

of the Port Baltimore, Maryland to act on his or her behalf.

(b) *Regulated Area.* The following area is a safety zone: All waters of the Potomac River, surface to bottom, within an area bounded by a line drawn from the following points: latitude 38°47'18" N, longitude 077°01'01" W; thence to latitude 38°47'11" N, longitude 077°01'26" W; thence to latitude 38°47'25" N, longitude 077°01'33" W; thence to latitude 38°47'32" N, longitude 077°01'08" W; thence to the point of origin, located at National Harbor, Maryland. All coordinates reference North American Datum 1983.

(c) *Regulations.* (1) The general regulations governing safety zones, found in 33 CFR 165.23, apply to the safety zone described in paragraph (b) of this section.

(2) Entry into or remaining in this zone is prohibited, unless authorized by the Captain of the Port Baltimore, Maryland.

(3) Persons or vessels requiring entry into or passage through the safety zone must first request authorization from the Captain of the Port Baltimore, Maryland to seek permission to transit the area. The Captain of the Port Baltimore, Maryland can be contacted at telephone number 410-576-2693. The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF Channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the person or vessel shall proceed as directed. If permission is granted, all persons or vessels must comply with the instructions of the Captain of the Port, Baltimore, Maryland.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State and local agencies.

(e) *Enforcement period.* This rule is effective from 6:30 p.m. through 9:30 p.m. on November 28, 2008, and if necessary due to inclement weather, from 6:30 p.m. through 9:30 p.m. on November 29, 2008.

Dated: October 30, 2008.

Austin J. Gould,

Commander, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland, Acting.

[FR Doc. E8-27841 Filed 11-21-08; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[RI-19-1222c; FRL-8733-6]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island 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 Rhode Island that are incorporated by reference (IBR) into the State implementation plan (SIP). In this action, EPA is also notifying the public of the correction of certain typographical errors within the IBR Tables. The regulations affected by this update have been previously submitted by the Rhode Island Department of Environmental Management (DEM) 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 November 24, 2008.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, New England Regional Office (Region 1), One Congress Street, Suite 1100, Boston, MA 02114-2023; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742; or the National Archives and Records Administration (NARA). 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: Mr. Donald Cooke, Environmental Scientist, at the above EPA New England Region address or at (617) 918-1668 or by e-mail at cooke.donald@epa.gov.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the State can revise as necessary to address its unique air pollution problems. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997, (62 FR 27968), EPA revised the procedures for incorporation by reference for Federally-approved SIPs, as a result of consultations between EPA and the Office of Federal Register (OFR). 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 August 9, 1999 (64 FR 43083), EPA published a **Federal Register** beginning the new IBR procedure for Rhode Island. On June 11, 2003 (68 FR 34813) and July 14, 2006 (71 FR 40014), EPA published updates to the IBR Material for Rhode Island.

In this document, EPA is doing the following:

■ 1. Announcing the update to the Rhode Island IBR material as of October 15, 2008.

2. Making a correction in the paragraph 52.2070(c) chart, fifteenth entry "Air Pollution Control Regulation 15."—Typographic error corrected in the explanations column by changing the word "except" to read "exception".

3. Making a correction in the paragraph 52.2070(d) chart, third entry "Keene Corporation, East Providence, RI."—Typographic error corrected in the explanations column by changing "sixpaper" to read "six paper".

3. Making corrections to the date format listed in paragraphs 52.2070(c), (d) and (e) charts.—Revise the date format in the "state effective date," column as well as the "EPA approval date," column for consistency. Dates are numerical month/day/year without additional zeros.

4. Making corrections to the abbreviation for nitrogen oxides in paragraphs 52.2070(c), (d) and (e) charts.—Revise the format of the abbreviation for nitrogen oxides (NO_x) for consistency.

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, and corrects typographical errors. 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 (and typographical corrections) only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action 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. This rule also is not subject to Executive Order 13045 “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. 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.*).

B. Submission to Congress and the Comptroller General

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 the rule in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act, pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Rhode Island SIP compilations had 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. Thus, EPA sees no need in this action to reopen the 60-day

period for filing such petitions for judicial review for this “Identification of plan” reorganization update action for Rhode Island.

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: October 16, 2008.

