

and the public and the environment while reactor vessels are in a containment building in a controlled environment with a trained team of operators, inspectors, and maintenance staff.

The petitioner suggests that the NRC regulations be amended as follows:

(1) Prohibit dry storage cask systems that do not meet NRC certification requirements from being produced under what the petitioner states is industry pressure to “accept-as-is.”

(2) Base certification of casks on code requirements to include design criteria and technical specifications on a 100-year timeframe instead of the current 20-year design specification that the petitioner views as inadequate. The petitioner also suggests that the NRC conduct a regulatory review of an in-depth technical evaluation for public comment at the 20 year CoC reapproval interval to address cask deterioration issues.

(3) Approve a method for dry cask transfer capacity as part of the original ISFSI certification process and construction license that will allow for immediate and safe maintenance on a faulty or failing cask. The petitioner states that stored irradiated fuel in dry casks approaches approximately 400 degrees Fahrenheit while the irradiated waste storage pool water is kept at 100 degrees Fahrenheit. The petitioner subsequently asserts that the re-submersion of dry casks and resultant steam flash threaten workers, and may thermally shock the irradiated nuclear fuel rods. The petitioner also states that the ability to perform maintenance safely should be a regulatory priority and that procedures to act promptly in an emergency situation and safely transfer spent fuel must be outlined in NRC regulations.

(4) Ensure that dry casks are qualified for transport at the time of onsite storage approval certification. The petitioner states that transport capacity of shipment offsite must be required if an environmental emergency occurs or for security purposes to an alternative storage location or repository as part of the approval criteria. The petitioner suggests that Chapter 1 of the NRC’s Standard Review Plan (NUREG 1567) should clearly define the transport requirements in §§ 72.122(i), 72.236(h), and 72.236(m).

(5) Specify that the most current ASME codes and standards be adopted for all spent fuel storage containers with no exceptions. The petitioner states that the NRC should no longer issue “justifications and compensatory measures” for ASME codes or allow the industry to design or manufacture casks

that conform to safety regulations to “the maximum extent practical” instead of actual ASME Code requirements. The petitioner also states that ASME Code requirements should be enforced unconditionally, with no exceptions or exemptions.

(6) Require ASME code stamping for fabrication, which would specify that an ASME-certified nuclear inspector, who is independent from the manufacturer and vendor, must be onsite at the fabrication plant. The petitioner also suggests that code stamping activities be subject to unannounced NRC inspections.

(7) Require that all fabrication materials be supplied by ASME-approved material suppliers who are certificate holders. The petitioner is concerned that if a supplier who is not certified is used, material certification under the NG/NF-2130 ASME standard is not possible and means that material traceability is not achieved.

(8) Require that the current ASME Codes and standards for conservative heat treatment and light tightness are adopted and enforced.

(9) Require a safe and secure hot cell transfer station coupled with an auxiliary pool to be built as part of an upgraded ISFSI certification and licensing process. The petitioner states that the licensee must have a dry cask transfer capability for maintenance and during emergency situations after decommissioning for as long as the spent fuel remains on site.

(10) Require real-time heat and radiation monitoring at ISFSIs at all nuclear power plant sites and storage facilities that are not located at reactor sites maintained by the utilities and that the monitoring data be transmitted in real-time to affected State health, safety, and environmental regulators.

(11) Require what the petitioner describes as “Hardened Onsite Storage” to fortify ISFSIs and dry casks from terrorist attacks. The petitioner cites a study by the National Academy of Sciences entitled, “Safety and Security of Commercial Nuclear Fuel Storage,” supported by the NRC (Grant No. NRC-04-04-067). According to the petitioner, this study states that the NRC should upgrade the requirements in 10 CFR Part 72 for dry casks, specifically to improve resistance to terrorist attacks. The petitioner also quotes from a paper describing the potential of terrorist attacks on dry casks by Gordon Thompson, the Director of the Institute for Resource and Security, entitled, “Assessing Risks of Potential Malicious Actions at Commercial Nuclear Facilities: A Case of a Proposed ISFSI at Diablo Canyon Site” (June 27, 2007):

“the dry cask storage modules used at ISFSIs are not designed to resist attack. At all recently established ISFSIs in the USA, spent fuel is contained in metal canisters with a wall thickness of about 1.6 cm. Each canister is surrounded by a concrete over pack, but the over pack is penetrated by channels that allow cooling of the canister by convective flow of air. Attackers gaining access to an ISFSI could employ readily available skills and explosives to penetrate a canister in a manner that allows free flow to the spent fuel, and could use incendiary devices to initiate burning of fuel cladding, leading to a release of radioactive material to the atmosphere.”

