

Express Mail & Priority Mail Contract 3 (MC2009–13 and CP2009–17)  
 Express Mail & Priority Mail Contract 4 (MC2009–17 and CP2009–24)  
 Express Mail & Priority Mail Contract 5 (MC2009–18 and CP2009–25)  
 Parcel Return Service Contract 1 (MC2009–1 and CP2009–2)  
 Priority Mail Contract 1 (MC2008–8 and CP2008–26)  
 Priority Mail Contract 2 (MC2009–2 and CP2009–3)  
 Priority Mail Contract 3 (MC2009–4 and CP2009–5)  
 Priority Mail Contract 4 (MC2009–5 and CP2009–6)  
 Priority Mail Contract 5 (MC2009–21 and CP2009–26)  
 Priority Mail Contract 6 (MC2009–25 and CP2009–30)  
 Priority Mail Contract 7 (MC2009–25 and CP2009–31)  
 Priority Mail Contract 8 (MC2009–25 and CP2009–32)  
 Priority Mail Contract 9 (MC2009–25 and CP2009–33)  
 Priority Mail Contract 10 (MC2009–25 and CP2009–34)  
 Priority Mail Contract 11 (MC2009–27 and CP2009–37)  
 Priority Mail Contract 12 (MC2009–28 and CP2009–38)  
 Priority Mail Contract 13 (MC2009–29 and CP2009–39)  
 Outbound International  
   Global Direct Contracts (MC2009–9, CP2009–10, and CP2009–11)  
   Global Expedited Package Services (GEPS) Contracts  
     GEPS 1 (CP2008–5, CP2008–11, CP2008–12, and CP2008–13, CP2008–18, CP2008–19, CP2008–20, CP2008–21, CP2008–22, CP2008–23, and CP2008–24)  
   Global Plus Contracts  
     Global Plus 1 (CP2008–9 and CP2008–10)  
     Global Plus 2 (MC2008–7, CP2008–16 and CP2008–17)  
 Inbound International  
   Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and CP2008–15)  
   International Business Reply Service Competitive Contract 1 (MC2009–14 and CP2009–20)  
 Competitive Product Descriptions  
   Express Mail  
     [Reserved for Group Description]  
   Express Mail  
     [Reserved for Product Description]  
   Outbound International Expedited Services  
     [Reserved for Product Description]  
   Inbound International Expedited Services  
     [Reserved for Product Description]  
   Priority  
     [Reserved for Product Description]  
   Priority Mail  
     [Reserved for Product Description]  
   Outbound Priority Mail International  
     [Reserved for Product Description]  
   Inbound Air Parcel Post  
     [Reserved for Product Description]  
   Parcel Select  
     [Reserved for Group Description]  
   Parcel Return Service  
     [Reserved for Group Description]  
   International

[Reserved for Group Description]  
 International Priority Airlift (IPA)  
 [Reserved for Product Description]  
 International Surface Airlift (ISAL)  
 [Reserved for Product Description]  
 International Direct Sacks—M—Bags  
 [Reserved for Product Description]  
 Global Customized Shipping Services  
 [Reserved for Product Description]  
 International Money Transfer Service  
 [Reserved for Product Description]  
 Inbound Surface Parcel Post (at non-UPU rates)  
 [Reserved for Product Description]  
 International Ancillary Services  
 [Reserved for Product Description]  
 International Certificate of Mailing  
 [Reserved for Product Description]  
 International Registered Mail  
 [Reserved for Product Description]  
 International Return Receipt  
 [Reserved for Product Description]  
 International Restricted Delivery  
 [Reserved for Product Description]  
 International Insurance  
 [Reserved for Product Description]  
 Negotiated Service Agreements  
 [Reserved for Group Description]  
 Domestic  
 [Reserved for Product Description]  
 Outbound International  
 [Reserved for Group Description]

Part C—Glossary of Terms and Conditions  
 [Reserved]

Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. E9–18143 Filed 7–29–09; 8:45 am]

**BILLING CODE 7710–FW–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL–8933–4]

### Approval and Promulgation of Air Quality Implementation Plans; Nebraska; 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 Nebraska that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the state agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the Regional Office.