Robert W. Varney,

Regional Administrator, EPA New England.

■ Chapter I, title 40, Code of Federal Regulations, 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 OO—Rhode Island

■ 2. Section 52.2070 is amended by revising paragraphs (b), (c), (d) and (e) to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(b) Incorporation by reference. (1) Material listed as incorporated by reference in paragraphs (c) and (d) of this section 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 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 October 15, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of October 15, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at One Congress Street, Suite 1100, Boston, MA 02114-2023; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration [NARA]. If

you wish to obtain materials from a docket in the EPA Regional Office, please call telephone number (617) 918-1668; for material from a docket in EPA Headquarters Library, please call the

Office of Air and Radiation (OAR) Docket/Telephone number (202) 566-1742. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/>

*federal register/
code_of_federal_regulations/
ibr_locations.html.*

(c) EPA Approved regulations.

EPA-APPROVED RHODE ISLAND REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|---|----------------------|--------------------------|---|
| Air Pollution Control Regulation 1. | Visible emissions | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 2. | Handling of soft coal .. | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 3. | Particulate emissions from industrial processes. | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 4. | Open fires | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 5. | Fugitive dust | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 6. | Continuous emission monitors. | 11/22/1989 | 9/30/1991, 56 FR 49414. | RI Air Pollution Control Regulation Number 6 is also referred to by the title "Opacity Monitors". |
| Air Pollution Control Regulation 7. | Emission of air contaminants detrimental to persons or property. | 7/19/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 8. | Sulfur content of fuels | 5/2/1985 | 1/8/1986, 51 FR 755. | |
| Air Pollution Control Regulation 9. | Air pollution control permits. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 9 is approved with the exception of Sections 9.13, 9.14, 9.15, and Appendix A which Rhode Island did not submit as part of SIP revision. |
| Air Pollution Control Regulation 10. | Air pollution episodes | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 11. | Petroleum liquids marketing and storage. | 1/31/1993 | 12/17/1993, 58 FR 65930. | |
| Air Pollution Control Regulation 12. | Incinerators | 4/22/1981 | 4/26/1982, 47 FR 17816. | |
| Air Pollution Control Revisions to Regulation 13. | Particulate emissions from fossil fuel fired steam or hot water generating units. | 10/5/1982 | 3/29/1983, 48 FR 13026. | |
| Air Pollution Control Regulation 14. | Recordkeeping and reporting. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. |
| Air Pollution Control Regulation 15. | Control of organic solvent emissions. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Limited approval. Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 15 is approved with the exception of 15.2.2 which Rhode Island did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 16. | Operation of air pollution control system. | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 17. | Odors | 2/22/1977 | 5/7/1981, 46 FR 25446. | |
| Air Pollution Control Regulation 18. | Control of Emissions from Organic Solvent Cleaning. | Withdrawn | 12/2/1999, 64 FR 67495. | No. 18 is superseded by No. 36. |
| Air Pollution Control Regulation 19. | Control of Volatile Organic Compounds from Surface Coating Operations. | 3/7/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. Wood products requirements deleted because state adopted new Regulation No. 35 which addresses wood products. Except 19.2.2. |
| Air Pollution Control Regulation 21. | Control of Volatile Organic Compounds from Printing Operations. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Applicability threshold decreased to 50 tpy. Definition of VOC revised. All of No. 21 is approved with the exception of Section 21.2.3 which the State did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 25. | Control of VOC Emissions from Cutback and Emulsified Asphalt. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 25 is approved with the exception of Section 25.2.2 which the state did not submit as part of the SIP revision. |

