

31248, within 25-hours TIS or 30 days, whichever occurs first, unless done previously, and thereafter at intervals not to exceed 50-hours TIS.

(b) If you find any bond separation, use the small end of the head of the hammer to identify the edges of the debonded area. If the debonded area goes beyond the strake, remove the strake. Using a marking pen or chalk, mark the edge of the debonded area.

(1) Measure the surface area of each debonded area, the distance between the edges of the debonded areas, and the distance of the edge of each debonded area from the edge of the bond joint.

(2) Before further flight, repair the tailboom using FAA-approved data and procedures if:

(i) The debonded area exceeds 320 mm² (0.5 in²),

(ii) The distance between the edges of any two debonded areas is less than or equal to three times the largest debond dimension of the two debonded areas measured on a line between the centers of the two debonded areas, or

(iii) The edge of any debonded area is less than 3 mm (0.118 in) from the edge of the panel bond joint.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, ATTN: DOT/FAA Southwest Region, Sharon Miles, ASW-111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Guidance Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5122, fax (817) 222-5961, for information about previously approved alternative methods of compliance.

(d) Special flight permits will not be issued.

(e) Copies of the applicable service information may be obtained from Agusta, Via Giovanni Agusta, 520 21017 Cascina Costa di Samarate (VA), Italy, telephone 39 0331-229111, fax 39 0331-229605/222595, or at http://customersupport.agusta.com/technical_advice.php.

(f) The JASC Code for this part is Code 5302: Rotorcraft Tailboom.

Note 2: The subject of this AD is addressed in European Aviation Safety Agency AD No. 2009-0198-E, dated September 4, 2009.

(g) This amendment becomes effective on February 8, 2010, to all persons except those persons to whom it was made immediately effective by Emergency AD 2009-19-51, issued September 16, 2009, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on January 11, 2010.

Mark R. Schilling,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 2010-1159 Filed 1-21-10; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA-R02-OAR-2009-0680; FRL-9103-3]

Outer Continental Shelf Air Regulations Update To Include New Jersey State Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the update of the Outer Continental Shelf (OCS) Air Regulations proposed in the **Federal Register** on October 2, 2009.

Requirements applying to OCS sources located within 25 miles of States' seaward boundaries must be promulgated and updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act (CAA). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources in the State of New Jersey. The intended effect of approving the OCS requirements for the State of New Jersey is to regulate emissions from OCS sources in accordance with the requirements onshore. The requirements discussed below are incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS air regulations.

DATES: *Effective Date:* This rule is effective on February 22, 2010.

This incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of February 22, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R02-OAR-2009-0680. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007.

FOR FURTHER INFORMATION CONTACT: Steven Riva, Air Programs Branch, Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007; telephone number: (212) 637-4074; e-mail address: riva.steven@epa.gov.

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I. Background Information

Throughout this document, the terms "we," "us," and "our" refer to the EPA.

On September 4, 1992, EPA promulgated 40 CFR part 55,¹ which established requirements to control air pollution from OCS sources in order to attain and maintain Federal and state ambient air quality standards (AAQS) and to comply with the provisions of Part C of title I of the CAA. 40 CFR part 55 applies to all OCS sources offshore of the states except those located in the Gulf of Mexico west of 87.5 degrees longitude.

On October 2, 2009 (74 FR 50939), EPA proposed to approve requirements into the OCS Air Regulations pertaining to the State of New Jersey. EPA has evaluated the proposed regulations to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards or Part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e). In addition, EPA has excluded administrative or procedural rules.

Section 328(a) of the CAA requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable rules in effect for onshore sources into 40 CFR part 55. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive

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

changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

In preparing the Final rule, the following corrections were made to the list of requirements published on October 2, 2009, and are incorporated into this final publication:

1. A section titled "N.J.A.C. 7:27–21.6. Methods to be used for quantifying actual emissions" is inserted at Subchapter 21 of Chapter 27. This insertion rectifies the unintended omission from that proposed rule. Subsequently, Subchapters 21.6, 21.7, 21.8, 21.9, and 21.10 now read 21.7, 21.8, 21.9, 21.10, and 21.11, respectively.

