

Dated: September 9, 2009.

G.T. Blore,

Rear Admiral, U.S. Coast Guard, Commander,
Thirteenth Coast Guard District.

[FR Doc. E9-24317 Filed 10-7-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-8952-8]

Approval and Promulgation of Air Quality Implementation Plans; Missouri; 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 Missouri 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 October 8, 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.

FOR FURTHER INFORMATION CONTACT:
Evelyn VanGoethem at (913) 551-7659,

or by e-mail at
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 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 June 29, 1999, EPA published a document in the **Federal Register** (64 FR 34717) beginning the new IBR procedure for Missouri. On May 24, 2004 (69 FR 29435), EPA published an update to the IBR material for Missouri.

In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of August 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 § 52.1320 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 first entry for 10-5.220 in § 52.1320 paragraph (c) under Chapter 5.

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 Missouri 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 Missouri 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: August 24, 2009.

William Rice,

Acting Regional Administrator, Region 7.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart CC—Missouri

■ 2. In § 52.1320 paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 52.1320 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, 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 August 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 August 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.

(c) *EPA-approved regulations.*

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area				
10-2.040	Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	9/4/84	1/24/85, 50 FR 3337.	
10-2.090	Incinerators	2/25/70	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10-2.100	Open Burning Restrictions	4/2/84	8/31/84, 49 FR 34484.	
10-2.150	Time Schedule for Compliance	2/25/70	3/18/80, 45 FR 17145.	
10-2.205	Control of Emissions from Aerospace Manufacture and Rework Facilities.	3/30/01	4/24/02, 67 FR 20036.	
10-2.210	Control of Emissions from Solvent Metal Cleaning.	2/29/08	6/20/08, 73 FR 35074.	
10-2.215	Control of Emissions from Solvent Cleanup Operations.	5/30/01	4/24/02, 67 FR 20036.	
10-2.220	Liquefied Cutback Asphalt Paving Restricted.	6/3/91	6/23/92, 57 FR 27939.	
10-2.230	Control of Emissions from Industrial Surface Coating Operations.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (correction).
10-2.260	Control of Petroleum Liquid Storage, Loading, and Transfer.	4/30/04	2/2/05, 70 FR 5379.	
10-2.290	Control of Emissions from Rotogravure and Flexographic Printing Facilities.	3/30/92	8/30/93, 58 FR 45451.	The State rule has Sections (6)(A) and (6)(B), which EPA has not approved. 9/6/94, 59 FR 43376 (correction).

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10-2.300	Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products.	11/20/91	3/26/03, 68 FR 14539.	4/3/95, 60 FR 16806 (correction).
10-2.310	Control of Emissions from the Application of Automotive Underbody Deadeners.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (correction).
10-2.320	Control of Emissions from Production of Pesticides and Herbicides.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (correction).
10-2.330	Control of Gasoline Reid Vapor Pressure.	5/30/01	2/13/02, 67 FR 6660.	
10-2.340	Control of Emissions from Lithographic Printing Facilities.	9/30/03	10/30/03, 68 FR 61758.	
10-2.360	Control of Emissions from Bakery Ovens.	11/30/95	7/20/98, 63 FR 38755.	
10-2.390	Kansas City Area Transportation Conformity Requirements.	7/27/07	10/18/07, 72 FR 59014.	

Chapter 3—Air Pollution Control Regulations for the Outstate Missouri Area

10-3.010	Auto Exhaust Emission Controls	2/1/78	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10-3.030	Open Burning Restrictions	7/31/98	4/1/99, 64 FR 15688.	
10-3.040	Incinerators	2/1/78	3/18/80, 45 FR 17145.	
10-3.060	Maximum Allowable Emissions of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	11/30/02	3/18/03, 68 FR 12831.	

Chapter 4—Air Quality Standards and Air Pollution Control Regulations for Springfield-Greene County Area

10-4.040	Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	11/30/02	3/18/03, 68 FR 12831.	The State has rescinded this rule.
10-4.080	Incinerators	12/16/69	3/18/80, 45 FR 17145.	
10-4.090	Open Burning Restrictions	4/2/84	8/31/84, 49 FR 34484.	
10-4.140	Time Schedule for Compliance	12/15/69	3/18/80, 45 FR 17145.	

Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area

10-5.030	Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	9/4/84	1/24/85, 50 FR 3337.	The State has rescinded this rule.
10-5.040	Use of Fuel in Hand-Fired Equipment Prohibited.	9/18/70	3/18/80, 45 FR 17145.	
10-5.060	Refuse Not To Be Burned in Fuel Burning Installations.	9/18/70	3/18/80, 45 FR 17145.	
10-5.070	Open Burning Restrictions	1/29/95	2/17/00, 65 FR 8060.	
10-5.080	Incinerators	9/18/70	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10-5.120	Information on Sales of Fuels To Be Provided and Maintained.	9/18/70	3/18/80, 45 FR 17145.	
10-5.130	Certain Coals To Be Washed	9/18/70	3/18/80, 45 FR 17145.	The State has deleted all provisions to N.L. Industries, which is no longer in operation, and has made significant changes to the provisions affecting Carondelet Coke.
10-5.220	Control of Petroleum Liquid Storage, Loading and Transfer.	9/30/07	4/2/08, 73 FR 17893.	
10-5.240	Additional Air Quality Control Measures May Be Required When Sources Are Clustered in a Small Land Area.	9/18/70	3/18/80, 45 FR 17145.	
10-5.250	Time Schedule for Compliance	1/18/72	3/18/80, 45 FR 17145.	
10-5.290	More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis Area.	5/3/82	8/30/82, 47 FR 38123.	
10-5.295	Control of Emissions from Aerospace Manufacturing and Rework Facilities.	2/29/00	5/18/00, 65 FR 31489.	
10-5.300	Control of Emissions from Solvent Metal Cleaning.	11/30/06	3/9/07, 72 FR 10610.	
10-5.310	Liquefied Cutback Asphalt Restricted ..	3/1/89	3/5/90, 55 FR 7712.	
10-5.330	Control of Emissions from Industrial Surface Coating Operations.	12/30/00	7/20/01, 66 FR 37904.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10-5.340	Control of Emissions from Rotogravure and Flexographic Printing Facilities.	3/30/92	8/30/93, 58 FR 45451.	The State rule has Section (6)(A)(B), which EPA has not approved. 9/6/94 59 FR 43376 (correction).
10-5.350	Control of Emissions from Manufacture of Synthesized Pharmaceutical Products.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10-5.360	Control of Emissions from Polyethylene Bag Sealing Operations.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10-5.370	Control of Emissions from the Application of Deadeners and Adhesives.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10-5.380	Motor Vehicle Emissions Inspection	12/30/02	5/12/03, 68 FR 25414.	
10-5.390	Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products.	8/30/00	8/14/01, 66 FR 42605.	
10-5.410	Control of Emissions from Manufacture of Polystyrene Resin.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10-5.420	Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants.	3/11/89	3/5/90, 55 FR 7712.	
10-5.440	Control of Emissions from Bakery Ovens.	12/30/96	2/17/00, 65 FR 8060.	
10-5.442	Control of Emissions from Offset Lithographic Printing Operations.	5/28/95	2/17/00, 65 FR 8060.	
10-5.450	Control of VOC Emissions from Traffic Coatings.	5/28/95	2/17/00, 65 FR 8060.	
10-5.451	Control of Emissions from Aluminum Foil Rolling.	9/30/00	7/20/01, 66 FR 37906.	
10-5.455	Control of Emissions from Solvent Cleaning Operations.	2/28/97	2/17/00, 65 FR 8060.	
10-5.480	St. Louis Area Transportation Conformity Requirements.	7/27/07	10/18/07, 72 FR 59014.	
10-5.490	Municipal Solid Waste Landfills	12/30/96	2/17/00, 65 FR 8060.	
10-5.500	Control of Emissions from Volatile Organic Liquid Storage.	2/29/00	5/18/00, 65 FR 31489.	
10-5.510	Control of Emissions of Nitrogen Oxides.	5/30/06	11/6/06, 71 FR 64888.	
10-5.520	Control of Volatile Organic Compound Emissions from Existing Major Sources.	2/29/00	5/18/00, 65 FR 31489.	
10-5.530	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.	2/29/00	5/18/00, 65 FR 31489.	
10-5.540	Control of Emissions from Batch Process Operations.	2/29/00	5/18/00, 65 FR 31489.	
10-5.550	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry.	2/29/00	5/18/00, 65 FR 31489.	

