

\$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency

provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Words of Issuance and Regulatory Text

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. From March 21, 2008 until March 31, 2008, suspend § 100.518(c).

■ 3. From March 21, 2008 until March 31, 2008, add temporary § 100.518(d) to read as follows:

* * * * *

(d) *Enforcement period.* (1) This section will be enforced from 5 a.m. to 6 p.m. on days when the following events are held:

(i) Safety at Sea Seminar, March 29, 2008;

(ii) Naval Academy Crew Races held on the last weekend in March and every weekend in April and May;

(iii) Blue Angels Air Show, held on the fourth Tuesday and Wednesday in May.

(2) Should the event's daily activities conclude prior to 6 p.m., enforcement of this section may be terminated for that day at the discretion of the Coast Guard Patrol Commander.

(3) The Commander, Fifth Coast Guard District will publish a notice in the Fifth Coast Guard District Local Notice to Mariners announcing the specific event dates and times. Notice will also be made via marine Safety Radio Broadcast on VHF–FM marine band radio channel 22 (157.1 MHz).

Dated: February 6, 2008.

Fred M. Rosa, Jr.,

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

[FR Doc. E8–3718 Filed 2–26–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0015; FRL–8532–1]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions To Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving certain control measures adopted by the State of Texas on the following dates: September 7, 2001, July 18, 2002, January 28, 2003, November 7, 2003, and December 17, 2004. The effect of this action is to finalize the proposed approval of these measures published on September 28, 2006 in the **Federal Register** (71 FR 56920) because they enhance the Texas VOC Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) by improving volatile organic compound (VOC) emission controls in Texas. This action is being taken under Section 110(l) and part D of the Clean Air Act.

DATES: This rule will be effective on March 28, 2008.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2005-TX-0015. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 www.regulations.gov or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214-665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cents per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

FOR FURTHER INFORMATION CONTACT: Ellen Belk, Air Planning Section, (6PD-L), Environmental Protection Agency (EPA), Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone number: (214) 665-2164; fax number: (214) 665-7263; e-mail address: belk.ellen@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
- II. Comments Received on EPA's Proposal and EPA's Response
- III. Final Action
- IV. Statutory and Executive Order Reviews

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words *EPA*, *we*, *us*, or *our* mean or refer to the United States Environmental Protection Agency.
- (iii) The initials *SIP* mean or refer to State Implementation Plan.
- (iv) The words *State* or *Texas* mean the State of Texas, unless the context indicates otherwise.

I. Background

On September 7, 2001, July 18, 2002, January 28, 2003, November 7, 2003, and December 17, 2004, the State of Texas submitted revised rules for incorporation into the Texas VOC RACT SIP. The SIP revisions include additions and amendments to Title 30 of the Texas Administrative Code, Chapter 115, Control of Air Pollution from Volatile Organic Compounds (30 TAC 115).

The State of Texas adopted these rules as revisions to the approved SIP. The State rules (1) add new requirements to control VOC emissions from industrial wastewater systems in El Paso County, the Beaumont/Port Arthur and Houston/Galveston 8-hour ozone standard nonattainment areas, and four counties in the Dallas/Fort Worth 8-hour ozone standard nonattainment area: Collin, Dallas, Denton, and Tarrant Counties, and (2) amend requirements to identify and correct emissions from VOC leaks from facilities that refine petroleum or process natural gas, gasoline or petrochemicals in these areas and from petroleum refineries in Gregg, Nueces, and Victoria Counties.

On September 28, 2006, we published (1) a direct final rule approving revisions to Texas regulations to control VOC emissions and making ministerial corrections to the table in 40 CFR 52.2270(c) (71 FR 56872) and (2) a proposal for the rule (71 FR 56920). The rule and proposal stated that if any relevant adverse comments were received by the end of the public comment period on October 30, 2006, the direct final rule would be withdrawn and we would respond to the comments in a subsequent final action. Relevant adverse comments were received during the comment period, and the direct final rule was withdrawn on November 21, 2006 (71 FR 67311). Our September 28, 2006 proposal (71 FR 56920) provides the basis for today's final action.

II. Comments Received on EPA's Proposal and EPA's Response

EPA received one letter commenting on the September 28, 2006, direct-final rule and proposal. The comments in the letter can be placed in two categories: (1) Comment on leak repair, and (2) comment on monitoring.