2. The title to Subchapter 31.6 has been edited to now read "Use of allowances by former users of DER credits".

3. The word "reserve" has been removed from the title of N.J.A.C. 7:27–31.8 which should read "Claims for incentive allowances".

4. A section titled "N.J.A.C. 7:27B–2.3. Observation principle" is inserted at Subchapter 2 of Chapter 27B. This insertion rectifies the unintended omission from the proposed rule. Subsequently, Subchapters 2.3, 2.4, and 2.5 now read 2.4, 2.5, and 2.6, respectively.

II. Public Comment and EPA Response

EPA's proposed action provided a 30-day public comment period which closed on November 2, 2009. During this period EPA received no comments on the proposed action.

III. EPA Action

In this document, EPA takes final action to incorporate the proposed changes into 40 CFR part 55. EPA is approving the proposed actions under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore.

IV. Administrative Requirements

A. Executive Order 12866: Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

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

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, and tribal governments in the aggregate; or to the private sector, of \$100 million or more in any one year. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that today's final rule contains no Federal mandates that may result in expenditures of \$100 million or more for State, local, or tribal governments, in the aggregate, or to the private sector in any one year. This action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132: Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (*Federalism*) and 12875 (*Enhancing the Intergovernmental Partnership*). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175: Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

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

This final rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

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

This final rule is not subject to Executive Order 13211, entitled "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new

regulation. To comply with NTTAA, EPA must consider and use voluntary consensus standards (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable laws or otherwise impractical.

The EPA believes that VCS are inapplicable to this section. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Congressional Review Act

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 rule 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 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). This action will be effective February 22, 2010.

K. Petition for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 23, 2010. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 55

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

Dated: December 30, 2009.

Judith A. Enck,

Regional Administrator, Region 2.

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

PART 55—[AMENDED]

■ 1. The authority citation for 40 CFR part 55 continues to read as follows:

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

■ 2. Section 55.14 is amended by revising the sixth sentence in paragraph (e) introductory text and paragraph (e)(15)(i)(A) to read as follows:

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

* * * * *

(e) * * * Copies of rules pertaining to particular states or local areas may be inspected or obtained from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004 or the appropriate EPA regional offices: U.S. EPA, Region 1 (Massachusetts) One Congress Street, Boston, MA 02114–2023; U.S. EPA, Region 2 (New Jersey and New York), 290 Broadway, New York, NY 10007–1866; U.S. EPA, Region III (Delaware), 1650 Arch Street, Philadelphia, PA 19103, (215) 814–5000; U.S. EPA, Region 4 (Florida and North Carolina), 61 Forsyth Street, Atlanta, GA 30303; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San Francisco, CA 94105; and U.S. EPA, Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. * * * *

(15) * * *

(i) * * *

(A) State of New Jersey Requirements Applicable to OCS Sources, August 13, 2009.

* * * * *

■ 3. Appendix A to Part 55 is amended by revising paragraph (a)(1) under the heading "New Jersey" to read as follows:

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

* * * * *

New Jersey

(a) * * *

(1) The following State of New Jersey requirements are applicable to OCS Sources, as of August 13, 2009. New Jersey State Department of Environmental Protection—New Jersey Administrative Code. The following sections of Title 7:

Chapter 27 Subchapter 2—Control and Prohibition of Open Burning (Effective 6/20/94)

- N.J.A.C. 7:27-2.1. Definitions
- N.J.A.C. 7:27-2.2. Open burning for salvage operations
- N.J.A.C. 7:27-2.3. Open burning of refuse
- N.J.A.C. 7:27-2.4. General provisions
- N.J.A.C. 7:27-2.6. Prescribed burning
- N.J.A.C. 7:27-2.7. Emergencies
- N.J.A.C. 7:27-2.8. Dangerous material
- N.J.A.C. 7:27-2.12. Special permit
- N.J.A.C. 7:27-2.13. Fees