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations
for the State of Missouri**

10-6.010	Ambient Air Quality Standards	2/28/06	12/5/06, 71 FR 70468.	
10-6.020	Definitions and Common Reference Tables.	9/30/08	4/14/09, 74 FR 17086.	
10-6.030	Sampling Methods for Air Pollution Sources.	2/28/06	12/5/06, 71 FR 70468.	
10-6.040	Reference Methods	2/28/06	12/5/06, 71 FR 70468.	
10-6.050	Start-up, Shutdown, and Malfunction Conditions.	2/28/02	8/27/02, 67 FR 54965.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10-6.060	Construction Permits Required	12/30/04	10/10/06, 71 FR 59383.	This revision incorporates by reference elements of EPA's NSR reform rule published December 31, 2002. Provisions of the incorporated reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from recordkeeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP approved. This revision also incorporates by reference the other provisions of 40 CFR 52.21 as in effect on July 1, 2003, which supersedes any conflicting provisions in the Missouri rule. We are conditionally approving references to 10 CSR 10-6.062 contained in the last sentence of Section (1)(B) and all of section (1)(D). Section 9, pertaining to hazardous air pollutants, is not SIP approved.
10-6.061	Construction Permits Exemptions	7/30/06	12/4/06, 70315.	Section (3)(A)2.D. is not included in the SIP.
10-6.062	Construction Permits by Rule	5/30/07	9/26/07, 72 FR 54562.	Section (3)(B)4. is not included in the SIP.
10-6.065	Operating Permits	9/30/05	2/21/07, 72 FR 7829.	Section (4) Basic State Operating Permits, has not been approved as part of the SIP.
10-6.110	Submission of Emission Data, Emission Fees, and Process Information.	12/30/07	9/15/08, 73 FR 53137.	Section (3)(D), Emissions Fees, has not been approved as part of the SIP.
10-6.120	Restriction of Emissions of Lead from Specific Lead Smelter-Refinery Installations.	3/30/05	6/12/06, 71 FR 33622.	
10-6.130	Controlling Emissions During Episodes of High Air Pollution Potential.	11/30/02	3/18/03, 68 FR 12829.	
10-6.140	Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques.	5/1/86	3/31/89, 54 FR 13184.	
10-6.150	Circumvention	8/15/90	4/17/91, 56 FR 15500.	
10-6.170	Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin.	8/30/98	3/31/00, 65 FR 17164.	
10-6.180	Measurement of Emissions of Air Contaminants.	11/19/90	7/23/91, 56 FR 33714.	
10-6.210	Confidential Information	1/27/95	2/29/96, 61 FR 7714.	
10-6.220	Restriction of Emission of Visible Air Contaminants.	11/30/02	3/18/03, 68 FR 12827.	
10-6.260	Restriction of Emission of Sulfur Compounds.	2/29/08	6/20/08, 73 FR 35071.	Section (3)(B) is not SIP approved.
10-6.280	Compliance Monitoring Usage	3/30/02	8/27/02, 67 FR 54961.	
10-6.300	Conformity of General Federal Actions to State Implementation Plans.	9/17/07	12/4/07, 72 FR 68072.	
10-6.330	Restriction of Emissions from Batch-type Charcoal Kilns.	6/30/98	12/8/98, 63 FR 67591.	
10-6.350	Emissions Limitations and Emissions Trading of Oxides of Nitrogen.	5/30/07	4/2/08, 73 FR 17890.	
10-6.360	Control of NO _x Emissions from Electric Generating Units and Non-Electric Generating Boilers.	5/30/07	4/2/08, 73 FR 17890.	
10-6.362	Clean Air Interstate Rule Annual NO _x Trading Program.	5/18/07	12/14/07, 72 FR 71073.	
10-6.364	Clean Air Interstate Rule Seasonal NO _x Trading Program.	5/18/07	12/14/07, 72 FR 71073.	
10-6.366	Clean Air Interstate Rule SO ₂ Trading Program.	5/18/07	12/14/07, 72 FR 71073.	
10-6.380	Control of NO _x Emissions from Portland Cement Kilns.	10/30/05	8/15/06, 71 FR 46860.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10-6.390	Control of NO _x Emissions from Large Stationary Internal Combustion Engines.	10/30/05	8/15/06, 71 FR 46860.	
10-6.400	Restriction of Emission of Particulate Matter from Industrial Processes.	9/30/01	11/30/01, 66 FR 59706.	
10-6.410	Emissions Banking and Trading	4/30/03	8/11/03, 68 FR 47466.	