(12) Establish funding to conduct ongoing studies to evaluate the effects of age-related material degradation on dry casks and to assess the structural integrity of the casks and fuel cladding. The petitioner has stated that these studies would gather the data necessary for the management of future damage and to determine design specifications for future irradiated nuclear waste storage.

Dated at Rockville, Maryland, this 25th day of February 2009.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. E9-4444 Filed 3-2-09; 8:45 am]

**BILLING CODE 7590-01-P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[EPA-R10-OAR-2009-0111; FRL-8777-6]

#### Outer Continental Shelf Air Regulations Consistency Update for Alaska

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

**ACTION:** Proposed rule-consistency update.

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**SUMMARY:** EPA is proposing to update a portion of the Outer Continental Shelf (“OCS”) Air Regulations. Requirements applying to OCS sources located within 25 miles of States’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (“COA”), as mandated by the Clean Air Act (“the Act”). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources in the State of Alaska. The intended effect of approving the OCS requirements for the State of Alaska is to regulate emissions from OCS sources

in accordance with the requirements onshore. The change to the existing requirements discussed below is proposed to be incorporated by reference into the Code of Federal Regulations and is listed in the appendix to the OCS air regulations.

**DATES:** Written comments must be received on or before April 2, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R10-OAR-2009-0111, by one of the following methods:

A. *Federal eRulemaking Portal:* <http://www.regulations.gov>: Follow the on-line instructions for submitting comments;

B. *E-Mail:* [greaves.natasha@epa.gov](mailto:greaves.natasha@epa.gov);

C. *Mail:* Natasha Greaves, Federal and Delegated Air Programs Unit, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop: AWT-107, Seattle, WA 98101;

D. *Hand Delivery:* U.S. Environmental Protection Agency Region 10, Attn: Natasha Greaves (AWT-107), 1200 Sixth Avenue, Seattle, Washington 98101, 9th Floor. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R10-OAR-2009-0111. 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 electronic 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Office of Air, Waste and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Natasha Greaves, Federal and Delegated Air Programs Unit, Office of Air, Waste, and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop: AWT-107, Seattle, WA 98101; telephone number: (206) 553-7079; e-mail address: [greaves.natasha@epa.gov](mailto:greaves.natasha@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. Background Information

##### Why Is EPA Taking This Action?

On September 4, 1992, EPA promulgated 40 CFR part 55,<sup>1</sup> which established requirements to control air

pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a State's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to § 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under § 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This proposed action is being taken in response to the submittal of a Notice of Intent on January 9, 2009 by Shell Offshore, Inc. of Houston, Texas. Public comments received in writing within 30 days of publication of this proposed rule will be considered by EPA before publishing a final rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan ("SIP") guidance or certain requirements of the Act.

Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

<sup>1</sup> The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

## II. EPA's Evaluation

### *What Criteria Were Used To Evaluate Rules Submitted To Update 40 CFR Part 55?*

In updating 40 CFR part 55, EPA reviewed the rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12 (e). In addition, EPA has excluded administrative or procedural rules,<sup>2</sup> and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

## III. Administrative Requirements

### *A. Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget ("OMB") review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This action is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore

not subject to OMB Review. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. These OCS rules already apply in the COA, and EPA has no evidence to suggest that these OCS rules have created an adverse material effect. As required by section 328 of the Clean Air Act, this action simply updates the existing OCS requirements to make them consistent with rules in the COA.