(1) Comment on Leak Repair

Comment: The commenter stated that, while there are a number of provisions strengthening controls of VOC monitoring and reporting requirements in the proposal, there are also a number of provisions that appear to weaken

controls, and was concerned that these provisions may result in the emission of additional VOCs, thereby further jeopardizing reaching attainment in ozone nonattainment areas. The commenter was concerned the provisions allowing additional time for leak repair in situations involving installation of improved technologies may result in significant emissions during the repair delay. The specific revision of concern discussed fugitive emission control requirements for delay of leak repairs (30 TAC 115.352). The commenter stated that "While the goal of this provision appears to be encouraging installation of improved technologies to prevent future leaks, * * * VOC emissions during the repair delay could be significant."

Response: EPA agrees with the commenter that these rules include a number of provisions improving controls of volatile organic compounds, monitoring and reporting requirements, but disagrees with the commenter that the revisions may result in increased VOC emissions that jeopardize attainment. To the contrary, the revisions do not weaken controls but provide for a more focused and targeted approach in the VOC inspection and monitoring program taking into account safety and better monitoring methods. The provisions allow delay of repair for pumps, compressors, or agitators when an owner/operator chooses to replace existing seal designs with upgraded technologies (30 TAC 115.352(2)(C)). When the repair of a pump, compressor, or agitator will include an upgraded seal design, the repair must be completed as soon as practicable, but not later than six months after the leak is detected. Overall, this revision will result in fewer and smaller leaks by winnowing out components that repeatedly leak.¹ EPA's guidelines for New Source Performance Standards and RACT allow for delay of repair, recognizing the value of replacement of components that repeatedly leak.^{2,3} It is recognized in the field that individual leaks are not likely to become excessive due to considerations of safety and product loss. Companies that choose to replace repeatedly leaking components with the upgraded seal technologies that do not continually leak will be able to have the time to install the better, more effective

¹ EPA Environmental Regulations and Technology, "Fugitive VOC Emissions in the Synthetic Organic Chemicals Manufacturing Industry", EPA-625/10-84-004, pages 15-16, 20.

² 40 CFR part 60, Subpart GGG.

³ EPA Guideline Series, "Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment", EPA-450/2-78-036, pages 1-2, 2-1, 2-2, and 6-5.

technology that results in fewer emissions in the long term, as opposed to quickly repairing the equipment and continuing operation with less effective methods of preventing leaks.

(2) Comment on Monitoring

Comment: The commenter was concerned about the revisions to monitoring requirements for flanges, and questioned whether the provisions for monitoring were a relaxation. The specific revision of concern addressed monitoring for leaks (30 TAC 115.354 and 115.357) in petroleum refining and petrochemical processing facilities. The commenter was concerned that this revision relaxes monitoring requirements and will allow VOC emissions to go undetected.

Response: The monitoring provisions for flanges allow flanges to be excluded from weekly sight, sound, or smell inspection requirements if they are monitored at least once each calendar year using EPA Method 21, or if they are unsafe to inspect. If a flange is not safe to inspect, then it must be inspected as soon as possible during a time that it is safe to inspect. Annual monitoring of flanges with EPA Method 21 is better for detecting leaks than weekly visual, audible, and/or olfactory inspections since it is more sensitive and accurate in identifying VOC leaks. The Method 21 instrument will detect not only the leaks likely to be detected by sight, sound, and smell, but also smaller leaks which may have previously been undetected by sight, sound, and smell.⁴

Overall, greater emission reductions are expected as a result of annual monitoring with Method 21. Test Method 21 is a long established, reproducible method which allows for the use of new technologies as it does not mandate the use of a specific instrument.⁵ Safety requirements are an inherent aspect of this Method. The Method identifies the reagents, standards, and the calibration performance evaluation procedures. The Method has been in use since May 1981. Method 21 includes requirements for sample collection, preservation, storage, custody, and transport requirements for reproducibility purposes that enhance both the detection and enforcement aspects of the program. The Method contains quality control measures that will ensure precision and accuracy of instrument response to reference

standard. For these reasons, EPA disagrees that the monitoring provisions are a relaxation of the rule. These monitoring provisions encourage facilities to use the more sensitive and more accurate Method 21 for inspecting for leaks, which will lead to better leak detection and consequently, to reduced emissions.

III. Final Action

We have carefully considered the comments received and still believe we should approve the SIP revisions submitted by Texas. The revisions enhance VOC emission controls. The control of VOC emissions will help to attain and maintain the 8-hour national ambient air quality standard (NAAQS) for ozone in Texas. Our approval of the revisions will not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA in compliance with the requirements of section 110(l) of the CAA. Under section 110(l) EPA may not approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA, including RACT. This approval will make the revised regulations federally enforceable. EPA is approving the SIP revisions included in the submittals by the State of Texas on (1) September 7, 2001, (2) July 18, 2002, (3) January 28, 2003, (4) November 7, 2003, and (5) December 17, 2004, pertaining to control of VOC emissions. These SIP revisions were adopted by the State of Texas on the following dates: (1) August 8, 2001, (2) April 26, 2002, (3) December 13, 2002, (4) October 22, 2003, and (5) December 1, 2004.

