

with Indian Tribal Governments, because it does 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (32)(e), of the Instruction, an “Environmental

Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Words of Issuance and Regulatory Text

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.123 by revising paragraph(b)(1) as follows:

§ 117.123 Arkansas Waterway.

(b) * * *

(1) Normal Flow Procedures. Any vessel which requires an opening of the draw of this bridge shall establish contact by radiotelephone with the remote drawbridge operator on VHF–FM Channel 13 in Omaha, Nebraska. The remote drawbridge operator will advise the vessel whether the requested span can be immediately opened and maintain constant contact with the vessel until the requested span has opened and the vessel passage has been completed. The bridge is equipped with a Photoelectric Boat Detection System to prevent the span from lowering if there is an obstruction under the span. If the drawbridge cannot be opened immediately, the remote drawbridge operator will notify the calling vessel and provide an estimated time for a drawbridge opening.

Dated: April 17, 2008.

J.H. Korn,

Captain U.S. Coast Guard, Commander 8th Coast Guard District, Acting.

[FR Doc. E8–9818 Filed 5–5–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AM17

Typographical Error: Notice and Assistance Requirements; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: The Department of Veterans Affairs (VA) published a document in

the **Federal Register** of April 30, 2008, revising its regulation governing VA’s duty to provide a claimant with notice of the information and evidence necessary to substantiate a claim and VA’s duty to assist a claimant in obtaining the evidence necessary to substantiate the claim. The document inadvertently contained a typographical error, and this document corrects that error.

DATES: *Effective Date:* This correction is effective May 6, 2008.

FOR FURTHER INFORMATION CONTACT:

Maya Ferrandino, Consultant, Regulations Staff (211D), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (727) 319–5847.

SUPPLEMENTARY INFORMATION: On April 30, 2008, VA published in the **Federal Register** (73 FR 23353) a document revising its regulation regarding VA’s duty to provide a claimant with notice of the information and evidence necessary to substantiate a claim and VA’s duty to assist a claimant in obtaining the evidence necessary to substantiate the claim. In the rule, one typographical error was inadvertently published. The reason for the typographical error is that, between the publication of the proposed rule and the publication of the final rule, VA had redesignated the relevant provision of its procedures manual from “c” to “d.” This document corrects that error.

In FR Doc. E8–9454 published on April 30, 2008 (73 FR 23353), make the following correction. On page 23355, in the second column, in the first sentence of the third full paragraph, the VA Manual M21–1MR paragraph reference is corrected by removing “I.1.B.3.c” and adding in its place “I.1.B.3.d”.

Approved: April 30, 2008.

Robert C. McFetridge,

Assistant to the Secretary for Regulation Policy and Management.

[FR Doc. E8–9966 Filed 5–5–08; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2008–0005; FRL–8562–1]

Approval and Promulgation of Implementation Plans; Revised PM_{2.5} Motor Vehicle Emissions Budgets; State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan revision submitted by the State of New Jersey. This revision updates the 2009 PM_{2.5} motor vehicle emissions budgets for Mercer County (for direct PM_{2.5} and NO_x, a precursor), located within the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} nonattainment area. The intended effect of this rulemaking is to approve budgets that will be used to determine transportation conformity.

DATES: This rule will be effective June 5, 2008.

ADDRESSES: Copies of the State submittals are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866.

New Jersey Department of Environmental Protection, Public Access Center, 401 East State Street, 1st Floor, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Matthew Laurita, laurita.matthew@epa.gov at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007-1866, telephone number (212) 637-3895, fax number (212) 637-3901.

SUPPLEMENTARY INFORMATION:

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- I. Analysis of the State's Submittal
- II. Comments on the Proposed Rulemaking
- III. Final EPA Action
- IV. Statutory and Executive Order Reviews

I. Analysis of the State's Submittal

On December 17, 2007, New Jersey submitted a proposed state implementation plan (SIP) revision to EPA updating the existing motor vehicle emissions budgets ("budgets") for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} nonattainment area (PM_{2.5} is composed of airborne particles generally less than or equal to 2.5 micrometers in diameter). At the time of the submittal, New Jersey requested that EPA parallel process the SIP revision. New Jersey subsequently held a public hearing on January 28, 2008, and accepted public comments until January 31, 2008. On February 25, 2008, New Jersey submitted a final SIP revision to EPA with no substantive changes from the December 17, 2007 submittal. For more

information on New Jersey's December 17, 2007 submittal, please see EPA's March 5, 2008, Notice of Proposed Rulemaking (73 FR 11846).