Chapter 27 Subchapter 3—Control and Prohibition of Smoke From Combustion of Fuel (Effective 2/4/02)

- N.J.A.C. 7:27-3.1. Definitions
- N.J.A.C. 7:27-3.2. Smoke emissions from stationary indirect heat exchangers
- N.J.A.C. 7:27-3.3. Smoke emissions from marine installations
- N.J.A.C. 7:27-3.4. Smoke emissions from the combustion of fuel in mobile sources
- N.J.A.C. 7:27-3.5. Smoke emissions from stationary internal combustion engines and stationary turbine engines
- N.J.A.C. 7:27-3.6. Stack test
- N.J.A.C. 7:27-3.7. Exceptions

Chapter 27 Subchapter 4—Control and Prohibition of Particles From Combustion of Fuel (Effective 4/20/09)

- N.J.A.C. 7:27-4.1. Definitions
- N.J.A.C. 7:27-4.2. Standards for the emission of particles
- N.J.A.C. 7:27-4.3. Performance test principle
- N.J.A.C. 7:27-4.4. Emissions tests
- N.J.A.C. 7:27-4.6. Exceptions

Chapter 27 Subchapter 5—Prohibition of Air Pollution (Effective 10/12/77)

- N.J.A.C. 7:27-5.1. Definitions
- N.J.A.C. 7:27-5.2. General provisions

Chapter 27 Subchapter 6—Control and Prohibition of Particles From Manufacturing Processes (Effective 6/12/98)

- N.J.A.C. 7:27-6.1. Definitions
- N.J.A.C. 7:27-6.2. Standards for the emission of particles
- N.J.A.C. 7:27-6.3. Performance test principles
- N.J.A.C. 7:27-6.4. Emissions tests
- N.J.A.C. 7:27-6.5. Variances
- N.J.A.C. 7:27-6.7. Exceptions

Chapter 27 Subchapter 7—Sulfur (Effective 3/1/67)

- N.J.A.C. 7:27-7.1. Definitions
- N.J.A.C. 7:27-7.2. Control and prohibition of air pollution from sulfur compounds

Chapter 27 Subchapter 8—Permits and Certificates for Minor Facilities (and Major Facilities Without an Operating Permit) (Effective 4/20/09)

- N.J.A.C. 7:27-8.1. Definitions
- N.J.A.C. 7:27-8.2. Applicability
- N.J.A.C. 7:27-8.3. General provisions
- N.J.A.C. 7:27-8.4. How to apply, register, submit a notice, or renew
- N.J.A.C. 7:27-8.5. Air quality impact analysis
- N.J.A.C. 7:27-8.6. Service fees
- N.J.A.C. 7:27-8.7. Operating certificates
- N.J.A.C. 7:27-8.8. General permits
- N.J.A.C. 7:27-8.9. Environmental improvement pilot tests

- N.J.A.C. 7:27-8.11. Standards for issuing a permit
 - N.J.A.C. 7:27-8.12. State of the art
 - N.J.A.C. 7:27-8.13. Conditions of approval
 - N.J.A.C. 7:27-8.14. Denials
 - N.J.A.C. 7:27-8.15. Reporting requirements
 - N.J.A.C. 7:27-8.16. Revocation
 - N.J.A.C. 7:27-8.17. Changes to existing permits and certificates
 - N.J.A.C. 7:27-8.18. Permit revisions
 - N.J.A.C. 7:27-8.19. Compliance plan changes
 - N.J.A.C. 7:27-8.20. Seven-day notice changes
 - N.J.A.C. 7:27-8.21. Amendments
 - N.J.A.C. 7:27-8.22. Changes to sources permitted under batch plant, pilot plant, dual plant, or laboratory operating permitting procedures
 - N.J.A.C. 7:27-8.23. Reconstruction
 - N.J.A.C. 7:27-8.24. Special provisions for construction but not operation
 - N.J.A.C. 7:27-8.25. Special provisions for pollution control equipment or pollution prevention process modifications
 - N.J.A.C. 7:27-8.26. Civil or criminal penalties for failure to comply
 - N.J.A.C. 7:27-8.27. Special facility-wide permit provisions
 - N.J.A.C. 7:27-8.28. Delay of testing
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Chapter 27 Subchapter 9—Sulfur in Fuels (Effective 4/19/00)