We are also making ministerial corrections to the table in 40 CFR 52.2270(c) to reflect accurately previous approved SIP submittal dates, **Federal Register** citations of EPA action and EPA approved State regulations. The ministerial corrections revise the table entries for sections 115.125, 115.146, 115.148, 115.162, 115.163, 115.164, and 115.165 to reflect EPA approval of these State regulations on December 20, 2000 (65 FR 79745) and July 16, 2001 (66 FR 36913). Table entries for section 115.332 to 115.339, and section 115.342 to 115.349 are being removed to reflect EPA approval of the repeal of these State regulations on January 26, 1999 (64 FR 3841).

IV. Statutory and Executive Order Reviews

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 and because this action will not have a significant, adverse effect on the supply, distribution, or use of energy, 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 CAA. 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. Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Because this rule merely approves a state rule implementing a Federal standard, EPA lacks the discretionary authority to modify today's regulatory decision on the basis of environmental justice considerations.

⁴ 40 CFR part 60, Appendix A.

⁵ EPA-600/2081-022 Office of Research and Development prepared by Industrial Environmental Research, RTP, NC 27711; and EPA-625/R-92-003 Office of Technology Transfer, Seminar Publication Organic Air Emissions from Waste Management Facilities.

In reviewing SIP submissions under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 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.*).

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**. 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *April 28, 2008*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 13, 2008.

Richard E. Greene,
Regional Administrator, Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart SS—Texas

■ 2. The table in § 52.2270(c) entitled "EPA Approved Regulations in the Texas SIP" is amended under Chapter 115 (Reg 5) as follows:

a. By revising Subchapter B—General Volatile Organic Compound Sources.

b. By revising Subchapter D—Petroleum Refining and Petrochemical Processes.

c. By revising Subchapter F—Miscellaneous Industrial Sources.

d. By revising Subchapter J—Administrative Provisions.

