

Global Plus 2 (MC2008–7, CP2008–16 and CP2008–17)  
 Inbound International  
 Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and CP2008–15)  
 International Business Reply Service Competitive Contract 1 (MC2009–14 and CP2009–20)  
 Competitive Product Descriptions  
 Express Mail  
 [Reserved for Group Description]  
 Express Mail  
 [Reserved for Product Description]  
 Outbound International Expedited Services  
 [Reserved for Product Description]  
 Inbound International Expedited Services  
 [Reserved for Product Description]  
 Priority  
 [Reserved for Product Description]  
 Priority Mail  
 [Reserved for Product Description]  
 Outbound Priority Mail International  
 [Reserved for Product Description]  
 Inbound Air Parcel Post  
 [Reserved for Product Description]  
 Parcel Select  
 [Reserved for Group Description]  
 Parcel Return Service  
 [Reserved for Group Description]  
 International  
 [Reserved for Group Description]  
 International Priority Airlift (IPA)  
 [Reserved for Product Description]  
 International Surface Airlift (ISAL)  
 [Reserved for Product Description]  
 International Direct Sacks—M—Bags  
 [Reserved for Product Description]  
 Global Customized Shipping Services  
 [Reserved for Product Description]  
 International Money Transfer Service  
 [Reserved for Product Description]  
 Inbound Surface Parcel Post (at non-UPU rates)  
 [Reserved for Product Description]  
 International Ancillary Services  
 [Reserved for Product Description]  
 International Certificate of Mailing  
 [Reserved for Product Description]  
 International Registered Mail  
 [Reserved for Product Description]  
 International Return Receipt  
 [Reserved for Product Description]  
 International Restricted Delivery  
 [Reserved for Product Description]  
 International Insurance  
 [Reserved for Product Description]  
 Negotiated Service Agreements  
 [Reserved for Group Description]  
 Domestic  
 [Reserved for Product Description]  
 Outbound International  
 [Reserved for Group Description]  
 Part C—Glossary of Terms and Conditions  
 [Reserved]  
 Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. E9–18030 Filed 7–28–09; 8:45 am]

BILLING CODE 7710–FW–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL–8933–5]

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

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

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is updating the materials submitted by Iowa that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the State agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the Regional Office.

**DATES:** *Effective Date:* This action is effective July 29, 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 7, 901 North 5th Street, Kansas City, Kansas 66101; or at <http://www.epa.gov/region07/programs/artd/air/rules/fedapprv.htm>; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Avenue, 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 Docket at (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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Evelyn VanGoethem at (913) 551–7659, or by e-mail at [vangoethem.evelyn@epa.gov](mailto:vangoethem.evelyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** The SIP is a living document which the State revises 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 to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally approved SIPs, as a result of consultations between EPA and the Office of the Federal Register. The description of the revised SIP document, IBR procedures and “Identification of plan” format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On February 12, 1999, EPA published a document in the **Federal Register** (64 FR 7091) beginning the new IBR procedure for Iowa. On September 23, 2004 (69 FR 56942), EPA published an update to the IBR material for Iowa.

In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of July 1, 2009.

2. Correcting the date format in the “State effective date” or “State Submittal date” and “EPA approval date” columns in § 52.820 paragraphs (c), (d) and (e). Dates are numerical month/day/year without additional zeros.

3. Modifying the **Federal Register** citation in § 52.820 paragraphs (c), (d) and (e) to reflect the beginning page of the preamble as opposed to the page number of the regulatory text.

4. Removing the second entry for 567–22.4 in § 52.820 paragraph (c) under Chapter 22.

EPA has determined that today’s rule falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedures 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 a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today’s rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. 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 is “unnecessary” and “contrary to the public interest” since the codification only reflects existing law. Immediate notice in the CFR benefits the public by providing notice of the updated Iowa SIP compilation.

#### Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable

Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
  - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - 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);
  - Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 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. 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 the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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. Prior EPA rulemaking actions for each individual component of the Iowa 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: July 8, 2009.