**DATES:** *Effective Date:* This action is effective July 30, 2009.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 7, 901 North 5th Street, Kansas City, Kansas 66101; or at <http://www.epa.gov/region07/programs/artd/air/rules/fedapprv.htm>; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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

**SUPPLEMENTARY INFORMATION:** The SIP is a living document which the state revises as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of Federal Register. The description of the revised SIP document, IBR procedures and “Identification of plan” format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On February 12, 1999, EPA published a document in the **Federal Register** (64 FR 7091) beginning the new IBR procedure for Nebraska. On December 1, 2003 (68 FR 67045), EPA published an update to the IBR material for Nebraska.

In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of July 1, 2009.
2. Correcting the date format in the “State effective date” or “State Submittal date” and “EPA approval date” columns in § 52.1420 paragraphs (c), (d) and (e). Dates are numerical month/day/year without additional zeros.
3. Modifying the **Federal Register** citation in § 52.1420 paragraphs (c), (d)

and (e) to reflect the beginning page of the preamble as opposed to the page number of the regulatory text.

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 Nebraska 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 Nebraska SIP compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 8, 2009.

**William Rice,**

*Acting Regional Administrator, Region 7.*

■ 40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart CC—Nebraska

■ 2. In § 52.1420 paragraphs (b), (c), (d) and (e) are revised to read as follows:

##### § 52.1420 Identification of plan.

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 2009, was approved for incorporation by reference by the Director of the *Federal Register* in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the SIP as of July 1, 2009.

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

at (202) 566-1742. For information on the availability of this material at NARA, call (202) 741-6030, or go to:

[http://www.archives.gov/federal\\_register/](http://www.archives.gov/federal_register/)

[code\\_of\\_federal\\_regulations/ibr\\_locations.html](#).  
(c) EPA-approved regulations.

## EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>STATE OF NEBRASKA</b> <b>Department of Environmental Quality</b>				
<b>Title 129—Nebraska Air Quality Regulations</b>				
129-1 .....	Definitions .....	11/20/02	9/5/03, 68 FR 52691.	Section 001.02 is not SIP approved.
129-2 .....	Definition of Major Source .....	7/10/02	7/8/03, 68 FR 40528.	
129-3 .....	Region and Subregions .....	6/26/94	1/4/95, 60 FR 372.	
129-4 .....	Ambient Air Quality Standards .....	4/1/02	7/8/03, 68 FR 40528.	
		7/10/02		
129-5 .....	Operating Permit .....	11/20/02	9/5/03, 68 FR 52691 .....	
129-6 .....	Emissions Reporting .....	11/20/02	9/5/03, 68 FR 52691.	
129-7 .....	Operating Permits—Application .....	8/22/00	5/29/02, 67 FR 37325.	
129-8 .....	Operating Permit Content .....	8/22/00	5/29/02, 67 FR 37325.	
129-9 .....	General Operating Permits for Class I and II Sources.	6/26/94	1/4/95, 60 FR 372.	
129-10 .....	Operating Permits for Temporary Sources.	9/7/97	1/20/00, 65 FR 3130.	Refer to January 23, 2002, NDEQ letter to EPA regarding change to 129-17-014. Approved by EPA on May 29, 2002.
129-11 .....	Operating Permits—Emergency; Defense.	6/26/94	1/4/95, 60 FR 372.	
129-12 .....	Operating Permit Renewal and Expiration.	5/29/95	2/9/96, 61 FR 4899.	
129-13 .....	Class I Operating Permit—EPA Review; Affected States Review; Class II Permit.	6/26/94	1/4/95, 60 FR 372.	
129-14 .....	Permits—Public Participation .....	6/26/94	1/4/95, 60 FR 372.	
129-15 .....	Operating Permit Modification; Reopening for Cause.	6/26/94	1/4/95, 60 FR 372.	
129-16 .....	Stack Heights; Good Engineering Practice (GEP).	12/15/98	5/29/02, 67 FR 37325.	
129-17 .....	Construction Permits—When Required	7/10/02	7/8/03, 68 FR 40528 .....	
129-19 .....	Prevention of Significant Deterioration of Air Quality.	12/15/98	5/29/02, 67 FR 37325.	
129-20 .....	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 35).	2/7/04	3/31/05, 70 FR 16426.	
129-21 .....	Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County.	7/10/02	7/8/03, 68 FR 40528.	
129-22 .....	Incinerators; Emission Standards .....	9/7/97	1/20/00, 65 FR 3130.	
129-24 .....	Sulfur Compound Emissions, Existing Sources Emission Standards.	6/26/94	1/4/95, 60 FR 372.	
129-25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources.	9/7/97	1/20/00, 65 FR 3130.	
129-30 .....	Open Fires, Prohibited; Exceptions .....	11/20/02	9/5/03, 68 FR 52691.	
129-32 .....	Dust; Duty to Prevent Escape of .....	6/26/94	1/4/95, 60 FR 372.	
129-33 .....	Compliance; Time Schedule for .....	6/26/94	1/4/95, 60 FR 372.	
129-34 .....	Emission Sources; Testing; Monitoring	5/7/05	7/10/06, 71 FR 38776.	
129-35 .....	Compliance; Exceptions Due to Startup, Shutdown, or Malfunction.	9/7/97	1/20/00, 65 FR 3130.	
129-36 .....	Control Regulations; Circumvention, When Excepted.	6/26/94	1/4/95, 60 FR 372.	
129-37 .....	Compliance; Responsibility .....	6/26/94	1/4/95, 60 FR 372.	
129-38 .....	Emergency Episodes; Occurrence and Control, Contingency Plans.	6/26/94	1/4/95, 60 FR 372.	
129-39 .....	Visible Emissions from Diesel-powered Motor Vehicles.	6/26/94	1/4/95, 60 FR 372.	
129-40 .....	General Conformity .....	5/29/95	2/12/96, 61 FR 5297.	
129-41 .....	General Provisions .....	12/15/98	5/29/02, 67 FR 37325.	

