

TABLE 1 TO SUBPART WWWW OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART WWWW—  
Continued

Citation	Subject	Applies to subpart WWWW	Explanation
§ 63.1(c)(1)–(2)	Applicability of this part after a relevant standard has been set.	Yes	§ 63.10446 of this subpart exempts affected sources from the obligation to obtain title V operating permits for purposes of being subject to this subpart.  Subpart WWWW requires compliance 1 year after the effective date.
§ 63.1(c)(3)–(4)	[Reserved].		
§ 63.1(c)(5)	Subject to notification requirements	No.	
§ 63.1(d)	[Reserved].		
§ 63.1(e)	Emission limitation by permit	Yes.	
§ 63.2	Definitions	Yes.	
§ 63.3	Units and abbreviations	Yes.	
§ 63.4	Prohibited activities	Yes.	
§ 63.5	Construction/reconstruction	No.	
§ 63.6(a), (b)(1)–(5), (7)	Compliance with standards and maintenance requirements.	Yes.	
§ 63.6(b)(6)	[Reserved].		
§ 63.6(c)(1)	Compliance dates for existing sources	Yes	
§ 63.6(c)(2), (5)	Compliance dates for CAA section 112(f) standards and for area sources that become major.	No.	
§ 63.6(c)(3)–(4)	[Reserved].		
§ 63.6(d)	[Reserved].		
§ 63.6(e)–(h)	Alternative nonopacity emission standard.	No.	
§ 63.6(i)–(j)	Compliance extension	Yes.	
§ 63.7	Performance testing requirements	No.	
§ 63.8	Monitoring requirements	No.	
§ 63.9(a)	Applicability and initial notifications addressees.	Yes.	
§ 63.9(b)	Initial notifications	No.	
§ 63.9(c)	Request for extension of compliance	Yes.	
§ 63.9(d)–(j)	Other notifications	No.	
§ 63.10(a)(1)–(2)	Recordkeeping and reporting requirements, applicability.	Yes.	
§ 63.10(a)(3)–(4)	General information	Yes.	
§ 63.10(a)(5)–(7)	Recordkeeping and reporting requirements, reporting schedules.	No.	
§ 63.10(b)(1)	Retention time	Yes.	
§ 63.10(b)(2)–(f)	Recordkeeping and reporting requirements.	No.	
§ 63.11	Control device requirements	No.	
§ 63.12	State authority and delegations	Yes.	
§§ 63.13–63.16	Addresses, Incorporations by Reference, availability of information, performance track provisions.	Yes.	

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 65**

[EPA–HQ–OAR–2007–0429; FRL–8511–7]

RIN 2060–A045

**Revisions to Consolidated Federal Air Rule; Correction**

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

**ACTION:** Correcting amendments.

**SUMMARY:** The EPA issued a final rule on August 27, 2007 (effective date November 26, 2007) that revised the General Provisions for Consolidated Federal Air Rule to allow extensions to the deadline imposed for source owners and operators to conduct required performance tests in specified force majeure circumstances. The final rule inadvertently stated that we were revising paragraph (c) introductory text when we actually added introductory text to paragraph (c). The purpose of this action is to correct this error.

This action merely addresses a formatting issue. Thus, it is proper to issue this notice without notice and comment. Section 553 of the Administrative Procedure Act (APA), 5

U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the Agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this action final without prior proposal and opportunity for comment because the change to the rule is a minor technical correction, is noncontroversial, and does not substantively change the agency actions taken in the final rule. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

**DATES:** This correction is effective December 28, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lula Melton, Air Quality Assessment Division (C304-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-2910; fax number: (919) 541-4511; e-mail address [melton.lula@epa.gov](mailto:melton.lula@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The EPA issued a final rule on August 27, 2007 (72 FR 48938) that allows source owners or operators, in the event of a force majeure, to petition the Administrator for an extension of the deadline(s) by which they are required to conduct a performance test required by the Consolidated Federal Air Rule. A "force majeure" is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe, despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

**II. Summary of Amendment**

The EPA promulgated revisions to the General Provisions for Consolidated Federal Air Rule on August 27, 2007. Afterwards, we realized that we inadvertently stated that we were revising paragraph (c) introductory text when we actually added introductory text to paragraph (c). The purpose of this action is to correct this error.

**III. Statutory and Executive Order Reviews**

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore, not subject to review by the Office of Management and Budget (OMB). This action is not a "major rule" as defined by 5 U.S.C. 804(2). The technical correction does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the

Regulatory Flexibility Act (5 U.S.C. 601 et seq.), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA)(Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

The correction does not have a substantial direct effect on the States, or 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, Federalism (64 FR 43255, August 10, 1999).

Today's action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000). The technical correction also is not subject to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because this action is not economically significant.

The correction is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because this action is not a significant regulatory action under Executive Order 12866.

The correction does not involve changes to the technical standards related to test methods or monitoring requirements; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

The correction also does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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 U.S. The EPA will submit a report containing this final action and other required information to the U.S. Senate, the U.S. House of Representatives, and

the Comptroller General of the U.S. prior to publication of today's action in the **Federal Register**. Today's action is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule will be effective December 28, 2007.

**List of Subjects in 40 CFR Part 65**

Air pollution control, Environmental protection, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 20, 2007.

**Robert J. Meyers,**

*Principal Deputy Assistant Administrator, Office of Air and Radiation.*

■ For the reasons stated in the preamble, title 40, chapter I, part 65 of the Code of Federal Regulations is amended as follows:

**PART 65—[AMENDED]**

■ 1. The authority citation for part 65 continues to read as follows:

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

**Subpart A—[Amended]**

■ 2. In § 65.157, introductory text for paragraph (c) is added following the paragraph (c) heading to read as follows:

**§ 65.157 Performance test and flare compliance determination requirements.**

\* \* \* \* \*

(c) \* \* \* Except as specified in paragraphs (c)(1)(viii), (c)(1)(ix), (c)(1)(x), and (c)(1)(xi) of this section, unless a waiver of performance testing or flare compliance determination is obtained under this section or the conditions of another subpart of this part, the owner or operator shall perform such tests specified in the following:

\* \* \* \* \*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2007-0116; FRL-8342-7]

**Dimethenamid; Pesticide Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of dimethenamid in or on hop, dried cones; pumpkin, radish (roots and tops); rutabaga (roots and tops); turnip greens; turnip (roots and tops); and winter squash. The