

§ 3.350 [Amended]

- 2. Amend § 3.350(e)(1)(iii) by removing “5/200” and adding, in its place, “20/200”.
- 3. Revise § 3.383(a)(1) and the sectional authority citation to read as follows:

§ 3.383 Special consideration for paired organs and extremities.

(a) * * *

(1) Impairment of vision in one eye as a result of service-connected disability and impairment of vision in the other eye as a result of non-service-connected disability and

(i) The impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

(ii) The peripheral field of vision for each eye is 20 degrees or less.

* * * * *

Authority: 38 U.S.C. 501(a), 1160.

[FR Doc. E9-5862 Filed 3-17-09; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[AL-200822; FRL-8759-9]

Approval and Promulgation of Air Quality Implementation Plans; Alabama; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is publishing this action to provide the public with notice of the update to the Alabama State Implementation Plan (SIP) compilation. In particular, materials submitted by Alabama that are incorporated by reference (IBR) into the Alabama SIP are being updated to reflect EPA-approved revisions to Alabama's SIP that have occurred since the last update. In this action EPA is also notifying the public of the correction of certain typographical errors.

DATES: This action is effective March 18, 2009.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution

Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Ms. Stacy Harder at the above Region 4 address or at (404) 562-9042.

SUPPLEMENTARY INFORMATION: Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA. Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52 “Approval and Promulgation of Implementation Plans,” Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is “incorporated by reference.” This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference, into the CFR, materials submitted by states in their EPA-approved SIP revisions. These changes revised the format for the identification of the SIP in 40 CFR part 52, stream-lined the mechanisms for announcing EPA approval of revisions

to a SIP, and stream-lined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain “SIP Compilations” that contain the federally approved regulations and source specific permits submitted by each state agency. These SIP Compilations are contained in 3-ring binders and are updated primarily on an annual basis. Under the revised procedures, EPA is to periodically publish an informational document in the rules section of the **Federal Register** when updates are made to a SIP Compilation for a particular state. EPA's 1997 revised procedures were formally applied to Alabama on December 22, 1998 (63 FR 70669).

This action represents EPA's publication of the Alabama SIP Compilation update, appearing in 40 CFR part 52. In addition, notice is provided of the following typographical corrections to Table (c) of paragraph 52.50, as described below:

1. Correcting typographical errors listed in Table 1 of paragraph 52.50(c), as described below:

A. Section 335-3-14-.03 State Effective Date is revised to read “08/10/00.”

B. Section 335-3-14-.03 EPA Approval Date is revised to read “12/8/00.”

C. Section 335-3-14-.05 EPA Approval Date is revised to read “12/8/00.”

D. Section 335-3-15-.02 EPA Approval Date is revised to read “12/8/00.”

2. Revising the date format listed in paragraphs 52.50(c), and (e) in the “state effective date,” and “EPA approval date,” columns for consistency. Dates are numerical month/day/year without additional zeros.

EPA has determined that today's action falls under the “good cause” exemption in the section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs and corrects typographical errors appearing the **Federal Register**. Under section 553 of the APA, an agency may find good cause where procedures are “impractical, unnecessary, or contrary to the public interest.” Public comment for this administrative action is “unnecessary” and “contrary to the public interest” since the codification (and typographical corrections) only reflects existing law. Immediate notice

of this action in the **Federal Register** benefits the public by providing the public notice of the updated Alabama SIP Compilation and notice of typographical corrections to the Alabama "Identification of Plan" portion of the **Federal Register**.

Statutory and Executive Order Reviews:

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this administrative 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 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 APA 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 (UMRA) of 1995 (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 UMRA. This administrative action 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 administrative action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This administrative 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 administrative action also does not involve special consideration of environmental justice related issues as

required by Executive Order 12898 (59 FR 7629, February 16, 1994). This administrative action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these Statutes and Executive Orders for the underlying rules are discussed in previous actions taken on the State's rules.