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
129-42 .....	Permits-By-Rule .....	11/20/02 4/8/03 5/7/05	7/10/06, 71 FR 38776.	
129-43 .....	Consolidated with Chapter 41 .....	5/29/95	2/9/96, 61 FR 4899.	
129-44 .....	Consolidated with Chapter 41 .....	5/29/95	2/9/96, 61 FR 4899.	
Appendix I .....	Emergency Emission Reductions .....	6/26/94	1/4/95, 60 FR 372.	
Appendix II .....	Hazardous Air Pollutants (HAPS) .....	5/7/05	7/10/06, 71 FR 38776.	

## Title 115—Rules of Practice and Procedure

115-1 .....	Definitions of Terms .....	8/8/93	1/4/95, 60 FR 372.	
115-2 .....	Filing and Correspondence .....	8/8/93	1/4/95, 60 FR 372.	
115-3 .....	Public Records Availability .....	8/8/93	1/4/95, 60 FR 372.	
115-4 .....	Public Records Confidentiality .....	8/8/93	1/4/95, 60 FR 372.	
115-5 .....	Public Hearings .....	8/8/93	1/4/95, 60 FR 372.	
115-6 .....	Voluntary Compliance .....	8/8/93	1/4/95, 60 FR 372.	
115-7 .....	Contested Cases .....	8/8/93	1/4/95, 60 FR 372.	
115-8 .....	Emergency Proceeding Hearings .....	8/8/93	1/4/95, 60 FR 372.	
115-9 .....	Declaratory Rulings .....	8/8/93	1/4/95, 60 FR 372.	
115-10 .....	Rulemaking .....	8/8/93	1/4/95, 60 FR 372.	
115-11 .....	Variances .....	8/8/93	1/4/95, 60 FR 372.	

## Lincoln-Lancaster County Air Pollution Control Program

## Article 1—Administration and Enforcement

Section 1 .....	Intent .....	5/16/95	2/14/96, 61 FR 5699.	
Section 2 .....	Unlawful Acts—Permits Required .....	5/16/95	2/14/96, 61 FR 5699.	
Section 3 .....	Violations—Hearings—Orders .....	5/16/95	2/14/96, 61 FR 5699.	
Section 4 .....	Appeal Procedure .....	5/16/95	2/14/96, 61 FR 5699.	
Section 5 .....	Variance .....	5/16/95	2/14/96, 61 FR 5699.	
Section 7 .....	Compliance—Actions to Enforce—Penalties for Non-Compliance.	5/16/95	2/14/96, 61 FR 5699.	
Section 8 .....	Procedure for Abatement .....	5/16/95	2/14/96, 61 FR 5699.	
Section 9 .....	Severability .....	5/16/95	2/14/96, 61 FR 5699.	