EPA-APPROVED RHODE ISLAND REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanations |
|---|--|----------------------|--------------------------|---|
| Air Pollution Control Regulation 26. | Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 26 is approved with the exception of 26.2.3 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 27. | Control of nitrogen oxide emissions. | 1/16/1996 | 9/2/1997, 62 FR 46202. | |
| Air Pollution Control Regulation 29.3. | Emissions Caps | 4/28/1995 | 3/22/1996, 61 FR 11731. | This rule limits a source's potential to emit, therefore avoiding RACT, Title V Operating Permit. |
| Air Pollution Control Regulation 30. | Control of VOCs from Automotive Refinishing Operations. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 30 is approved with the exception of Section 30.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 31. | Control of VOCs from Commercial and Consumer Products. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 31 is approved with the exception of Section 31.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 32. | Control of VOCs from Marine Vessel Loading Operations. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 32 is approved with the exception of Section 32.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 33. | Control of VOCs from Architectural Coatings and Industrial Maintenance Coatings. | 4/8/1996 | 12/2/1999, 64 FR 67495. | Definition of VOC revised. All of No. 33 is approved with the exception of Section 33.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 34. | Rhode Island Motor Vehicle Inspection/Maintenance Program. | 3/30/2000 | 2/9/2001, 66 FR 9661 | Department of Environmental Management regulation containing I/M standards. |
| Air Pollution Control Regulation 35. | Control of VOCs and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations. | 7/7/1996 | 12/2/1999, 64 FR 67495. | All of No. 35 is approved with the exception of Section 35.2.3 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 36. | Control of Emissions from Organic Solvent Cleaning. | 4/18/1996 | 12/2/1999, 64 FR 67495. | All of No. 36 is approved with the exception of Section 36.2.2 which the state did not submit as part of the SIP revision. |
| Air Pollution Control Regulation 37. | Rhode Island's Low Emission Vehicle Program. | 12/7/1999 | 3/9/2000, 65 FR 12476. | Includes National LEV as a compliance alternative. |
| Air Pollution Control Regulation 38. | Nitrogen Oxides Allowance Program. | 6/10/1998 | 6/2/1999, 64 FR 29567. | |
| Air Pollution Control Regulation 41. | NO _x Budget Trading Program. | 10/1/1999 | 12/27/2000, 65 FR 81743. | |
| Air Pollution Control Regulation 45. | Rhode Island Diesel Engine Anti-Idling Program. | 7/19/2007 | 3/27/2008, 73 FR 16203. | Limits idling for diesel on-highway and non-road engines. |
| Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1. | Rhode Island Motor Vehicle Inspection/Maintenance Program. | 1/31/2001 | 2/9/2001, 66 FR 9661 | Department of Administration regulations for the I/M program. |

(d) EPA-approved State Source specific requirements.

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS

| Name of source | Permit No. | State effective date | EPA approval date | Explanations |
|---|-------------------------|----------------------|--------------------------|---|
| Narragansett Electric Company South Street Station in Providence. | A.H. File No. 83-12-AP. | 8/29/1983 | 7/27/1984, 49 FR 30177. | Revisions to Air Pollution Control Regulation 8, "Sulfur Content of Fuels," specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average). These revisions approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," for South Street Station only. |
| Stanley Bostitch, Bostitch Division of Textron. | A.H. File No. 85-8-AP. | 6/6/1985 | 12/11/1986, 51 FR 44604. | RIDEM and Bostitch administrative consent agreement effective 6/6/85. Requires Bostitch to reformulate certain solvent-based coatings to low/no solvent formulation by 12/31/86. Also addendum dated 9/20/85 defining emission limitations reformulated coatings must meet. (A) An administrative consent agreement between the RIDEM and Bostitch Division of Textron. (B) A letter to Bostitch Division of Textron from the RIDEM dated September 20, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch's Division of Textron reformulated coatings must meet. |
| Keene Corporation, East Providence, RI. | A.H. File No. 85-10-AP. | 9/12/1985 | 8/31/1987, 52 FR 32793. | RIDEM and Keene Corporation administrative consent agreement effective 9/12/85. Granting final compliance date extension for the control of organic solvent emissions from six paper coating lines. (A) Letter from the RIDEM dated November 5, 1985 submitting revisions to the RI SIP. (B) An administrative consent agreement between the RIDEM and Keene Corporation. |
| Tech Industries | File No. 86-12-AP | 11/24/1987 | 3/10/1989, 54 FR 10145. | RIDEM and Tech Industries original administrative consent agreement (86-12-AP) [except for provisions 7 and 8] effective 6/12/86, an addendum effective 11/24/87, defining and imposing reasonably available control technology to control volatile organic compounds. (A) An administrative consent agreement (86-12-AP), except for Provisions 7 and 8, between the RIDEM and Tech Industries effective June 12, 1986. (B) An addendum to the administrative consent agreement (86-12-AP) between the RIDEM and Tech Industries. The addendum was effective November 24, 1987. (C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the EPA by the RIDEM. |
| University of Rhode Island. | A.P. File No. 87-5-AP | 3/17/1987 | 9/19/1989, 54 FR 38517. | Revisions to the SIP submitted by the RIDEM on April 28, 1989, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island. |
| University of Rhode Island. | File No. 95-50-AP | 3/12/1996 | 9/2/1997, 62 FR 46202. | An administrative consent agreement between RIDEM and University of Rhode Island, Alternative NO _x RACT (RI Regulation 27.4.8) |
| Providence Metallizing in Pawtucket, Rhode Island. | File No. 87-2-AP | 4/24/1990 | 9/6/1990, 55 FR 36635. | Define and impose RACT to control volatile organic compound emissions. (A) Letter from the RIDEM dated April 26, 1990, submitting a revision to the RI SIP. (B) An administrative consent agreement (87-2-AP) between the RIDEM and Providence Metallizing effective July 24, 1987. |