Missouri Department of Public Safety Division 50—State Highway Patrol Chapter 2—Motor Vehicle Inspection

50-2.010	Definitions	4/11/82	8/12/85, 50 FR 32411.	
50-2.020	Minimum Inspection Station Requirements.	10/11/82	8/12/85, 50 FR 32411.	
50-2.030	Inspection Station Classification	12/11/77	8/12/85, 50 FR 32411.	
50-2.040	Private Inspection Stations	5/31/74	8/12/85, 50 FR 32411.	
50-2.050	Inspection Station Permits	11/11/79	8/12/85, 50 FR 32411.	
50-2.060	Display of Permits, Signs and Poster ..	11/31/74	8/12/85, 50 FR 32411.	
50-2.070	Hours of Operation	11/11/83	8/12/85, 50 FR 32411.	
50-2.080	Licensing of Inspector/Mechanics	4/13/78	8/12/85, 50 FR 32411.	
50-2.090	Inspection Station Operational Requirements.	8/11/78	8/12/85, 50 FR 32411.	
50-2.100	Requisition of Inspection Stickers and Decals.	6/12/80	8/12/85, 50 FR 32411.	
50-2.110	Issuance of Inspection Stickers and Decals.	12/11/77	8/12/85, 50 FR 32411.	
50-2.120	MVI-2 Form	11/11/83	8/12/85, 50 FR 32411.	
50-2.130	Violations of Laws or Rules Penalty	5/31/74	8/12/85, 50 FR 32411.	
50-2.260	Exhaust System	5/31/74	8/12/85, 50 FR 32411.	
50-2.280	Air Pollution Control Devices	12/11/80	8/12/85, 50 FR 32411.	
50-2.290	Fuel Tank	5/3/74	8/12/85, 50 FR 32411.	
50-2.350	Applicability of Motor Vehicle Emission Inspection.	5/1/84	8/12/85, 50 FR 32411.	
50-2.360	Emission Fee	11/1/83	8/12/85, 50 FR 32411.	
50-2.370	Inspection Station Licensing	12/21/90	10/13/92, 57 FR 46778.	
50-2.380	Inspector/Mechanic Licensing	11/1/83	8/12/85, 50 FR 32411.	
50-2.390	Safety/Emission Stickers	11/1/83	8/12/85, 50 FR 32411.	
50-2.401	General Specifications	12/21/90	10/13/92, 57 FR 46778.	
50-2.402	MAS Software Functions	12/21/90	10/13/92, 57 FR 46778.	The SIP does not include Section (6), Safety Inspection.
50-2.403	Missouri Analyzer System (MAS) Display and Program Requirements.	12/21/90	10/13/92, 57 FR 46778.	The SIP does not include Section (3)(B)4, Safety Inspection Sequences or (3)(M)5(II), Safety Inspection Summary.
50-2.404	Test Record Specifications	12/21/90	10/13/92, 57 FR 46778.	The SIP does not include Section (5), Safety Inspection Results.
50-2.405	Vehicle Inspection Certificate, Vehicle Inspection Report, and Printer Function Specifications.	12/21/90	10/13/92, 57 FR 46778.	
50-2.406	Technical Specifications for the MAS ..	12/21/90	10/13/92, 57 FR 46778.	
50-2.407	Documentation, Logistics and Warranty Requirements.	12/21/90	10/13/92, 57 FR 46778.	
50-2.410	Vehicles Failing Reinspection	12/21/90	10/13/92, 57 FR 46778.	
50-2.420	Procedures for Conducting Only Emission Tests.	12/21/90	10/13/92, 57 FR 46778.	

Kansas City Chapter 8—Air Quality

8-2	Definitions	12/10/98	12/22/99, 64 FR 71663.	
8-4	Open burning	10/31/96	4/22/98, 63 FR 19823.	
8-5	Emission of particulate matter	12/10/98	12/22/99, 64 FR 71663.	Only subsections 8-5(c)(1)b, 8-5(c)(1)c, 8-5(c)(2)a, 8-5(c)(3)a, 8-5(c)(3)b, 8-5(c)(3)c, 8-5(c)(3)d are approved in the SIP.

Springfield—Chapter 2A—Air Pollution Control Standards

Article I	Definitions	10/31/96	4/22/98, 63 FR 19823.	Only Section 2A-2 is approved by EPA.
Article VII	Stack Emission Test Method	10/31/96	4/22/98, 63 FR 19823.	Only Section 2A-25 is approved by EPA.
Article IX	Incinerator	10/31/96	4/22/98, 63 FR 19823.	Only Sections 2A-34 through 38 are approved by EPA.

