment demonstration, RFP or contingency measure requirements, are stopped. In addition, areas are still required to demonstrate transportation conformity using the build/no-build test, or the no-greater-than-1990 test. The emissions budget test would not be required, because the requirements for an attainment demonstration and RFP, which establish the budgets, no longer apply. The applicable tests for general conformity still apply. The use of the clean data areas approach doesn't act as a CAA section 107(d) redesignation, but only serves to approve nonattainment area SIPs required under part D of the CAA.

#### IV. Proposed Action

We are proposing to approve State Implementation Plan (SIP) revisions submitted by the Governor of Montana on June 26, 1997, and June 13, 2000. The June 26, 1997, submittal revises the SIP by adding the Thompson Falls Air Pollution Control Plan and an emissions inventory for the Thompson Falls PM<sub>10</sub> nonattainment area. On February 28, 1999, the Governor of Montana withdrew all chapters of the Thompson Falls Air Pollution Control Plan submitted on June 26, 1997, except chapters 45.2, 45.10.10 and 45.10.12 and the emissions inventory. The June 13, 2000 submittal contains corrections to chapter 45.10.10 of the Thompson Falls Air Pollution Control Plan and the emissions inventory submitted on June 26, 1997. Chapters 45.2, 45.10.10 and 45.10.12 of the Thompson Falls Air Pollution Control Plan include the PM<sub>10</sub> control measures, control demonstration and enforceability sections of the plan. We are proposing to approve the emissions inventory for Thompson Falls and chapters 45.2, 45.10.10 and 45.10.12 of the Thompson Falls Air Pollution Control Plan using the PM<sub>10</sub> clean areas data approach.

We are soliciting public comments on the issues discussed in this document, or on other relevant matters. If you submit comments, they will be considered before we take final action. Interested parties may participate in the

Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this document.

#### V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, 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 (64 FR 43255, August 10, 1999). This action merely proposes to approve a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

<sup>3</sup> Emissions from Conoco Inc. were not included in the Thompson Falls emissions inventory even though Conoco is inside the emissions inventory boundary. Conoco operates an unloading facility in Thompson Falls; this is a minor source (emissions are less than 100 tons per year for any one pollutant) with a state-issued permit. Actual PM<sub>10</sub> emissions from this source are very low as most of the emissions are volatile organic compounds (VOCs).

<sup>4</sup> EPA issued guidance on PM<sub>10</sub> emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 PM-10 SIP Development Guideline. The guidance provided in this document is consistent with the revised Act.