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS—Continued

| Name of source | Permit No. | State effective date | EPA approval date | Explanations |
|---|--|----------------------------|-------------------------|---|
| Tillotson-Pearson in Warren, Rhode Island. | File No. 90-1-AP | 6/5/1990 | 8/31/1990, 55 FR 35623. | (C) An amendment to the administrative consent agreement (87-2-AP) between the RIDEM and Providence Metallizing effective May 4, 1989. (D) An addendum to the administrative consent agreement (87-2-AP) between the RIDEM and Providence Metallizing effective April 24, 1990. Revisions to the SIP submitted by the RIDEM on May 24, 1990, to define and impose RACT to control volatile organic compound emissions. (A) Letter from the RIDEM dated May 24, 1990 submitting a revision to the RI SIP. (B) An Administrative consent agreement (90-1-AP) between the RIDEM and Tillotson-Pearson. |
| Rhode Island Hospital | File No. 95-14-AP | 11/27/1995 | 9/2/1997, 62 FR 46202. | Alternative NO _x RACT. An administrative consent agreement between the RIDEM and RI Hospital. |
| Osram Sylvania Incorporated. | File No. 96-06-AP | 9/4/1996 | 9/2/1997, 62 FR 46202. | Alternative NO _x RACT. (A) An Administrative consent agreement between the RIDEM and Osram Sylvania Incorporated, file no. 96-06-AP, effective September 4, 1996. (B) An air pollution Permit approval, no. 1350 Osram Sylvania Incorporated issued by RIDEM effective May 14, 1996. |
| Algonquin Gas Transmission Company. | Air Pollution Permit Approval, No. 1350. File No. 95-52-AP | 12/5/1995 | 9/2/1997, 62 FR 46202. | Alternative NO _x RACT. (A) Letter from the RIDEM dated September 17, 1996 submitting a revision to the RI SIP. (B) An administrative consent agreement between RIDEM and Algonquin Gas Transmission Company, effective on December 5, 1995. |
| Bradford Dyeing Association, Inc. | File No. 95-28-AP | 11/17/1995 | 9/2/1997, 62 FR 46202. | Alternative NO _x RACT. An administrative consent agreement between RIDEM and Bradford Dyeing Association, Inc. |
| Hoechst Celanese Corporation. | File No. 95-62-AP | 11/20/1995 | 9/2/1997, 62 FR 46202. | Alternative NO _x RACT. An administrative consent agreement between RIDEM and Hoechst Celanese Corporation. |
| Naval Education and Training Center in Newport. | File No. 96-07-AP | 3/4/1996 | 9/2/1997, 62 FR 46202. | Alternative NO _x RACT. An administrative consent agreement between RIDEM and Naval Education and Training Center in Newport. |
| Rhode Island Economic Development. | File No. 96-04-AP | 9/2/1997 | 6/2/1999, 64 FR 29567. | Alternative NO _x RACT. A consent agreement between RIDEM and Rhode Island Economic Development Corporation's Central Heating Plant in North Kingstown. |
| Cranston Print Works | A.H. File No. 95-30-AP. | 12/19/1995 | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| CCL Custom Manufacturing. | A.H. File No. 97-02-AP. | 4/10/1997; and 10/27/1999. | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| Victory Finishing Technologies. | A.H. File No. 96-05-AP. | 5/24/1996 | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| Quality Spray and Stenciling. | A.H. File No. 97-04-AP. | 10/21/1997; and 7/13/1999. | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |
| Guild Music | A.H. File No. 95-65-AP. | 11/9/1995 | 12/2/1999, 64 FR 67495. | Non-CTG VOC RACT Determination. |

(e) Nonregulatory.