**William Rice,**

*Acting Regional Administrator, Region 7.*

- 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 Q—Iowa**

- 2. In § 52.820 paragraphs (b), (c), (d) and (e) are revised to read as follows:

#### **§ 52.820 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 July 1, 2009, 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 July 1, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 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 SIP as of July 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551-7659; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA-approved regulations.*

EPA-APPROVED IOWA REGULATIONS

| Iowa citation  | Title  | State effective date | EPA approval date      | Explanation   |
|--|--|----------------------|------------------------|---|
| <b>Iowa Department of Natural Resources Environmental Protection Commission [567]<br/>Chapter 20—Scope of Title-Definitions-Forms-Rule of Practice</b> |  |                      |                        |   |
| 567–20.1 .....   | Scope of Title .....   | N/A                  | 8/6/07, 72 FR 43539.   | This rule is a non-substantive description of the Chapters contained in the Iowa rules. EPA has not approved all of the Chapters to which this rule refers. |
| 567–20.2 .....   | Definitions .....  | 3/19/08              | 8/25/08, 73 FR 49950.  | The definitions for anaerobic lagoon, odor, odorous substance, and odorous substance source, are not SIP approved.  |
| 567–20.3 .....   | Air Quality Forms Generally .....  | 4/24/02              | 3/7/03, 68 FR 10969.   |   |
| <b>Chapter 21—Compliance</b>   |  |                      |                        |   |
| 567–21.1 .....   | Compliance Schedule .....  | 7/12/06              | 8/6/07, 72 FR 43539.   |   |
| 567–21.2 .....   | Variances .....  | 4/4/07               | 10/16/07, 72 FR 58535. |   |
| 567–21.3 .....   | Emission Reduction Program .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–21.4 .....   | Circumvention of Rules .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–21.5 .....   | Evidence Used in Establishing That a Violation Has or Is Occurring.  | 11/16/94             | 10/30/95, 60 FR 55198. |   |
| <b>Chapter 22—Controlling Pollution</b>  |  |                      |                        |   |
| 567–22.1 .....   | Permits Required for New or Existing Stationary Sources.   | 3/19/08              | 8/25/08, 73 FR 49950.  |   |
| 567–22.2 .....   | Processing Permit Applications .....   | 4/9/97               | 6/25/98, 63 FR 34600.  |   |
| 567–22.3 .....   | Issuing Permits .....  | 7/13/05              | 12/20/05, 70 FR 75399. | Subrule 22.3(6) is not SIP approved.  |
| 567–22.4 .....   | Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD).                          | 11/1/06              | 5/14/07, 72 FR 27056.  |   |
| 567–22.5 .....   | Special Requirements for Nonattainment Areas.  | 7/21/99              | 3/4/02, 67 FR 9591.    |   |
| 567–22.8 .....   | Permit by Rule .....   | 7/21/99              | 3/4/02, 67 FR 9591.    |   |
| 567–22.9 .....   | Special Requirements for Visibility Protection.  | 4/20/05              | 9/13/05, 70 FR 53939.  |   |
| 567–22.10 .....  | Permitting Requirements for Country Grain Elevators, Country Grain Terminal Elevators, Grain Terminal Elevators and Feed Mill Equipment. | 3/19/08              | 8/25/08, 49950.        |   |
| 567–22.105 .....   | Title V Permit Applications .....  | 11/16/94             | 10/30/95, 60 FR 55198. | Only subparagraph (2)i(5) is included in the SIP.   |
| 567–22.200 .....   | Definitions for Voluntary Operating Permits.   | 10/18/95             | 4/30/96, 61 FR 18958.  |   |
| 567–22.201 .....   | Eligibility for Voluntary Operating Permits.   | 4/4/07               | 10/16/07, 72 FR 58535. |   |
| 567–22.202 .....   | Requirement To Have a Title V Permit   | 4/9/97               | 6/25/98, 63 FR 34600.  |   |
| 567–22.203 .....   | Voluntary Operating Permit Applications  | 10/14/98             | 3/4/02, 67 FR 9591.    |   |
| 567–22.204 .....   | Voluntary Operating Permit Fees .....  | 12/14/94             | 4/30/96, 61 FR 18958.  |   |
| 567–22.205 .....   | Voluntary Operating Permit Processing Procedures.  | 12/14/94             | 4/30/96, 61 FR 18958.  |   |
| 567–22.206 .....   | Permit Content .....   | 10/18/95             | 4/30/96, 61 FR 18958.  |   |
| 567–22.207 .....   | Relation to Construction Permits .....   | 12/14/94             | 4/30/96, 61 FR 18958.  |   |
| 567–22.208 .....   | Suspension, Termination, and Revocation of Voluntary Operating Permits.  | 12/14/94             | 4/30/96, 61 FR 18958.  |   |
| 567–22.209 .....   | Change of Ownership for Facilities With Voluntary Operating Permits.   | 7/13/05              | 12/20/05, 70 FR 75399. |   |