## Article 2—Regulations and Standards

Section 1 .....	Definitions .....	8/11/98	1/20/00, 65 FR 3130.	
Section 2 .....	Major Sources—Defined .....	8/11/98	1/20/00, 65 FR 3130.	
Section 4 .....	Ambient Air Quality Standards .....	5/16/95	2/14/96, 61 FR 5699.	
Section 5 .....	Operating Permits—When Required .....	8/11/98	1/20/00, 65 FR 3130.	
Section 6 .....	Emissions Reporting—When Required .....	8/11/98	1/20/00, 65 FR 3130.	
Section 7 .....	Operating Permit—Application .....	8/11/98	1/20/00, 65 FR 3130.	
Section 8 .....	Operating Permit—Content .....	8/11/98	1/20/00, 65 FR 3130.	
Section 9 .....	General Operating Permits for Class I and II Sources.	5/16/95	2/14/96, 61 FR 5699.	
Section 10 .....	Operating Permits for Temporary Services.	5/16/95	2/14/96, 61 FR 5699.	
Section 11 .....	Emergency Operating Permits—Defense.	5/16/95	2/14/96, 61 FR 5699.	
Section 12 .....	Operating Permit Renewal and Expiration.	5/16/95	2/14/96, 61 FR 5699.	
Section 14 .....	Permits—Public Participation .....	5/16/95	2/14/96, 61 FR 5699.	
Section 15 .....	Operating Permit Modifications—Reopening for Cause.	8/11/98	1/20/00, 65 FR 3130.	
Section 16 .....	Stack—Heights—Good Engineering Practice (GEP).	5/16/95	2/14/96, 61 FR 5699.	
Section 17 .....	Construction Permits—When Required .....	8/11/98	1/20/00, 65 FR 3130.	
Section 19 .....	Prevention of Significant Deterioration of Air Quality.	5/16/95	2/14/96, 61 FR 5699.	
Section 20 .....	Particulate Emissions—Limitations and Standards.	3/31/97	1/20/00, 65 FR 3130.	
Section 22 .....	Incinerator Emissions .....	5/16/95	2/14/96, 61 FR 5699.	
Section 24 .....	Sulfur Compound Emissions—Existing Sources—Emission Standards.	5/16/95	2/14/96, 61 FR 5699.	
Section 25 .....	Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources.	5/16/95	2/14/96, 61 FR 5699.	
Section 32 .....	Dust—Duty to Prevent Escape of .....	3/31/97	1/20/00, 65 FR 3130.	
Section 33 .....	Compliance—Time Schedule for .....	5/16/95	2/14/96, 61 FR 5699.	
Section 34 .....	Emission Sources—Testing—Monitoring	5/16/95	2/14/96, 61 FR 5699.	

## EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Section 35 .....	Compliance—Exceptions Due to Startup Shutdown or Malfunction.	5/16/95	2/14/96, 61 FR 5699.	
Section 36 .....	Control Regulations—Circumvention—When Expected.	5/16/95	2/14/96, 61 FR 5699.	
Section 37 .....	Compliance—Responsibility of Owner/Operator Pending Review by Director.	5/16/95	2/14/96, 61 FR 5699.	
Section 38 .....	Emergency Episodes—Occurrence and Control—Contingency Plans.	5/16/95	2/14/96, 61 FR 5699.	
Appendix I .....	Emergency Emission Reduction Regulations.	5/16/95	2/14/96, 61 FR 5699.	

**City of Omaha**  
**Chapter 41—Air Quality Control**  
**Article I In General**

41-2 .....	Adoption of State Regulations with Exceptions.	4/1/98	1/20/00, 65 FR 3130.	
41-4 .....	Enforcement—Generally .....	5/29/95	2/14/96, 61 FR 5699.	
41-5 .....	Same Health Department .....	5/29/95	2/14/96, 61 FR 5699.	
41-6 .....	Residential Exemptions .....	5/29/95	2/14/96, 61 FR 5699.	
41-9 .....	Penalties .....	5/29/95	2/14/96, 61 FR 5699.	
41-10 .....	Civil Enforcement .....	5/29/95	2/14/96, 61 FR 5699.	