When EPA approved New Jersey's initial PM_{2.5} budgets (71 FR 38770, July 10, 2006), we inadvertently did not revise 40 Code of Federal Regulations (CFR) part 52 to include the approved budgets. In this action we are updating 40 CFR part 52 to reflect both the July 10, 2006, final rulemaking and today's final rulemaking.

II. Comments on the Proposed Rulemaking

EPA proposed approval of New Jersey's SIP revision on March 5, 2008 (73 FR 11846). The comment period closed on April 4, 2008. EPA did not receive any comments.

III. Final EPA Action

EPA is approving revisions to the 2009 PM_{2.5} motor vehicle emissions budgets for Mercer County, New Jersey. The revised budgets are 108 tons per year for direct PM_{2.5} and 5,056 tons per year for NO_x. These revised motor vehicle emissions budgets supersede the previous 2009 budgets and are to be used by the Delaware Valley Regional Planning Commission in making transportation conformity determinations on or after the effective date of this Final Rulemaking.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this 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 action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this 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 approves 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 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 approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This 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.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

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

Dated: April 24, 2008.

Alan J. Steinberg,

Regional Administrator, Region 2.

■ 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 FF—New Jersey

■ 2. Section 52.1602 is added to read as follows:

§ 52.1602 Control strategy and regulations: PM_{2.5}.

(a) Approval—On May 18, 2006, New Jersey submitted an early PM_{2.5} implementation plan to set motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} nonattainment area. The budgets were allocated by metropolitan planning organization as follows: North Jersey Transportation Planning Authority: 1,207 tons per year of direct PM_{2.5} and 61,676 tons per year of NO_x; Delaware Valley Regional Planning Commission: 89 tons per year of direct PM_{2.5} and 4,328 tons per year of NO_x.

(b) Approval—On February 25, 2008, New Jersey submitted a revision to its early PM_{2.5} implementation plan to revise the motor vehicle emissions budgets for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM_{2.5} nonattainment area. The revised budgets, applicable to the Delaware Valley Regional Planning Commission, are as follows: 108 tons per year of direct PM_{2.5} and 5,056 tons per year of NO_x.

[FR Doc. E8-9819 Filed 5-5-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 60, 61, 62, and 63**

[FRL-8563-1]

Change of Address for Submission of Certain Reports; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA is correcting the address for EPA Region VIII in General Provisions of EPA regulations. Certain EPA air pollution control regulations require submittal of notifications, reports, and other documents to the EPA regional office. This technical amendment updates and corrects the address for submitting such information to the EPA Region VIII office.

DATES: *Effective Date:* This document is effective June 5, 2008.

FOR FURTHER INFORMATION CONTACT:

Laurie Ostrand, Air and Toxics Technical Enforcement Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6437, ostrand.laurie@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, wherever “we” or “our” is used it means the EPA. Section 553 of the Administrative Procedures Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures 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 today’s rule final without prior proposal and opportunity for comment because we are merely correcting EPA Region VIII’s address. Thus notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Specifically, EPA is correcting the address for EPA Region VIII in the General Provisions of 40 CFR parts 60, 61, 62, and 63. Certain provisions of 40 CFR parts 60, 61, 62, and 63 regulations require the submittal of notifications, reports, and other documents to the EPA regional office. This technical amendment updates and corrects the address for submitting such information to the EPA Region VIII office.

Statutory and Executive Order Review

Under Executive Order 12866 (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 rule 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 it is not a significant regulatory action under Executive Order 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, 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, 109 Stat. 48 (1995)). 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 UMRA. This rule also does 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), nor will it 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 rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the Executive Order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (CRA) (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. 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,