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
Article XX	Test Methods and Tables	10/31/96	4/22/98, 63 FR 19823.	Only Sections 2A–51, 55, and 56 are approved by EPA.
St. Louis City Ordinance 65645				
Section 6	Definitions	8/28/03	12/9/03, 68 FR 68521.	The phrase “other than liquids or gases” in the Refuse definition has not been approved.
Section 15	Open Burning Restrictions	8/28/03	12/9/03, 68 FR 68521.	

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

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
(1) ASARCO Inc. Lead Smelter, Glover, MO.	Order	8/13/80	4/27/81, 46 FR 23412.	In a notice published on 8/15/97 at 62 FR 43647, EPA required implementation of the contingency measures.
(2) St. Joe Lead (Doe Run) Company Lead Smelter, Herculaneum, MO.	Order	3/21/84	6/11/84, 49 FR 24022.	
(3) AMAX Lead (Doe Run) Company Lead Smelter, Boss, MO.	Order	9/27/84	1/7/85, 50 FR 768.	
(4) Gusdorf Operating Permit, 11440 Lackland Road, St. Louis County, MO.	Permit Nos: 04682–04693	* 4/29/80	10/15/84, 49 FR 40164.	
(5) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order	3/9/90	3/6/92, 57 FR 8076.	
(6) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order	8/17/90	3/6/92, 57 FR 8076.	
(7) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order	7/2/93	5/5/95, 60 FR 22274.	
(8) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order (Modification) ...	4/28/94	5/5/95, 60 FR 22274	
(9) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order (Modification) ...	11/23/94	5/5/95, 60 FR 22274.	
(10) Doe Run Buick Lead Smelter, Boss, MO.	Consent Order	7/2/93	8/4/95, 60 FR 39851.	
(11) Doe Run Buick Lead Smelter, Iron County, MO.	Consent Order (Modification) ...	9/29/94	8/4/95, 60 FR 39851.	
(12) ASARCO Glover Lead Smelter, Glover, MO.	Consent Decree CV596–98CC with exhibits A–G.	7/30/96	3/5/97, 62 FR 9970.	
(13) Eagle-Picher Technologies, Joplin, MO.	Consent Agreement	08/26/99	4/24/00, 65 FR 21649.	
(14) Doe Run Resource Recycling Facility near Buick, MO.	Consent Order	5/11/00	10/18/00, 65 FR 62295.	
(15) St. Louis University	Medical Waste Incinerator	9/22/92	4/22/98, 63 FR 19823.	
(16) St. Louis University	Permit Matter No. 00–01–004 ..	1/31/00	10/26/00, 65 FR 64156.	
(17) St. Joseph Light & Power SO ₂ .	Consent Decree	5/21/01	11/15/01, 66 FR 57389.	
(18) Asarco, Glover, MO	Modification of Consent Decree, CV596–98CC.	7/31/00	4/16/02, 67 FR 18497.	
(19) Doe Run, Herculaneum, MO.	Consent Judgement, CV301–0052C–J1, with Work Practice Manual and S.O.P. for Control of Lead Emissions (Rev 2000).	1/5/01	4/16/02, 67 FR 18497.	
(20) Springfield City Utilities James River Power Station SO ₂ .	Consent Agreement	12/6/01	3/25/02, 67 FR 13570.	
(21) St. Louis University	Permit Matter No. 00–01–004 ..	8/28/03	12/9/03, 68 FR 68521	
(22) Doe Run Lead Smelter, Glover, MO.	Settlement Agreement	10/31/03	10/29/04, 69 FR 63072.	

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS—Continued

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
(23) Grossman Iron and Steel Company.	Permit No. SR00.045A	7/19/06	12/4/06, 71 FR 70312.	
(24) Doe Run Herculaneum, MO.	Consent Judgment Modification, CV301-0052CCJ1.	12/20/05	5/4/07, 72 FR 25203.	

* St Louis County.