B. Submission to Congress and the Comptroller General

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, unnecessary or contrary to the public interest. Today's administrative action simply codifies (and corrects) provisions which are already in effect as a matter of law in Federal and approved state programs. 5 U.S.C. 808(2). These announced actions were effective when EPA approved them through previous rulemaking actions. 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 this action in the **Federal Register**. This update to Alabama's SIP Compilation and correction of typographical errors is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. This action is simply an announcement of prior rulemakings that have previously undergone notice and comment rulemaking. Prior EPA rulemaking actions for each individual component of the Alabama SIP compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide,

Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 27, 2009.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

■ 1. The authority for citation for part 52 continues to read as follows:

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

Subpart B—Alabama

■ 2. Section 52.50 paragraphs (b), (c) and (e) are revised to read as follows:

§ 52.50 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 1, 2008, for Alabama was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after August 1, 2008, for Alabama will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303 the Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://>

www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA Approved Alabama Regulations.

EPA APPROVED ALABAMA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|--|----------------------|------------------------|-------------|
| Chapter No. 335-3-1 General Provision | | | | |
| Section 335-3-1-.01 | Purpose | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-1-.02 | Definitions | 12/12/05 | 10/11/06; 71 FR 59676. | |
| Section 335-3-1-.03 | Ambient Air Quality Standards | 10/13/98 | 3/01/99; 64 FR 9918. | |
| Section 335-3-1-.04 | Monitoring, Records, and Reporting | 10/15/96 | 6/06/97; 62 FR 30991. | |
| Section 335-3-1-.05 | Sampling and Test Methods | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-1-.06 | Compliance Schedule | 10/15/96 | 6/06/97; 62 FR 30991. | |
| Section 335-3-1-.07 | Maintenance and Malfunctioning of Equipment; Reporting. | 10/15/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-1-.08 | Prohibition of Air Pollution | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-1-.09 | Variances | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-1-.10 | Circumvention | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-1-.11 | Severability | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-1-.12 | Bubble Provision | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-1-.13 | Credible Evidence | 4/13/99 | 11/3/99; 64 FR 59633. | |
| Section 335-3-1-.14 | Emissions Reporting Requirements Relating to Budgets for NO _x Emissions. | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-1-.15 | Emissions Inventory Reporting Requirements | 4/3/03 | 4/24/03; 68 FR 20077. | |
| Chapter No. 335-3-2 Air Pollution Emergency | | | | |
| Section 335-3-2-.01 | Air Pollution Emergency | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-2-.02 | Episode Criteria | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-2-.03 | Special Episode Criteria | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-2-.04 | Emission Reduction Plans | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-2-.05 | Two Contaminant Episode | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-2-.06 | General Episodes | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-2-.07 | Local Episodes | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-2-.08 | Other Sources | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-2-.09 | Other Authority Not Affected | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Chapter No. 335-3-3 Control of Open Burning and Incineration | | | | |
| Section 335-3-3-.01 | Open Burning | 4/4/06 | 6/22/06; 71 FR 35801. | |
| Section 335-3-3-.02 | Incinerators | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-3-.03 | Incineration of Wood, Peanut, and Cotton Ginning Waste. | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Chapter No. 335-3-4 Control of Particulate Emissions | | | | |
| Section 335-3-4-.01 | Visible Emissions | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.02 | Fugitive Dust and Fugitive Emissions | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.03 | Fuel Burning Equipment | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.04 | Process Industries—General | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.05 | Small Foundry Cupola | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-4-.06 | Cotton Gins | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-4-.07 | Kraft Pulp Mills | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.08 | Wood Waste Boilers | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-4-.09 | Coke Ovens | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-4-.10 | Primary Aluminum Plants | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-4-.11 | Cement Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.12 | Xylene Oxidation Process | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-4-.13 | Sintering Plants | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-4-.14 | Grain Elevators | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.15 | Secondary Lead Smelters | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-4-.16 | Reserved. | | | |
| Section 335-3-4-.17 | Steel Mills Located in Etowah County | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Chapter No. 335-3-5 Control of Sulfur Compound Emissions | | | | |
| Section 335-3-5-.01 | Fuel Combustions | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-5-.02 | Sulfuric Acid Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-5-.03 | Petroleum Production | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-5-.04 | Kraft Pulp Mills | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-5-.05 | Process Industries—General | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-5-.06 | State Clean Air Interstate Rule (CAIR) SO ₂ Trading Program General Provisions. | 4/3/07 | 10/1/07; 72 FR 55659. | |