- N.J.A.C. 7:27-9.1. Definitions
- N.J.A.C. 7:27-9.2. Sulfur content standards
- N.J.A.C. 7:27-9.3. Exemptions
- N.J.A.C. 7:27-9.4. Waiver of air quality modeling
- N.J.A.C. 7:27-9.5. Incentive for conversion to coal or other solid fuel

Chapter 27 Subchapter 10—Sulfur in Solid Fuels (Effective 04/20/09)

- N.J.A.C. 7:27-10.1. Definitions
- N.J.A.C. 7:27-10.2. Sulfur contents standards
- N.J.A.C. 7:27-10.3. Expansion, reconstruction or construction of solid fuel burning units
- N.J.A.C. 7:27-10.4. Exemptions
- N.J.A.C. 7:27-10.5. SO₂ emission rate determinations

Chapter 27 Subchapter 11—Incinerators (Effective 5/4/98)

- N.J.A.C. 7:27-11.1. Definitions
- N.J.A.C. 7:27-11.2. Construction standards
- N.J.A.C. 7:27-11.3. Emission standards
- N.J.A.C. 7:27-11.4. Permit to construct; certificate to operate
- N.J.A.C. 7:27-11.5. Operation
- N.J.A.C. 7:27-11.6. Exceptions

Chapter 27 Subchapter 12—Prevention and Control of Air Pollution Emergencies (Effective 3/19/74)

- N.J.A.C. 7:27-12.1. Definitions
- N.J.A.C. 7:27-12.2. Emergency criteria
- N.J.A.C. 7:27-12.3. Criteria for emergency termination
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- Table I Emission Reduction Objectives
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Chapter 27 Subchapter 16—Control and Prohibition of Air Pollution by Volatile Organic Compounds (Effective 04/20/09)

- N.J.A.C. 7:27-16.1. Definitions

- N.J.A.C. 7:27-16.1A. Purpose, scope, applicability, and severability
 - N.J.A.C. 7:27-16.2. VOC stationary storage tanks
 - N.J.A.C. 7:27-16.3. Gasoline transfer operations
 - N.J.A.C. 7:27-16.4. VOC transfer operations, other than gasoline
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 - N.J.A.C. 7:27-16.6. Open top tanks and solvent cleaning operations
 - N.J.A.C. 7:27-16.7. Surface coating and graphic arts operations
 - N.J.A.C. 7:27-16.8. Boilers
 - N.J.A.C. 7:27-16.9. Stationary combustion turbines
 - N.J.A.C. 7:27-16.10. Stationary reciprocating engines
 - N.J.A.C. 7:27-16.12. Surface coating operations at mobile equipment repair and refinishing facilities
 - N.J.A.C. 7:27-16.13. Flares
 - N.J.A.C. 7:27-16.16. Other source operations
 - N.J.A.C. 7:27-16.17. Alternative and facility-specific VOC control requirements
 - N.J.A.C. 7:27-16.18. Leak detection and repair
 - N.J.A.C. 7:27-16.19. Application of cutback and emulsified asphalts
 - N.J.A.C. 7:27-16.21. Natural gas pipelines
 - N.J.A.C. 7:27-16.22. Emission information, recordkeeping and testing
 - N.J.A.C. 7:27-16.23. Procedures for demonstrating compliance
 - N.J.A.C. 7:27-16.26. Variances
 - N.J.A.C. 7:27-16.27. Exceptions
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Chapter 27 Subchapter 18—Control and Prohibition of Air Pollution From New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules) (Effective 12/1/08)