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

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(1) Kansas City and Outstate Air Quality Control Regions Plan.	Kansas City and Outstate	1/24/72	5/31/72, 37 FR 10875.	
(2) Implementation Plan for the Missouri portion of the St. Louis Interstate Air Quality Control Region.	St. Louis	1/24/72	5/31/72, 37 FR 10875.	
(3) Effects of adopting Appendix B to NO ₂ emissions.	St. Louis	3/27/72	5/31/72, 37 FR 10875.	
(4) CO air quality data base	St. Louis	5/2/72	5/31/72, 37 FR 10875.	
(5) Budget and manpower projections.	Statewide	2/28/72	10/28/72, 37 FR 23089.	
(6) Emergency episode manual	Kansas City	5/11/72	10/28/72, 37 FR 23089.	
(7) Amendments to Air Conservation Law.	Statewide	7/12/72	10/28/72, 37 FR 23089.	
(8) Air monitoring plan	Outstate	7/12/72	10/28/72, 37 FR 23089.	
(9) Amendments to Air Conservation Law.	Statewide	8/8/72	10/28/72, 37 FR 23089.	
(10) Transportation control strategy	Kansas City	5/11/73, 5/21/73	6/22/73, 38 FR 16566.	
(11) Analysis of ambient air quality data and recommendation to not designate the area as an air quality maintenance area.	Kansas City	4/11/74	3/2/76, 41 FR 8962.	
(12) Recommendation to designate air quality maintenance areas.	St. Louis, Columbia, Springfield.	5/6/74	9/9/75, 40 FR 41950.	
(13) Plan to attain the NAAQS	Kansas City, St. Louis	7/2/79	4/9/80, 45 FR 24140	Correction notice published 7/11/80.
(14) Schedule for I/M program and commitment regarding difficult transportation control measures (TCMs).	St. Louis	9/9/80	3/16/81, 46 FR 16895.	
(15) Lead SIP	Statewide	9/2/80, 2/11/81, 2/13/81	4/27/81, 46 FR 23412, 7/19/84, 49 FR 29218	Correction notice published 5/15/81.
(16) Report on recommended I/M program.	St. Louis	12/16/80	8/27/81, 46 FR 43139	No action was taken on the specific recommendations in the report.
(17) Report outlining commitments to TCMs, analysis of TCMs, and results of CO dispersion modeling.	St. Louis	2/12/81, 4/28/81	11/10/81, 46 FR 55518.	
(18) 1982 CO and ozone SIP	St. Louis	12/23/82, 8/24/83	10/15/84, 49 FR 40164.	
(19) Air quality monitoring plan	Statewide	6/6/84	9/27/84, 49 FR 38103.	
(20) Vehicle I/M program	St. Louis	8/27/84	8/12/85, 50 FR 32411.	
(21) Visibility protection plan	Hercules Glades and Mingo Wildlife Area.	5/3/85	2/10/86, 51 FR 4916.	
(22) Plan for attaining the ozone standard by December 31, 1987.	St. Louis	8/1/85	9/3/86, 51 FR 31328.	
(23) PM ₁₀ plan	Statewide	3/29/88, 6/15/88	7/31/89, 54 FR 31524.	
(24) Construction permit fees including Chapter 643 RSMo.	Statewide	1/24/89, 9/27/89	1/9/90, 55 FR 735.	