EPA APPROVED ALABAMA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---------------------------|--|----------------------|-----------------------|-------------|
| Section 335-3-5-.07 | CAIR Designated Representative for CAIR SO ₂ Sources. | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-5-.08 | Permits | 04/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-5-.11 | CAIR SO ₂ Allowance Tracking System | 04/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-5-.12 | CAIR SO ₂ Allowance Transfers | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-5-.13 | Monitoring and Reporting | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-5-.14 | CAIR SO ₂ Opt-in Units | 4/3/07 | 10/1/07; 72 FR 55659. | |

Chapter No. 335-3-6 Control of Organic Emissions

| | | | | |
|---------------------------|--|----------|-----------------------|--|
| Section 335-3-6-.01 | Applicability | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.02 | VOC Water Separation | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.03 | Loading and Storage of VOC | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.04 | Fixed-Roof Petroleum Liquid Storage Vessels | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.05 | Bulk Gasoline Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.06 | Bulk Gasoline Terminals | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-6-.07 | Gasoline Dispensing Facilities—Stage I | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.08 | Petroleum Refinery Sources | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.09 | Pumps and Compressors | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.10 | Ethylene Producing Plants | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.11 | Surface Coating | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.12 | Solvent Metal Cleaning | 10/15/96 | 06/6/97; 62 FR 30991. | |
| Section 335-3-6-.13 | Cutback Asphalt | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.14 | Petition for Alternative Controls | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.15 | Compliance Schedules | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.16 | Test Methods and Procedures | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-6-.17 | Manufacture of Pneumatic Tires | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.18 | Manufacture of Synthesized Pharmaceutical Products. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.19 | Reserved. | | | |
| Section 335-3-6-.20 | Leaks from Gasoline Tank Trucks and Vapor Collection Systems. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.21 | Leaks from Petroleum Refinery Equipment | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.22 | Graphic Arts | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.23 | Petroleum Liquid Storage in External Floating Roof Tanks. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.24 | Applicability | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.25 | VOC Water Separation | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.26 | Loading and Storage of VOC | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.27 | Fixed-Roof Petroleum Liquid Storage Vessels | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.28 | Bulk Gasoline Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.29 | Gasoline Terminals | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.30 | Gasoline Dispensing Facilities Stage 1 | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.31 | Petroleum Refinery Sources | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.32 | Surface Coating | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.33 | Solvent Metal Cleaning | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.34 | Cutback Asphalt | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.35 | Petition for Alternative Controls | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.36 | Compliances Schedules | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.37 | Test Methods and Procedures | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.38 | Manufacture of Pneumatic Tires | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.39 | Manufacture of Synthesized Pharmaceutical Products. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.40 | Reserved. | | | |
| Section 335-3-6-.41 | Leaks from Gasoline Tank Trucks and Vapor Collection Systems. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.42 | Leaks from Petroleum Refinery Equipment | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.43 | Graphic Arts | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.44 | Petroleum Liquid Storage in External Floating Roof Tanks. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.45 | Large Petroleum Dry Cleaners | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.46 | Aerospace Assembly and Component and Component Coatings Operation. | 6/22/89 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.47 | Leaks from Coke by-Product Recovery Plant Equipment. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.48 | Emissions from Coke by-Product Recovery Plant Coke Oven Gas Bleeder. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-6-.49 | Manufacture of Laminated Countertops | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-6-.50 | Paint Manufacture | 10/15/96 | 6/6/97; 62 FR 30991. | |