## EPA-APPROVED IOWA REGULATIONS—Continued

| Iowa citation   | Title   | State effective date | EPA approval date      | Explanation   |
|---|---|----------------------|------------------------|---|
| 567–22.300 .....  | Operating Permit by Rule for Small Sources.   | 4/4/07               | 10/16/07, 72 FR 58535. |   |
| <b>Chapter 23—Emission Standards for Contaminants</b>                               |   |                      |                        |   |
| 567–23.1 .....  | Emission Standards .....  | 10/14/98             | 5/22/00, 65 FR 32030.  | Subrules 23.1(2)–(5) are not SIP approved.  |
| 567–23.2 .....  | Open Burning .....  | 1/14/04              | 11/3/04, 69 FR 63945.  | Subrule 23.2(3)g(2) was not submitted for approval. Variances from open burning rule 23.2(2) are subject to EPA approval. |
| 567–23.3 .....  | Specific Contaminants .....   | 12/15/04             | 5/31/07, 72 FR 30275.  | Subrule 23.3(3) “(d)” is not SIP approved.  |
| 567–23.4 .....  | Specific Processes .....  | 3/19/08              | 8/25/08, 73 FR 49950.  | Subrule 23.4(10) is not SIP approved.   |
| <b>Chapter 24—Excess Emissions</b>  |   |                      |                        |   |
| 567–24.1 .....  | Excess Emission Reporting .....   | 5/13/98              | 5/22/00, 65 FR 32030.  |   |
| 567–24.2 .....  | Maintenance and Repair Requirements   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| <b>Chapter 25—Measurement of Emissions</b>  |   |                      |                        |   |
| 567–25.1 .....  | Testing and Sampling of New and Existing Equipment.                                   | 4/4/07               | 10/16/07, 72 FR 58535. |   |
| <b>Chapter 26—Prevention of Air Pollution Emergency Episodes</b>                    |   |                      |                        |   |
| 567–26.1 .....  | General .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–26.2 .....  | Episode Criteria .....  | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–26.3 .....  | Preplanned Abatement Strategies .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–26.4 .....  | Actions During Episodes .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| <b>Chapter 27—Certificate of Acceptance</b>   |   |                      |                        |   |
| 567–27.1 .....  | General .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–27.2 .....  | Certificate of Acceptance .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–27.3 .....  | Ordinance or Regulations .....  | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–27.4 .....  | Administrative Organization .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| 567–27.5 .....  | Program Activities .....  | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| <b>Chapter 28—Ambient Air Quality Standards</b>                                     |   |                      |                        |   |
| 567–28.1 .....  | Statewide Standards .....   | 3/14/90              | 6/29/90, 55 FR 26690.  |   |
| <b>Chapter 29—Qualification in Visual Determination of the Opacity of Emissions</b> |   |                      |                        |   |
| 567–29.1 .....  | Methodology and Qualified Observer ....   | 5/13/98              | 5/22/00, 65 FR 32030.  |   |
| <b>Chapter 31—Nonattainment Areas</b>   |   |                      |                        |   |
| 567–31.1 .....  | Permit Requirements Relating to Nonattainment Areas.                                  | 2/22/95              | 10/23/97, 62 FR 55172. |   |
| 567–31.2 .....  | Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan. | 5/3/98               | 5/22/00, 65 FR 32030.  |   |