### *B. Paperwork Reduction Act*

The OMB has approved the information collection requirements contained in 40 CFR part 55, and by extension this update to the rules, under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0249. The OMB Notice of Action is dated January 15, 2009. The approval expires January 31, 2012.

OMB's Notice of Action dated January 15, 2007 indicated that the, the annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 112 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

### *C. Regulatory Flexibility Act*

The Regulatory Flexibility Act ("RFA") generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule

will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant economic impact on a substantial number of small entities. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. These OCS rules already apply in the COA, and EPA has no evidence to suggest that these OCS rules have had a significant economic impact on a substantial number of small entities. As required by section 328 of the Clean Air Act, this action simply updates the existing OCS requirements to make them consistent with rules in the COA. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

### *D. Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 ("UMRA"), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year.

Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments,

<sup>2</sup>Each COA which has been delegated the authority to implement and enforce part 55, will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce part 55, as in Alaska, EPA will use its own administrative and procedural requirements to implement the substantive requirements. See 40 CFR 55.14 (c)(4).

enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector that may result in expenditures of \$100 million or more for State, local, or tribal governments, in the aggregate, or to the private sector in any one year. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act without the exercise of any policy discretion by EPA. These OCS rules already apply in the COA, and EPA has no evidence to suggest that these OCS rules have created an adverse material effect. As required by section 328 of the Clean Air Act, this action simply updates the existing OCS requirements to make them consistent with rules in the COA.

#### *E. Executive Order 13132: Federalism*

Executive Orders 13132, entitled "Federalism" (64 FR 43255 (August 10, 1999)), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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."

This proposed rule does not have federalism implications. It will 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. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements. This rule does not amend the existing provisions within 40 CFR part 55 enabling delegation of OCS regulations to a COA, and this rule does not require the COA

to implement the OCS rules. Thus, Executive Order 13132 does not apply to this rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comments on this proposed rule from State and local officials.

#### *F. Executive Order 13175: Coordination With Indian Tribal Governments*

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249 (November 9, 2000)), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This rule 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 and thus does not have "tribal implications," within the meaning of Executive Order 13175. This rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements. In addition, this rule does not impose substantial direct compliance costs on tribal governments, nor preempt tribal law. Consultation with Indian tribes is therefore not required under Executive Order 13175. Nonetheless, in the spirit of Executive Order 13175 and consistent with EPA policy to promote communications between EPA and tribes, EPA specifically solicits comments on this proposed rule from tribal officials.

#### *G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885 (April 23, 1997)), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health

or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866. In addition, the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportional risk to children.

#### *H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This proposed 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.

#### *I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable laws or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decided not to use available and applicable voluntary consensus standards.

As discussed above, this rule implements requirements specifically and explicitly set forth by the Congress in section 328 of the Clean Air Act, without the exercise of any policy discretion by EPA. As required by section 328 of the Clean Air Act, this rule simply updates the existing OCS rules to make them consistent with current COA requirements. In the absence of a prior existing requirement for the state to use voluntary consensus standards and in light of the fact that EPA is required to make the OCS rules consistent with current COA requirements, it would be inconsistent with applicable law for EPA to use voluntary consensus standards in this action. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes

comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

#### List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 20, 2009.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

Title 40, chapter I of the Code of Federal Regulations, is proposed to be amended as follows:

#### PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

2. Section 55.14 is amended by revising paragraph (e)(2)(i)(A) to read as follows:

#### § 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

\* \* \* \* \*

(e) \* \* \*  
(2) \* \* \*  
(i) \* \* \*

(A) State of Alaska Requirements Applicable to OCS Sources, November 9, 2008.