RHODE ISLAND NON REGULATORY

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approved date | Explanations |
|--|---|---|-------------------------|---|
| Notice of public hearing. | Statewide | Submitted 2/9/1972 | 6/15/1972, 37 FR 11914. | Proposed Implementation Plan Regulations, RI Department of Health. |
| Miscellaneous non-regulatory additions to the plan correcting minor deficiencies. | Statewide | Submitted 2/29/1972 .. | 7/27/1972, 37 FR 15080. | Approval and promulgation of Implementation Plan Miscellaneous Amendments, RI Department of Health. |
| Compliance schedules | Statewide | Submitted 4/24/1973 .. | 6/20/1973, 38 FR 16144. | Submitted by RI Department of Health. |
| AQMA identifications for the State of Rhode Island. | Statewide | Submitted 4/11/1974 .. | 4/29/1975, 40 FR 18726. | Submitted by RI Department of Health. |
| Letter identifying Metropolitan Providence as an AQMA. | Metropolitan Providence. | Submitted 9/6/1974 | 4/29/1975, 40 FR 18726. | Submitted by the Governor. |
| A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58. | Statewide | Submitted 1/8/1980 | 1/15/1981, 46 FR 3516. | Submitted by the RI Department of Environmental Management Director. |
| Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977. Included are plans to attain the carbon monoxide and ozone standards and information allowing for the re-designation of Providence to non-attainment for the primary TSP standard based on new data. | Statewide | Submitted 5/14/1979; 6/11/1979; 8/13/1979; 1/8/1980; 1/24/1980; 3/10/1980; 3/31/1980; 4/21/1980; 6/6/1980; 6/13/1980; 8/20/1980; 11/14/1980; 3/4/1981; 3/5/1981; and 4/16/81. | 5/7/1981, 46 FR 25446. | Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977. |
| A program for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. | | | | |
| Certain miscellaneous provisions unrelated to Part D are also included. | | | | |
| Section VI, Part II, "Stationary Source Permitting and Enforcement" of the narrative. | Statewide | Submitted 5/14/1982; and 7/1/1982. | 6/28/1983, 48 FR 29690. | As submitted by RIDEM on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in non-attainment areas. Also included are revisions to add rules for banking emission reductions. |
| Revisions to the Rhode Island State Implementation Plan for attainment of the primary National Ambient Air Quality Standard for ozone. | Statewide | Submitted 5/14/1982; 7/1/1982; 7/7/1982; 10/4/1982; and 3/2/1983. | 7/6/1983, 48 FR 31026. | Submitted by the Department of Environmental Management. |
| 1982 Ozone Attainment Plan. | | | | |
| Revisions to attain and maintain the lead NAAQS. | Statewide | Submitted 7/7/1983 | 9/15/1983, 48 FR 41405. | Submitted by the Department of Environmental Management. |