## EPA-APPROVED IOWA REGULATIONS—Continued

| Iowa citation  | Title   | State effective date | EPA approval date     | Explanation |
|--|---|----------------------|-----------------------|-------------|
| <b>Chapter 33—Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality</b> |   |                      |                       |             |
| 567–33.1 .....   | Purpose .....   | 11/1/06              | 5/14/07, 72 FR 27056. |             |
| 567–33.2 .....   | Reserved .....  | 11/1/06              | 5/14/07, 72 FR 27056. |             |
| 567–33.3 .....   | Special Construction Permit Requirements for Major Stationary Sources in Areas Designated Attainment or Unclassified (PSD). | 11/1/06              | 5/14/07, 72 FR 27056. |             |
| 567–33.4 to 567–33.8.  | Reserved .....  | 11/1/06              | 5/14/07, 72 FR 27056. |             |
| 567–33.9 .....   | Plantwide Applicability Limitations (PALs).   | 11/1/06              | 5/14/07, 72 FR 27056. |             |
| 567–33.10 .....  | Exceptions to Adoption by Reference ...   | 11/1/06              | 5/14/07, 72 FR 27056. |             |
| <b>Chapter 34—Provisions for Air Quality Emissions Trading Programs</b>  |   |                      |                       |             |
| 567–34.1 .....   | Purpose .....   | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.2 to 567–34.199.  | Reserved .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.201 .....   | CAIR NO <sub>x</sub> Annual Trading Program Provisions.   | 11/28/07             | 4/15/08, 73 FR 20177. |             |
| 567–34.202 .....   | CAIR Designated Representative for CAIR NO <sub>x</sub> Sources.  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.203 .....   | Permits .....   | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.204 .....   | Reserved .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.205 .....   | CAIR NO <sub>x</sub> Allowance Allocations .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.206 .....   | CAIR NO <sub>x</sub> Allowance Tracking System  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.207 .....   | CAIR NO <sub>x</sub> Allowance Transfers .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.208 .....   | Monitoring and Reporting .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.209 .....   | CAIR NO <sub>x</sub> Opt-in Units .....   | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.210 .....   | CAIR SO <sub>2</sub> Trading Program .....  | 11/28/07             | 4/15/08, 73 FR 20177. |             |
| 567–34.211 to 567–34.219.  | Reserved .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.220 .....   | CAIR NO <sub>x</sub> Ozone Season Trading Program.  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.221 .....   | CAIR NO <sub>x</sub> Ozone Season Trading Program General.  | 11/28/07             | 4/15/08, 73 FR 20177. |             |
| 567–34.222 .....   | CAIR Designated Representative for CAIR NO <sub>x</sub> Ozone Season Sources.   | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.223 .....   | CAIR NO <sub>x</sub> Ozone Season Permits .....   | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.224 .....   | Reserved .....  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.225 .....   | CAIR NO <sub>x</sub> Ozone Season Allowance Allocations.  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.226 .....   | CAIR NO <sub>x</sub> Ozone Season Allowance Tracking System.  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.227 .....   | CAIR NO <sub>x</sub> Ozone Season Allowance Transfers.  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.228 .....   | CAIR NO <sub>x</sub> Ozone Season Monitoring and Reporting.   | 7/12/06              | 8/6/07, 72 FR 43539.  |             |
| 567–34.229 .....   | CAIR NO <sub>x</sub> Ozone Season Opt-in Units  | 7/12/06              | 8/6/07, 72 FR 43539.  |             |

## EPA-APPROVED IOWA REGULATIONS—Continued

| Iowa citation      | Title  | State effective date | EPA approval date     | Explanation   |
|--------------------|--|----------------------|-----------------------|---|
| <b>Linn County</b> |  |                      |                       |   |
| Chapter 10 .....   | Linn County Air Quality Ordinance, Chapter 10.                             | 3/1/05               | 8/16/05, 70 FR 48073. | 10.2, Definitions of Federally Enforceable, Maximum Achievable Control Technology (MACT), and MACT floor; 10.4(1), Title V Permits; 19.9(2), NSPS; 19.9(3), Emission Standards for HAPs; 19.9(4), Emission Standards for HAPs for Source Categories; 10.11, Emission of objectionable odors; and, 10.15, Variances are not a part of the SIP. |
| <b>Polk County</b> |  |                      |                       |   |
| Chapter V .....    | Polk County Board of Health Rules and Regulations Air Pollution Chapter V. | 11/7/06              | 6/26/07, 72 FR 35018. | Article I, Section 5–2, definition of “variance”; Article VI, Sections 5–16(n), (o) and (p); Article VIII, Article IX, Sections 5–27(3) and (4); Article XIII, and Article XVI, Section 5–75(b) are not a part of the SIP. Article X, Section 5–28 has a State effective date of 8/24/05.   |

(d) EPA-approved State source-specific permits.

## EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

| Name of source                                | Order/permit No.                            | State effective date | EPA approval date     | Explanation   |
|---|---|----------------------|-----------------------|---|
| (1) Archer-Daniels Midland Company.           | 90–AQ–10 .....                              | 3/25/91              | 11/1/91, 56 FR 56158. |   |
| (2) Interstate Power Company .....            | 89–AQ–04 .....                              | 2/21/90              | 11/1/91, 56 FR 56158. |   |
| (3) Grain Processing Corporation ...          | 74–A–015–S .....                            | 9/18/95              | 12/1/97, 62 FR 63454. |   |
| (4) Grain Processing Corporation ...          | 79–A–194–S .....                            | 9/18/95              | 12/1/97, 62 FR 63454. |   |
| (5) Grain Processing Corporation ...          | 79–A–195–S .....                            | 9/18/95              | 12/1/97, 62 FR 63454. |   |
| (6) Grain Processing Corporation ...          | 95–A–374 .....                              | 9/18/95              | 12/1/97, 62 FR 63454. |   |
| (7) Muscatine Power and Water .....           | 74–A–175–S .....                            | 9/14/95              | 12/1/97, 62 FR 63454. |   |
| (8) Muscatine Power and Water .....           | 95–A–373 .....                              | 9/14/95              | 12/1/97, 62 FR 63454. |   |
| (9) Monsanto Corporation .....                | 76–A–161S3 .....                            | 7/18/96              | 12/1/97, 62 FR 63454. |   |
| (10) Monsanto Corporation .....               | 76–A–265S3 .....                            | 7/18/96              | 12/1/97, 62 FR 63454. |   |
| (11) IES Utilities, Inc .....                 | 97–AQ–20 .....                              | 11/20/98             | 3/11/99, 64 FR 12087. | SO <sub>2</sub> Control Plan for Cedar Rapids.  |
| (12) Archer-Daniels-Midland Corporation.      | SO <sub>2</sub> Emission Control Plan ..... | 9/14/98              | 3/11/99, 64 FR 12087. | ADM Corn Processing SO <sub>2</sub> Control Plan for Cedar Rapids.  |
| (13) Linwood Mining and Minerals Corporation. | 98–AQ–07 .....                              | 3/13/98              | 3/18/99, 64 FR 13343. | PM <sub>10</sub> control plan for Buffalo.  |
| (14) Lafarge Corporation .....                | 98–AQ–08 .....                              | 3/13/98              | 3/18/99, 64 FR 13343. | PM <sub>10</sub> control plan for Buffalo.  |
| (15) Holnam, Inc .....                        | A.C.O. 1999–AQ–31 .....                     | 9/2/99               | 11/6/02, 67 FR 67563. | For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01. |
| (16) Holnam, Inc .....                        | Consent Amendment to A.C.O. 1999–AQ–31.     | 5/16/01              | 11/6/02, 67 FR 67563. | For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01. |

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

| Name of source                              | Order/permit No.   | State effective date | EPA approval date     | Explanation   |
|---|--|----------------------|-----------------------|---|
| (17) Holnam, Inc .....                      | Permits for 17-01-009, Project Nos. 99-511 and 00-468.   | 7/24/01              | 11/6/02, 67 FR 67563. | For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.         |
| (18) Lehigh Portland Cement Company.        | A.C.O. 1999-AQ-32 .....  | 9/2/99               | 11/6/02, 67 FR 67563. | For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.    |
| (19) Lehigh Portland Cement Company.        | Permits for plant No. 17-01-005, Project Nos. 99-631 and 02-037.   | 2/18/02              | 11/6/02, 67 FR 67563. | For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.    |
| (20) Blackhawk Foundry and Machine Company. | A.C.O. 03-AQ-51 .....  | 12/4/03              | 6/10/04, 69 FR 32454. | Together with the permits listed below this order comprises the PM <sub>10</sub> control strategy for Davenport, Iowa.      |
| (21) Blackhawk Foundry and Machine Company. | Permit No. 02-A-116 (Cold Box Core Machine).   | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (22) Blackhawk Foundry and Machine Company. | Permit No. 02-A-290 (Wheelabrator #2 and Casting Sorting).   | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (23) Blackhawk Foundry and Machine Company. | Permit No. 02-A-291 (Mold Sand Silo).  | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (24) Blackhawk Foundry and Machine Company. | Permit No. 02-A-292 (Bond Storage).  | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (25) Blackhawk Foundry and Machine Company. | Permit No. 02-A-293 (Induction Furnace and Aluminum Sweat Furnace).  | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (26) Blackhawk Foundry and Machine Company. | Permit No. 77-A-114-S1 (Wheelabrator #1 & Grinding).   | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (27) Blackhawk Foundry and Machine Company. | Permit No. 84-A-055-S1 (Cupola ladle, Pour deck ladle, Sand shakeout, Muller, Return sand #1, Sand cooler, Sand screen, and Return sand #2). | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |
| (28) Blackhawk Foundry and Machine Company. | Permit No. 72-A-060-S5 (Cupola).   | 8/19/02              | 6/10/04, 69 FR 32454. | Provisions of the permit that relate to pollutants other than PM <sub>10</sub> are not approved by EPA as part of this SIP. |