EPA APPROVED ALABAMA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|----------------------|------------------------|-------------|
| Section 335-3-6-.53 | List of EPA Approved and Equivalent Test Methods and Procedures for the Purpose of Determining VOC Emissions. | 6/26/91 | 9/27/91; 58 FR 50262. | |
| Chapter No. 335-3-7 Carbon Monoxide Emissions | | | | |
| Section 335-3-7-.01 | Metals Productions | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-7-.02 | Petroleum Processes | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Chapter No. 335-3-8 Nitrogen Oxides Emissions | | | | |
| Section 335-3-8-.01 | Standards for Portland Cement Kilns | 4/6/01 | 7/17/01; 66 FR 36921. | |
| Section 335-3-8-.02 | Nitric Acid Manufacturing | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-8-.03 | NO _x Emissions from Electric Utility Generating Units. | 10/24/00 | 11/7/01; 66 FR 56223. | |
| Section 335-3-8-.04 | Standards for Stationary Reciprocating Internal Combustion Engines (Reserved). | 3/22/05 | 12/28/05; 70 FR 76694. | |
| Section 335-3-8-.05 | NO _x Budget Trading Program | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.06 | Authorized Account Representative for NO _x Budget Sources. | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.07 | Permits | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.08 | Compliance Certification | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.09 | NO _x Allowance Allocations | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.10 | NO _x Allowance Tracking System | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.11 | NO _x Allowance Transfers | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.12 | Monitoring and Reporting | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.13 | Individual Unit Opt-ins | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.14 | New Combustion Sources | 4/6/01 | 7/16/01; 66 FR 36921. | |
| Section 335-3-8-.16 | CAIR NO _x Annual Budget Trading Program | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.17 | CAIR Designated Representative for CAIR NO _x Sources. | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.18 | CAIR Permits | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.20 | CAIR NO _x Allowance Allocations | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.21 | CAIR NO _x Allowance Tracking System | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.23 | CAIR Monitoring and Reporting | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.24 | CAIR NO _x Opt-in Units | 04/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.25 | CAIR NO _x Ozone Season Trading Program | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.26 | CAIR Designated Representative for CAIR NO _x Ozone Season Sources. | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.27 | CAIR NO _x Ozone Season Permits | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.29 | CAIR NO _x Ozone Season Allowance Allocations | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.30 | CAIR NO _x Ozone Season Allowance Tracking System. | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.32 | CAIR NO _x Ozone Season Monitoring and Reporting. | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Section 335-3-8-.33 | CAIR NO _x Ozone Season Opt-in Units | 4/3/07 | 10/1/07; 72 FR 55659. | |
| Chapter No. 335-3-9 Control of Emissions from Motor Vehicles | | | | |
| Section 335-3-9-.01 | Visible Emission Restriction for Motor Vehicles ... | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-9-.02 | Ignition System and Engine Speed | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-9-.03 | Crankcase Ventilation Systems | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-9-.04 | Exhaust Emission Control Systems | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-9-.05 | Evaporative Loss Control Systems | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-9-.06 | Other Prohibited Acts | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-9-.07 | Effective Date | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Chapter No. 335-3-12 Continuous Monitoring Requirements for Existing Sources | | | | |
| Section 335-3-12-.01 ... | General | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-12-.02 ... | Emission Monitoring and Reporting Requirements. | 2/17/98 | 9/14/98; 63 FR 49005. | |
| Section 335-3-12-.03 ... | Monitoring System Malfunction | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-12-.04 ... | Alternate Monitoring and Reporting Requirements. | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Section 335-3-12-.05 ... | Exemptions and Extensions | 6/22/89 | 3/19/90; 55 FR 10062. | |
| Chapter No. 335-3-13 Control of Fluoride Emissions | | | | |
| Section 335-3-13-.01 ... | General | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-13-.02 ... | Superphosphoric Acid Plants | 10/15/96 | 06/6/97; 62 FR 30991. | |