RHODE ISLAND NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approved date | Explanations |
|---|---|--|--------------------------|---|
| Section VI, Part II of the associated narrative of the RI SIP. | Statewide | Submitted 2/6/1984; 1/27/1984; and 6/6/1984. | 7/6/1984, 49 FR 27749. | To incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes. |
| Letter from RIDEM submitting an amendment to the RI State Implementation Plan. | Statewide | Submitted 1/14/1994; and 6/14/1994. | 10/30/1996, 61 FR 55897. | A revision to the RI SIP regarding ozone monitoring. RI will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements. |
| Section VII of the RI SIP Ambient Air Quality Monitoring. Letter from RIDEM submitting revisions. | Statewide | Submitted 3/15/1994 .. | 10/30/1996, 61 FR 55897. | Revision to the RI SIP regarding the States' Contingency Plan. |
| Letter from RIDEM submitting revision—Rhode Island's 15 Percent Plan and Contingency Plan. | Statewide | Submitted 3/15/1994 .. | 4/17/1997, 62 FR 18712. | <p>The revisions consist of the State's 15 Percent Plan and Contingency Plan. EPA approved only the following portions of these submittals:</p> <p>15 Percent Plan—the EPA approved the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating, printing operations, marine vessel loading, plant closures (0.79 tons per day approved out of 0.84 claimed), cutback asphalt, auto refinishing, stage II, reformulated gas in on-road and off-road engines, and tier I motor vehicle controls.</p> <p>Contingency Plan—the EPA approved the calculation of the required emission reduction, and a portion of the emission reduction credits claimed from Consumer and Commercial products (1.1 tons per day approved out of 1.9 tons claimed), and architectural and industrial maintenance (AIM) coatings (1.9 tons per day approved out of 2.4 tons claimed).</p> <p>EPA concurrently disapproved portions of these SIP submissions, as discussed with-in Section 52.2084(a)(2).</p> |
| Letter from RIDEM submitting revision for Clean Fuel Fleet Substitution Plan. | Providence (all of Rhode Island) non-attainment area. | 10/5/1994 | 3/9/2000, 65 FR 12474. | |
| Letter outlining commitment to National LEV. | Statewide | 2/22/1999 | 3/9/2000, 65 FR 12476. | Includes details of the State's commitment to National LEV. |
| Negative Declaration for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation and Reactor Processes Control Techniques Guidelines Categories. | Statewide | Submitted 4/5/1995 | 12/2/1999, 64 FR 67495. | |
| October 1, 1999, letter from Rhode Island Department of Environmental Management. | Statewide | Submitted 10/1/1999 .. | 12/27/2000, 65 FR 81743. | Submitted Air Pollution Control Regulation No. 14, "NO _x Budget Trading Program," and the "NO _x State Implementation Plan (SIP) Call Narrative." |
| "NO _x State Implementation Plan (SIP) Call Narrative," September 22, 1999. | Statewide | Submitted 10/1/1999 .. | 12/27/2000, 65 FR 81743. | |

RHODE ISLAND NON REGULATORY—Continued

| Name of non regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approved date | Explanations |
|--|---|--------------------------------------|--------------------------|--|
| November 9, 1999, letter from Rhode Island Department of Environmental Management. | Statewide | Submitted 11/9/1999 .. | 12/27/2000, 65 FR 81743. | Submitting the "NO _x State Implementation Plan (SIP) Call Narrative," revised September 2001. |
| Negative Declaration for Aerospace Coating Operations Control Techniques Guideline Category. | Statewide | Submitted 3/28/2000 .. | 7/10/2000, 65 FR 42290. | |
| September 20, 2001 letter from Rhode Island Department of Environment Management. | Statewide | Submitted 9/20/2001 .. | 6/20/2003, 68 FR 36921. | |
| NO _x State Implementation Plan (SIP) Call Narrative, revised September 2001. | Statewide | Submitted 9/20/2001 .. | 6/20/2003, 68 FR 36921. | |

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2008-0052-200803(a); FRL-8743-8]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan—"Permit by Rule" Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve the State Implementation Plan (SIP) revision submitted by the State of Tennessee on October 12, 2007. The revision pertains to the Knox County portion of the Tennessee SIP and includes changes to Knox County Air Quality Management Regulation (Knox County Regulation) Section 25.10—Permit by Rule. Specifically, Section 25.10 was changed so that it clearly states that turbines and other internal combustion engines are excluded from the "Permit by Rule" provision. This revision is considered by the Tennessee Department of Environment and Conservation (TDEC), to be as or more stringent than the State of Tennessee's SIP requirements. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective January 23, 2009 without further notice, unless EPA receives adverse comment by December 24, 2008. 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 No. EPA-R04-OAR-2008-0052, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *E-mail*: bradley.twunjala@epa.gov.
3. *Fax*: (404) 562-9019.
4. *Mail*: "EPA-R04-OAR-2008-0052," Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.
5. *Hand Delivery or Courier*: Twunjala Bradley, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to Docket ID No. "EPA-R04-OAR-2008-0052." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at 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 through www.regulations.gov or e-mail, information that you consider to be CBI or otherwise protected. The 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 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is