## Article II—Permitting of Air Contaminant Sources

41-23 .....	Prerequisite to Approval .....	5/29/95	2/14/96, 61 FR 5699.	
41-27 .....	Signature Required; Guarantee .....	5/29/95	2/14/96, 61 FR 5699.	
41-38 .....	Funds .....	5/29/95	2/14/96, 61 FR 5699.	
41-40 .....	Fees—When Delinquent .....	5/29/95	2/14/96, 61 FR 5699.	

## Article IV—Waste Incinerators Division 1. Generally

41-60 .....	Definitions .....	5/29/95	2/14/96, 61 FR 5699.	
41-61 .....	Violations .....	5/29/95	2/14/96, 61 FR 5699.	

## Article IV—Waste Incinerators Division 2. Emissions

41-70 .....	New or Modified Facilities .....	5/29/95	2/14/96, 61 FR 5699.	
41-71 .....	Existing Facilities .....	5/29/95	2/14/96, 61 FR 5699.	
41-72 .....	Emission Testing .....	5/29/95	2/14/96, 61 FR 5699.	

## Article IV—Waste Incinerators Division 3. Design

41-80 .....	New or Modified Waste Incinerators .....	5/29/95	2/14/96, 61 FR 5699.	
41-81 .....	Existing Incinerators .....	5/29/95	2/14/96, 61 FR 5699.	

(d) *EPA-approved state source-specific permits.*

## EPA-APPROVED NEBRASKA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Gould, Inc .....	677	11/9/83	1/31/85, 50 FR 4510.	
(2) Asarco, Inc .....	1520	6/6/96	3/20/97, 62 FR 13329 .....	The EPA did not approve paragraph 19.

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

## EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(1) Air Quality Implementation Plan ..	Statewide .....	1/28/72	5/31/72, 37 FR 10842.	
(2) Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval.	Statewide .....	4/25/72	5/31/72, 37 FR 10842.	
(3) Request for Two-Year Extension to Meet the Primary NO <sub>x</sub> Standard.	Omaha .....	1/24/72	7/27/72, 37 FR 15080.	
(4) Clarification of Section 11 of the State's Plan.	Statewide .....	2/16/72	7/27/72, 37 FR 15080.	
(5) Letters Clarifying the Application of the State's Emergency Episode Rule.	Omaha .....	10/2/72	5/14/73, 38 FR 12696.	
(6) Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.	Omaha, Lincoln, Sioux City.	5/9/74	6/2/75, 40 FR 23746.	
(7) Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data.	Statewide .....	2/10/76	6/23/76, 41 FR 25898.	
(8) Air Monitoring Plan .....	Statewide .....	6/19/81	10/6/81, 46 FR 49122.	
(9) TSP Nonattainment Plan .....	Douglas and Cass Counties.	9/25/80	3/28/83, 48 FR 12715.	
(10) Plan for Intergovernmental Consultation and Coordination and for Public Notification.	Statewide .....	8/9/82	7/5/83, 48 FR 30631.	
(11) Lead Plan .....	Statewide except Omaha.	1/9/81 8/5/81 1/11/83	11/29/83, 48 FR 53697	The plan was approved except that portion pertaining to Omaha.
(12) Lead Nonattainment Plan .....	Omaha .....	7/24/84 11/17/83 8/1/84	1/31/85, 50 FR 4510.	
(13) CO Nonattainment Plan .....	Omaha .....	4/3/85	9/15/86, 51 FR 32640.	
(14) CO Nonattainment Plan .....	Lincoln .....	4/3/85	9/19/86, 51 FR 33264.	
(15) Revised Lead Nonattainment Plan.	Omaha .....	2/2/87	8/3/87, 52 FR 28694.	
(16) Letter Pertaining to NO <sub>x</sub> Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991.	Statewide .....	3/8/91	7/2/91, 56 FR 30335 .....	State submittal date is date of the letter.
(17) Small Business Assistance Program.	Statewide .....	11/12/92	8/30/93, 58 FR 45452.	
(18) Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds.	Statewide .....	2/16/94	1/4/95, 60 FR 372.	
(19) Letter from City of Omaha Regarding Authority to Implement Section 112(l) and Letter from the State Regarding Rule Omissions and PSD Program Implementation.	Omaha, Lincoln .....	9/13/95 11/9/95	2/14/96, 61 FR 5725 .....	State submittal dates are dates of letters.
(20) Lincoln Municipal Code, Chapter 8.06.140 and 8.06.145.	City of Lincoln .....	2/5/99	1/20/00, 65 FR 3130.	
(21) Lancaster Co. Resolution 5069, Sections 12 and 13.	Lancaster County .....	2/5/99	1/20/00, 65 FR 3130.	
(22) Nebraska Lead Maintenance SIP.	Omaha .....	1/18/01	4/20/01, 66 FR 20196.	
(23) CAA 110(1)(2)(D)(i) SIP—Interstate Transport.	Statewide .....	5/18/07	12/17/07, 72 FR 71245.	