EPA APPROVED ALABAMA REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|----------------------|---------------------------|---|
| Section 335-3-13-.03 ... | Diammonium Phosphate Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-13-.04 ... | Triple Superphosphoric Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-13-.05 ... | Granular Triple Superphosphoric Storage Facilities. | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-13-.06 ... | Wet Process Phosphoric Acid Plants | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Chapter No. 335-3-14 Air Permits | | | | |
| Section 335-3-14-.01 ... | General Provisions | 2/17/98 | 9/14/98; 63 FR 49008. | EPA is not approving Section 335-3-14-.04(2)(w)1. |
| Section 335-3-14-.02 ... | Permit Procedures | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-14-.03 ... | Standards for Granting Permits | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-14-.04 ... | Air Permits Authorizing Construction in Clean Air Areas [;prevention of Significant Deterioration (PSD)]. | 7/11/06 | 5/1/08; 73 FR 23957 | |
| Section 335-3-14-.05 ... | Air Permits Authorizing Construction in or Near Nonattainment Areas. | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Chapter No. 335-3-15 Synthetic Minor Operating Permits | | | | |
| Section 335-3-15-.01 ... | Definitions | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-15-.02 ... | General Provisions | 8/10/00 | 12/8/00; 65 FR 76940. | |
| Section 335-3-15-.03 ... | Applicability | 11/23/93 | 10/20/94; 59 FR 52916. | |
| Section 335-3-15-.04 ... | Synthetic Minor Operating Permit Requirements | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Section 335-3-15-.05 ... | Public Participation | 10/15/96 | 6/6/97; 62 FR 30991. | |
| Chapter No. 335-3-17 Conformity of Federal Actions to State Implementation Plans | | | | |
| Section 335-3-17-.01 ... | Transportation Conformity | 4/3/03 | 4/24/03; 68 FR 20075. | |
| Section 335-3-17-.02 ... | General Conformity | 3/27/98 | 5/11/00; 65 FR 30361. | |
| Chapter No. 335-3-20 Control of Fuels | | | | |
| Section 335-3-20-.01 ... | Definitions | 10/24/00 | 11/7/01; 66 FR 56219. | |
| Section 335-3-20-.02 ... | Control of Fuels | 10/24/00 | 11/7/01; 66 FR 56219. | |
| Section 335-3-20-.03 ... | Recordkeeping, Reporting, and Testing | 10/24/00 | 11/7/01; 66 FR 56219. | |

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(e) EPA Approved Alabama Non-Regulatory Provisions.

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approval date | Explanation |
|--|---|--------------------------------------|-----------------------|-------------|
| Birmingham 1990 Baseline Emissions Inventory. | Birmingham Ozone Nonattainment Area | 11/13/92 | 6/4/99; 64 FR 29961. | |
| Alabama Interagency Transportation Conformity Memorandum of Agreement. | | 1/20/00 | 5/11/00; 65 FR 30362. | |
| Alabama Fuel Waiver Request—Appendix II of Attainment Demonstration of the 1-hour NAAQS for Ozone for the Birmingham Nonattainment Area. | Birmingham Ozone Nonattainment Area | 12/1/00 | 11/7/01; 66 FR 56220. | |
| Attainment Demonstration of the 1-hour NAAQS for Ozone for the Birmingham Nonattainment Area. | Birmingham Ozone Nonattainment Area | 12/1/00 | 11/7/01; 66 FR 56224. | |
| Maintenance Plan for the Birmingham area. | Jefferson County and Shelby County | 1/30/04 | 3/12/04; 69 FR 11800. | |

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approval date | Explanation |
|--|---|-------------------------------------|-------------------|-------------|
| 8-Hour Ozone Maintenance plan for the Birmingham area. | Jefferson County and Shelby County | 1/26/06 | 5/12/06. | |

[FR Doc. E9-5732 Filed 3-17-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2008-0513; FRL-8400-1]

Pendimethalin; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for combined residues of pendimethalin, [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol, in or on Bermuda grass forage and hay. This action is in response to crisis exemptions issued by the Texas Department of Agriculture and the Oklahoma Department of Agriculture under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on Bermuda grass pastures and hay fields. This regulation establishes a maximum permissible level for residues of pendimethalin in these feed commodities. The time-limited tolerances expire and are revoked on December 31, 2009.

DATES: This regulation is effective March 18, 2009. Objections and requests for hearings must be received on or before May 18, 2009, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2008-0513. To access the electronic docket, go to <http://www.regulations.gov>, select “Advanced Search,” then “Docket Search.” Insert the docket ID number where indicated and select the “Submit” button. Follow the instructions on the [regulations.gov](http://www.regulations.gov) website to view the docket index or

access available documents. All documents in the docket are listed in the docket index available in [regulations.gov](http://www.regulations.gov). Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Stacey Groce, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-2505; e-mail address: Groce.Stacey@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American

Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office’s pilot e-CFR site at <http://www.gpoaccess.gov/ecfr>.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2008-0513 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 18, 2009.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2