\* \* \* \* \*

3. Appendix A to CFR part 55 is amended by revising paragraph (a)(1) under the heading "Alaska" to read as follows:

#### Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

\* \* \* \* \*

Alaska

(a) \* \* \*

(1) The following State of Alaska requirements are applicable to OCS Sources, December 3, 2005, Alaska Administrative Code—Department of Environmental Conservation. The following sections of Title 18, Chapter 50:

#### Article 1. Ambient Air Quality Management

18 AAC 50.005. Purpose and Applicability of Chapter (effective 1/18/97)

18 AAC 50.010. Ambient Air Quality Standards (effective 1/18/97)

18 AAC 50.015. Air Quality Designations, Classification, and Control Regions (effective 1/18/97) except (d)(2)

Table 1. Air Quality Classifications

18 AAC 50.020. Baseline Dates and Maximum Allowable Increases (effective 1/18/97)

Table 2. Baseline Dates

Table 3. Maximum Allowable Increases

18 AAC 50.025. Visibility and Other Special Protection Areas (effective 1/18/97)

18 AAC 50.030. State Air Quality Control Plan (effective 1/18/97)

18 AAC 50.035. Documents, Procedures, and Methods Adopted by Reference (effective 1/18/97)

18 AAC 50.040. Federal Standards Adopted by Reference (effective 1/18/97) except (a)(H), (a)(I), (a)(N) through (a)(P), (a)(R) through (a)(U), (a)(W), (a)(Y), (a)(AA), (a)(CC) through (a)(EE), (a)(II)(a)(KK), (c)(4), (c)(5), (c)(12), (c)(14) through (c)(16), (c)(18), (c)(20), (c)(25), (c)(26) through (c)(29), (c)(30), (c)(31) and (g)

18 AAC 50.045. Prohibitions (effective 1/18/97)

18 AAC 50.050. Incinerator Emissions Standards (effective 1/18/97)

Table 4. Particulate Matter Standards for Incinerators

18 AAC 50.055. Industrial Processes and Fuel-Burning Equipment (effective 1/18/97) except (a)(3) through (a)(9), (b)(2)(A), (b)(4) through (b)(6), (e) and (f)

18 AAC 50.065. Open Burning (effective 1/18/97)

18 AAC 50.070. Marine Vessel Visible Emission Standards (effective 1/18/97)

18 AAC 50.075. Wood-Fired Heating Device Visible Emission Standards (effective 1/18/97)

18 AAC 50.080. Ice Fog Standards (effective 1/18/97)

18 AAC 50.085. Volatile Liquid Storage Tank Emission Standards (effective 1/18/97)

18 AAC 50.090. Volatile Liquid Loading Racks and Delivery Tank Emission Standards (effective 1/18/97)

18 AAC 50.100. Nonroad Engines (effective 10/1/04)

18 AAC 50.110. Air Pollution Prohibited (effective 5/26/72)

#### Article 2. Program Administration

18 AAC 50.200. Information Requests (effective 1/18/97)

18 AAC 50.201. Ambient Air Quality Investigation (effective 1/18/97)

18 AAC 50.205. Certification (effective 1/18/97)

18 AAC 50.215. Ambient Air Quality Analysis Methods (effective 1/18/97)

Table 5. Significant Impact Levels (SILs)

18 AAC 50.220. Enforceable Test Methods (effective 1/18/97)

18 AAC 50.225. Owner-Requested Limits (effective 1/18/97) except (c) through (g)

18 AAC 50.230. Preapproved Emission Limits (effective 1/18/97) except (d)

18 AAC 50.235. Unavoidable Emergencies and Malfunctions (effective 1/18/97)

18 AAC 50.240. Excess Emissions (effective 1/18/97)

18 AAC 50.245. Air Episodes and Advisories (effective 1/18/97)

Table 6. Concentrations Triggering an Air Episode

18 AAC 50.260. Guidance for Best Available Retrofit Technology under the Regional Haze Rule (effective 12/30/07)

#### Article 3. Major Stationary Source Permits

18 AAC 50.301. Permit Continuity (effective 10/1/04) except (b)

18 AAC 50.302. Construction Permits (effective 10/01/04)

18 AAC 50.306. Prevention of Significant Deterioration (PSD) Permits (effective 10/01/04) except (c)(2) and (e)

18 AAC 50.311. Nonattainment Area Major Stationary Source Permits (effective 10/01/04) except (c)

18 AAC 50.316. Preconstruction Review for Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (effective 10/01/04) except (c)