[FR Doc. E9-18024 Filed 7-29-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2008-0592(a); FRL-8937-2]

#### Approval and Promulgation of Air Quality Implementation Plans— Alabama: Birmingham 1997 8-Hour Ozone Contingency Measures

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Alabama State Implementation Plan (SIP), submitted by the Alabama Department of Environmental Management (ADEM), on February 6, 2008, to adopt contingency measures in the form of permit conditions for two cement kilns. These contingency measures are for the maintenance of the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) in Jefferson and Shelby Counties ("Birmingham Area"). On May 12, 2006, EPA approved the 8-hour ozone redesignation of the Birmingham Area from nonattainment to attainment for the 1997 8-hour ozone NAAQS (see, 71 FR 27631). Additional measures may be necessary in the future; however, these revisions qualify as contingency measures as required under Section 175A(d) of the Clean Air Act (CAA).

When the Birmingham Area was redesignated to attainment, Alabama was also required to submit a maintenance plan which included provisions for contingency measures should the Area violate the standard after being redesignated to attainment. The May 12, 2006, maintenance plan was designed to keep the Birmingham Area in attainment through 2017, initially, with a later extension of the maintenance plan to include a time period of no less than 20 years after the Area was redesignated originally. After attaining the 1997 8-hour ozone standard based on 2003–2005 ambient air monitoring data, the Birmingham Area violated the standard with 2004–2006 ambient air monitoring data. The February 6, 2008, SIP revision, provided by Alabama for EPA approval, was submitted to fulfill ADEM's commitment to adopt within 18 months of a violation of the 1997 8-hour ozone standard, one or more contingency measures to help the Area re-attain the

standard. EPA is approving these revisions pursuant to section 110 of the CAA. On March 27, 2008, EPA issued a revised ozone standard (see, 73 FR 16436). This action, however, is being taken to address requirements under the 1997 8-hour ozone standard. EPA will address the Birmingham compliance with the 2008 8-hour ozone standard in the future.

**DATES:** This rule is effective on *September 28, 2009* without further notice, unless EPA receives adverse comment by August 31, 2009. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2008-0592 by one of the following methods:

1. *http://www.regulations.gov*: Follow the online instructions for submitting comments.

2. *E-mail*: [benjamin.lynora@epa.gov](mailto:benjamin.lynora@epa.gov).

3. *Fax*: (404) 562-9019.

4. *Mail*: "EPA-R04-OAR-2008-0592," 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*: Ms. Lynora Benjamin, Chief, 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-2008-0592." 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 through <http://www.regulations.gov> or e-mail, information that you consider to be CBI or otherwise protected. 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. 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 <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 available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Stacy Harder, 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. Ms. Harder may be reached by phone at (404) 562-9042, or by electronic mail at [harder.stacy@epa.gov](mailto:harder.stacy@epa.gov). For information relating to the Alabama SIP, contact Mr. Zuri Farngalo by phone at (404) 562-9152, or by electronic mail at [farngalo.zuri@epa.gov](mailto:farngalo.zuri@epa.gov).

**SUPPLEMENTARY INFORMATION:**