- N.J.A.C. 7:27-18.1. Definitions
- N.J.A.C. 7:27-18.2. Facilities subject to this subchapter
- N.J.A.C. 7:27-18.3. Standards for issuance of permits
- N.J.A.C. 7:27-18.4. Air quality impact analysis
- N.J.A.C. 7:27-18.5. Standards for use of emission reductions as emission offsets
- N.J.A.C. 7:27-18.6. Emission offset postponement
- N.J.A.C. 7:27-18.7. Determination of a net emission increase or a significant net emission increase
- N.J.A.C. 7:27-18.8. Banking of emission reductions
- N.J.A.C. 7:27-18.9. Secondary emissions
- N.J.A.C. 7:27-18.10. Exemptions
- N.J.A.C. 7:27-18.12. Civil or criminal penalties for failure to comply

Chapter 27 Subchapter 19—Control and Prohibition of Air Pollution From Oxides of Nitrogen (Effective 04/20/09)

- N.J.A.C. 7:27-19.1. Definitions
- N.J.A.C. 7:27-19.2. Purpose, scope and applicability
- N.J.A.C. 7:27-19.3. General provisions
- N.J.A.C. 7:27-19.4. Boilers serving electric generating units
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, and 74

[WT Docket Nos. 08-166, 08-167, and ET Docket No. 10-24; FCC 10-16]

Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Report and Order, the Commission establishes a deadline for wireless microphones and other low power auxiliary stations to cease operation in the 700 MHz Band. The Commission also adopts an early clearing mechanism by which 700 MHz public safety and commercial licensees can provide notice that they are initiating operations in the 700 MHz Band. In addition, the Commission prohibits the manufacture, import, sale, lease, offer for sale or lease, or shipment of wireless microphones and other low power auxiliary stations intended for use in the 700 MHz Band. With regard to users who are not eligible for, or who do not hold part 74, Subpart H license authorizations, the Commission waives its part 15 rules for a limited period. Finally, the Commission adopts certain disclosure requirements under which manufacturers, dealers, distributors, and other entities that sell or lease these devices must display a consumer disclosure at the point of sale or lease.

DATES: Effective January 22, 2010, except for §§ 15.216, 74.802(e)(2), and 74.851(h) and (i), which contains information collection requirements that have not been approved by OMB. The FCC will publish a document in the **Federal Register** announcing the effective date.

ADDRESSES: You may submit comments, identified by WT Docket No. 08-166, 08-167 and ET Docket No. 10-24, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site:* <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail

(although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For further information, contact Paul D'Ari, Wireless Telecommunications Bureau, (202) 418-1550, e-mail Paul.Dari@fcc.gov, or Hugh L. Van Tuyl, Office of Engineering and Technology, (202) 418-7506, e-mail Hugh.VanTuyl@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's rules noted in the Report and Order and Further Notice of Proposed Rulemaking in WT Docket Nos. 08-166 and 08-167, ET Docket No. 10-24 and FCC 10-16, adopted January 14, 2010, and released on January 15, 2010. This summary should be read with its companion document, the Further Notice of Proposed Rulemaking (FNPRM) summary published elsewhere in this issue of the **Federal Register**. The full text of the Report and Order and FNPRM is available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; the contractor's Web site, <http://www.bcpweb.com>; or by calling (800) 378-3160, facsimile (202) 488-5563, or e-mail FCC@BCPIWEB.com. Copies of the public notice also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket numbers, WT Docket No. 08-166, WT Docket No. 08-167, and ET Docket No. 10-24. Additionally, the complete item is available on the Federal Communications Commission's Web site at <http://www.fcc.gov>.