(e) *The EPA-approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

| Name of nonregulatory SIP provision                        | Applicable geographic or non-attainment area | State submittal date | EPA approval date     | Explanation                         |
|--|--|----------------------|-----------------------|-------------------------------------|
| (1) Air Pollution Control Implementation Plan.             | Statewide .....                              | 1/27/72              | 5/31/72, 37 FR 10842. |                                     |
| (2) Request for a Two Year Extension to Meet the NAAQS.    | Council Bluffs .....                         | 1/27/72              | 5/31/72, 37 FR 10842. | Correction notice published 3/2/76. |
| (3) Revisions to Appendices D and G.                       | Statewide .....                              | 2/2/72               | 5/31/72, 37 FR 10842. | Correction notice published 3/2/76. |
| (4) Source Surveillance and Record Maintenance Statements. | Statewide .....                              | 4/14/72              | 3/2/76, 41 FR 8960.   |                                     |

## EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision   | Applicable geographic or non-attainment area   | State submittal date | EPA approval date     | Explanation |
|---|--|----------------------|-----------------------|-------------|
| (5) Statement Regarding Public Availability of Emissions Data.  | Statewide .....  | 5/2/72               | 3/2/76, 41 FR 8960.   |             |
| (7) Letter Describing the Certificates of Acceptance for Local Air Pollution Control Programs.  | Linn County, Polk County .....   | 12/14/72             | 10/1/76, 41 FR 43407. |             |
| (8) High Air Pollution Episode Contingency Plan.  | Statewide .....  | 6/20/73              | 10/1/76, 41 FR 43407. |             |
| (9) Summary of Public Hearing on Revised Rules Which Were Submitted on July 17, 1975.   | Statewide .....  | 9/3/75               | 10/1/76, 41 FR 43407. |             |
| (10) Air Quality Modeling to Support Sulfur Dioxide Emission Standards.   | Statewide .....  | 3/4/77               | 6/1/77, 42 FR 27892.  |             |
| (11) Nonattainment Plans .....  | Mason City, Davenport, Cedar Rapids, Des Moines.   | 6/22/79              | 3/6/80, 45 FR 14561.  |             |
| (12) Information on VOC Sources to Support the Nonattainment Plan.  | Linn County .....  | 10/8/79              | 3/6/80, 45 FR 14561.  |             |
| (13) Information and Commitments Pertaining to Legally Enforceable RACT Rules to Support the Nonattainment Plan.  | Linn County .....  | 11/16/79             | 3/6/80, 45 FR 14561.  |             |
| (14) Lead Plan .....  | Statewide .....  | 8/19/80              | 3/20/81, 46 FR 17778. |             |
| (15) Letter to Support the Lead Plan.   | Statewide .....  | 1/19/81              | 3/20/81, 46 FR 17778. |             |
| (16) Nonattainment Plans to Attain Secondary Standards.   | Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo. | 4/18/80              | 4/17/81, 46 FR 22372. |             |
| (17) Information to Support the Particulate Matter Nonattainment Plan.  | Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo. | 9/16/80              | 4/17/81, 46 FR 22372. |             |
| (18) Information to Support the Particulate Matter Nonattainment Plan.  | Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo. | 11/17/80             | 4/17/81, 46 FR 22372. |             |
| (19) Schedule for Studying Non-traditional Sources of Particulate Matter and for Implementing the Results.  | Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo. | 6/26/81              | 3/5/82, 47 FR 9462.   |             |
| (20) Air Monitoring Strategy .....  | Statewide .....  | 7/15/81              | 4/12/82, 47 FR 15583. |             |
| (21) Letter of Commitment to Revise Unapprovable Portions of Chapter 22.  | Statewide .....  | 5/14/85              | 9/12/85, 50 FR 37176. |             |
| (22) Letter of Commitment to Submit Stack Height Regulations and to Implement the EPA's Regulations until the State's Rules Are Approved.                               | Statewide .....  | 4/22/86              | 7/11/86, 51 FR 25199. |             |
| (23) Letter of Commitment to Implement the Stack Height Regulations in a Manner Consistent with the EPA's Stack Height Regulations with Respect to NSR/PSD Regulations. | Statewide .....  | 4/22/87              | 6/26/87, 52 FR 23981. |             |
| (24) PM <sub>10</sub> SIP .....   | Statewide .....  | 10/28/88             | 8/15/89, 54 FR 33536. |             |