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(25) PSD NOx requirements including a letter from the State pertaining to the rules and analysis.	Statewide	7/9/90	3/5/91, 56 FR 9172.	
(26) Lead plan	Herculaneum	9/6/90, 5/8/91	3/6/92, 57 FR 8076.	
(27) Ozone maintenance plan	Kansas City	10/9/91	6/23/92, 57 FR 27939.	
(28) Small business assistance plan	Statewide	3/10/93	10/26/93, 58 FR 57563.	
(29) Part D Lead plan	Herculaneum	7/2/93, 6/30/94, 11/23/94	5/5/95, 60 FR 22274.	
(30) Intermediate permitting program including three letters pertaining to authority to limit potential to emit hazardous air pollutants.	Statewide	3/31/94, 11/7/94, 10/3/94, 2/10/95	9/25/95, 60 FR 49340.	
(31) Part D lead plan	Bixby	7/2/93, 6/30/94	8/4/95, 60 FR 39851.	
(32) Transportation conformity plans including a policy agreement and a letter committing to implement the State rule consistent with the Federal transportation conformity rule.	St. Louis, Kansas City	2/14/95	2/29/96, 61 FR 7711.	
(33) Emissions inventory update including a motor vehicle emissions budget.	Kansas City	4/12/95	4/25/96, 61 FR 18251.	
(34) Part D Lead Plan	Glover	8/14/96	3/5/97, 62 FR 9970.	
(35) CO Maintenance Plan	St. Louis	6/13/97, 6/15/98	1/26/99, 64 FR 3855.	
(36) 1990 Base Year Inventory	St. Louis	1/20/95	2/17/00, 65 FR 8063.	
(37) 15% Rate-of-Progress Plan	St. Louis	11/12/99	5/18/00, 65 FR 31489.	
(38) Implementation plan for the Missouri inspection maintenance program.	St. Louis	11/12/99	5/18/00, 65 FR 31482.	
(39) Doe Run Resource Recycling Facility near Buick, MO.	Dent Township in Iron County.	5/17/00	10/18/00, 65 FR 62298.	
(40) Commitments with respect to implementation of rule 10 CSR 10–6.350, Emissions Limitations and Emissions Trading of Oxides of Nitrogen.	Statewide	8/8/00	12/28/00, 65 FR 82288.	
(41) Contingency Plan including letter of April 5, 2001.	St. Louis	10/6/97, 4/5/01	6/26/01, 66 FR 34011.	
(42) Ozone 1-Hour Standard Attainment Demonstration Plan for November 2004 including 2004 On-Road Motor Vehicle Emissions Budgets.	St. Louis	11/10/99, 11/2/00, 2/28/01, 3/7/01	6/26/01, 66 FR 34011.	
(43) Doe Run Resources Corporation Primary lead Smelter, 2000 Revision of Lead SIP.	Herculaneum, MO	1/9/01	4/16/02, 67 FR 18502	The SIP was reviewed and approved by EPA on 1/11/01.
(44) Doe Run Resources Corporation Primary Lead Smelter, 2000 Revision of Lead SIP.	Glover, MO	6/15/01	4/16/02, 67 FR 18502	The SIP was reviewed and approved by EPA on 6/26/01.
(45) Maintenance Plan for the Missouri Portion of the St. Louis Ozone Nonattainment Area including 2014 On-Road Motor Vehicle Emission Budgets.	St. Louis	12/6/02	5/12/03, 68 FR 25442.	
(46) Maintenance Plan for the 1-hour ozone standard in the Missouri portion of the Kansas City maintenance area for the second ten-year period.	Kansas City	12/17/02	1/13/04, 69 FR 1923.	
(47) Vehicle I/M Program	St. Louis	10/1/03	5/13/04, 69 FR 26506.	

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(48) Revised Maintenance Plan of Doe Run Resource Recycling Facility near Buick, MO.	Dent Township in Iron County.	4/29/03	8/24/04, 69 FR 51953	Furnace daily throughput limits required to be consistent with rule 10 CSR 10–6.120. Annual production cap in Doe Run construction permit not affected by this rulemaking.
(49) Lead Maintenance Plan	Iron County (part) within boundaries of Liberty and Arcadia Townships.	1/26/04	10/29/04, 69 FR 63072.	
(50) Revision to Maintenance Plan for the 1-hour ozone standard in the Missouri portion of the Kansas City maintenance area for the second ten-year period.	Kansas City	10/28/05	6/26/06, 71 FR 36210.	
(51) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide	2/27/07	5/8/07, 72 FR 25085.	
(52) Submittal of the 2002 Base Year Inventory for the Missouri Portion of the St. Louis 8-hour ozone nonattainment area and Emissions Statement SIP.	St. Louis	6/15/06	5/31/07, 72 FR 30272.	
(53) Maintenance Plan for the 8-hour ozone standard in the Missouri portion of the Kansas City area.	Kansas City	5/23/07	8/9/07, 72 FR 44778	This plan replaces numbers (46) and (50).

[FR Doc. E9–23474 Filed 10–7–09; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2009–0593; FRL–8967–1]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation To Reduce Idling of Heavy-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Delaware State Implementation Plan (SIP). The revision contains a regulation to reduce engine idling time for operation of most heavy-duty vehicles in the state, with certain exceptions. EPA is approving this revision to the Delaware SIP governing idling of heavy duty vehicles in the State of Delaware. EPA’s approval of this SIP revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on December 7, 2009 without further notice, unless EPA receives adverse written comment by November 9, 2009. If EPA receives such comments, it will

publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2009–0593 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:* fernandez.cristina@epa.gov.

C. *Mail:* EPA–R03–OAR–2009–0593, Cristina Fernandez, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID Number EPA–R03–OAR–2009–0593. 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, *i.e.*, 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