18 AAC 50.321. Case-By-Case Maximum Achievable Control Technology (effective 12/01/04)

18 AAC 50.326. Title V Operating Permits (effective 10/01/04) except (c)(1), (h), (i)(3), (j)(5), (j)(6), (k)(1)(k)(3), (k)(5), and (k)(6)

18 AAC 50.345. Construction, Minor and Operating Permits: Standard Permit Conditions (effective 1/18/97)

18 AAC 50.346. Construction and Operating Permits: Other Permit Conditions (effective 10/01/04)

Table 7. Standard Operating Permit Condition

#### Article 4. User Fees

18 AAC 50.400. Permit Administration Fees (effective 1/18/97) except (c)(1) through (c)(3), (c)(6), (k)(3) and (m)(3)

18 AAC 50.403. Negotiated Service Agreements (effective 1/29/05)

18 AAC 50.405. Transition Process for Permit Fees (effective 1/29/05)

18 AAC 50.410. Emission Fees (effective 1/18/97)

18 AAC 50.499. Definition for User Fee Requirements (effective 1/29/05)

#### Article 5. Minor Permits

18 AAC 50.502. Minor Permits for Air Quality Protection (effective 10/1/04) except (b)(1) through (b)(3), (b)(5), (d)(1) and (d)(2)

18 AAC 50.508. Minor Permits Requested by the Owner or Operator (effective 10/1/04)

18 AAC 50.509. Construction of a Pollution Control Project without a Permit (effective 10/1/04)

18 AAC 50.540. Minor Permit: Application (effective 10/1/04)

18 AAC 50.542. Minor Permit: Review and Issuance (effective 10/1/04) except (a), (b)(1), (b)(2), (b)(4), (b)(5), and (d)

18 AAC 50.544. Minor Permits: Content (effective 10/1/04)

18 AAC 50.546. Minor Permits: Revisions (effective 10/1/04)

18 AAC 50.560. General Minor Permits (effective 10/1/04) except (b)

**Article 9. General Provisions**

18 AAC 50.990. Definitions (effective 1/18/97)

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[FR Doc. E9-4465 Filed 3-2-09; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 08-2088; MB Docket No. 08-149; RM-11475]

**Television Broadcasting Services; Columbus, GA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Dismissal.

**SUMMARY:** The Commission, at the request of petitioner Georgia Public Telecommunications Commission ("GPTC"), permittee of noncommercial educational station WJSP-DT, DTV channel \*23, Columbus, Georgia, dismisses GPTC's pending petition for rulemaking to substitute DTV channel \*11 for post-transition DTV channel \*23 at Columbus.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Order*, MB Docket No. 08-149, adopted September 10, 2008, and released September 10, 2008. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition,

therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Order* to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) since this proposed rule is dismissed, herein.)

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

[FR Doc. E9-4486 Filed 3-2-09; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 09-409; MB Docket No. 08-233; RM-11505]

**Television Broadcasting Services; Waco, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Dismissal.

**SUMMARY:** The Commission, at the request of petitioner Comcorp of Texas License Corp. ("Comcorp"), the permittee of post-transition DTV channel 44, Waco, Texas, dismisses Comcorp's pending petition for rulemaking to substitute DTV channel 25 for post-transition DTV channel 44 at Waco.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Order*, MB Docket No. 08-233, adopted February 19, 2009, and released February 20, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC, 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor,

Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Order* to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) since this proposed rule is dismissed, herein.)

Federal Communications Commission.

**Clay C. Pendarvis**

*Associate Chief, Video Division, Media Bureau.*

[FR Doc. E9-4484 Filed 3-2-09; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Parts 531 and 533**

[Docket No. NHTSA-2009-0042]

**Passenger Car Average Fuel Economy Standards—Model Years 2008–2020; Light Truck Average Fuel Economy Standards—Model Years 2008–2020; Request for Product Plan Information**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Request for comments.

**SUMMARY:** The purpose of this request for comments is to acquire new and updated information regarding vehicle manufacturers' future product plans to assist the agency in assessing what corporate average fuel economy (CAFE) standards should be established for model years 2012 through 2016