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

| Name of nonregulatory SIP provision   | Applicable geographic or non-attainment area | State submittal date          | EPA approval date      | Explanation                          |
|---|--|-------------------------------|------------------------|--------------------------------------|
| (25) Letter Pertaining to NO <sub>x</sub> Rules and Analysis Which Certifies the Material Was Adopted by the State on October 17, 1990. | Statewide .....                              | 11/8/90                       | 2/13/91, 56 FR 5757.   |                                      |
| (26) SO <sub>2</sub> Plan .....   | Clinton .....                                | 3/13/91                       | 11/1/91, 56 FR 56158.  |                                      |
| (27) Letter Withdrawing Variance Provisions.  | Polk County .....                            | 10/23/91                      | 11/29/91, 56 FR 60924. | Correction notice published 1/26/93. |
| (28) Letter Concerning Open Burning Exemptions.   | Statewide .....                              | 10/3/91                       | 1/22/92, 57 FR 2472.   |                                      |
| (29) Compliance Sampling Manual   | Statewide .....                              | 1/5/93                        | 5/12/93, 58 FR 27939.  |                                      |
| (30) Small Business Assistance Plan.  | Statewide .....                              | 12/22/92                      | 9/27/93, 58 FR 50266.  |                                      |
| (31) Voluntary Operating Permit Program.  | Statewide .....                              | 12/8/94<br>2/16/96<br>2/27/96 | 4/30/96, 61 FR 18958.  |                                      |
| (32) SO <sub>2</sub> Plan .....   | Muscatine .....                              | 6/19/96<br>5/21/97            | 12/1/97, 62 FR 63454.  |                                      |
| (33) SO <sub>2</sub> Maintenance Plan .....   | Muscatine .....                              | 4/25/97                       | 3/19/98, 63 FR 13343.  |                                      |
| (34) SO <sub>2</sub> Control Plan .....   | Cedar Rapids .....                           | 9/11/98                       | 3/11/99, 64 FR 12090.  |                                      |
| (35) PM <sub>10</sub> Control Plan .....  | Buffalo, Iowa .....                          | 10/1/98                       | 3/18/99, 64 FR 13346.  |                                      |
| (36) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.  | Statewide .....                              | 11/22/06                      | 3/8/07, 72 FR 10380.   |                                      |
| (37) SO <sub>2</sub> Maintenance Plan for the Second 10-year Period.  | Muscatine .....                              | 4/5/07                        | 8/1/07; 72 FR 41900.   |                                      |
| (38) CAA 110(a)(1) and (2)—Ozone Infrastructure SIP.  | Statewide .....                              | 6/15/07                       | 3/04/08; 73 FR 11554.  |                                      |

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2009-0130; FRL-8429-3]

**N,N,N',N''-Tetrakis-(2-Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of N,N,N',N''-tetrakis-(2-hydroxypropyl) ethylenediamine (NTHE) when used as an inert ingredient for pre-harvest uses under 40 CFR 180.920 at a maximum of 20% by weight in pesticide formulations. The Joint Inerts Task Force (JITF), Cluster Support Team Number 15 (CST 15), submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to

establish a maximum permissible level for residues of NTHE.

**DATES:** This regulation is effective July 29, 2009. Objections and requests for hearings must be received on or before September 28, 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-2009-0130. All documents in the docket are listed in the docket index available at <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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open 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:** Kerry Leifer, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8811; e-mail address: [leifer.kerry@epa.gov](mailto:leifer.kerry@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 those engaged in the following activities:

- 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 to provide a guide for readers regarding entities likely to be