The amendments read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 115 (Reg 5)—Control of Air Pollution From Volatile Organic Compounds				
*	*	*	*	*
Subchapter B—General Volatile Organic Compound Sources				
Division 1: Storage of Volatile Organic Compounds				
Section 115.112	Control Requirements	05/08/92	03/07/95, 60 FR 12438.	
Section 115.113	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.114	Inspection Requirements	05/08/92	03/07/95, 60 FR 12438.	
Section 115.115	Approved Test Methods	05/08/92	03/07/95, 60 FR 12438.	
Section 115.116	Monitoring and Recordkeeping Requirements.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.117	Exemptions	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.119	Counties and Compliance Schedules	05/08/92	03/07/95, 60 FR 12438.	
Division 2: Vent Gas Control				
Section 115.120	Vent Gas Definitions	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.121	Emission Specifications	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.122	Control Requirements	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.123	Alternate Control Requirements	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.125	Testing Requirements	12/06/00	07/16/01, 66 FR 36913.	
Section 115.126	Monitoring and Recordkeeping Requirements.	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.127	Exemptions	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.129	Counties and Compliance Schedules	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 3: Control of Volatile Organic Compound Leaks from Transport Vessels				
Section 115.131	Emission Specifications	05/04/94	05/22/97, 62 FR 27964.	
Section 115.132	Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.133	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.135	Testing Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.136	Monitoring and Recordkeeping Requirements.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.137	Exemptions	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.139	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 4: Industrial Wastewater				
Section 115.140	Industrial Wastewater Definitions	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.142	Control Requirements	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.143	Alternate Control Requirements	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.144	Inspection and Monitoring Requirements.	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.145	Approved Test Methods	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.146	Recordkeeping Requirements	10/27/99	12/20/00, 65 FR 79745.	
Section 115.147	Exemptions	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.148	Training Requirements	10/27/99	12/20/00, 65 FR 79745.	
Section 115.149	Counties and Compliance Schedules	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 5: Municipal Solid Waste Landfills				
Section 115.152	Control Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.153	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.155	Approved Test Methods	05/04/94	05/22/97, 62 FR 27964.	
Section 115.156	Monitoring and Recordkeeping Requirements.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.157	Exemptions	05/04/94	05/22/97, 62 FR 27964.	
Section 115.159	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 6: Batch Processes				
Section 115.160	Batch Process Definitions	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.161	Applicability	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.162	Control Requirements	12/06/00	07/16/01, 66 FR 36913.	
Section 115.163	Alternate Control Requirements	10/27/99	12/20/00, 65 FR 79745.	
Section 115.164	Determination of Emissions and Flow Rates.	12/06/00	07/16/01, 66 FR 36913.	
Section 115.165	Approved Test Methods and Testing Requirements.	12/06/00	07/16/01, 66 FR 36913.	
Section 115.166	Monitoring and Recordkeeping Requirements.	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.167	Exemptions	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Section 115.169	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
*	*	*	*	*
Subchapter D—Petroleum Refining, Natural Gas Processing, and Petrochemical Processes				
Division 1: Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries				
Section 115.311	Emission Specifications	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.312	Control Requirements	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.313	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.315	Testing Requirements	05/08/92	03/07/95, 60 FR 12438.	
Section 115.316	Monitoring and Recordkeeping Requirements.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.317	Exemptions	05/08/92	03/07/95, 60 FR 12438.	
Section 115.319	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 2: Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties				
Section 115.322	Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.323	Alternate Control Requirements	08/08/01	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.324	Inspection Requirements	05/08/02	03/07/95, 60 FR 12438.	
Section 115.325	Testing Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.326	Recordkeeping Requirements	12/13/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.327	Exemptions	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.329	Counties and Compliance Schedules	08/08/01	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 3: Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas				
Section 115.352	Control Requirements	12/01/04	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.353	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.354	Monitoring and Inspection Requirements.	12/01/04	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.355	Approved Test Methods	12/01/04	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.356	Recordkeeping Requirements	12/01/04	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.357	Exemptions	12/01/04	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.359	Counties and Compliance Schedules	12/01/04	02/27/08 [Insert <i>FR</i> page number where document begins].	
*	*	*	*	*
Subchapter F—Miscellaneous Industrial Sources				
Division 1: Cutback Asphalt				
Section 115.510	Cutback Asphalt Definitions	08/31/99	12/22/99, 64 FR 71670.	
Section 115.512	Control Requirements	11/17/04	3/29/05, 70 FR 15769.	
Section 115.513	Alternative Control Requirements	08/31/99	12/22/99, 64 FR 71670.	
Section 115.515	Testing Requirements	08/31/99	12/22/99, 64 FR 71670.	
Section 115.516	Recordkeeping Requirements	11/17/04	3/29/05, 70 FR 15769.	
Section 115.517	Exemptions	11/17/04	3/29/05, 70 FR 15769	Ref 52.2299(c)(88).
Section 115.519	Counties and Compliance Schedules	11/17/04	3/29/05, 70 FR 15769	Ref 52.2299(c)(88).

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Division 2: Pharmaceutical Manufacturing Facilities				
Section 115.531	Emission Specifications	05/04/94	05/22/97, 62 FR 27964.	
Section 115.532	Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.533	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.534	Inspection Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.535	Testing Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.536	Monitoring and Recordkeeping Requirements.	05/04/94	05/22/97, 62 FR 27964.	
Section 115.537	Exemptions	05/04/94	05/22/97, 62 FR 27964.	
Section 115.539	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 3: Degassing or Cleaning of Stationary, Marine, and Transport Vessels				
Section 115.541	Emission Specifications	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.542	Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.543	Alternate Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.544	Inspection Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.545	Approved Test Methods	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.546	Monitoring and Recordkeeping Requirements.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.547	Exemptions	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.549	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 4: Petroleum Dry Cleaning Systems				
Section 115.552	Control Requirements	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.553	Alternate Control Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.555	Testing Methods and Procedures	05/04/94	05/22/97, 62 FR 27964.	
Section 115.556	Recordkeeping Requirements	05/04/94	05/22/97, 62 FR 27964.	
Section 115.557	Exemptions	05/04/94	05/22/97, 62 FR 27964.	
Section 115.559	Counties and Compliance Schedules	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Subchapter J—Administrative Provisions				
Division 1: Alternate Means of Control				
Section 115.901	Insignificant Emissions	07/13/94	05/22/97, 62 FR 27964.	
Section 115.910	Availability of Alternate Means of Control.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.911	Criteria for Approval of Alternate Means of Control Plans.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.912	Calculations for Determining Alternate Means of Control Reductions.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.913	Procedures for Alternate Means of Control Plan Submittal.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.914	Procedures for an Alternate Means of Control Plan Approval.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.915	Public Notice Format	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.916	Review of Approved Alternate Means of Control Plans and Termination of Alternate Means of Control Plans.	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	

EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Division 2: Early Reductions				
Section 115.920	Applicability	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.923	Documentation	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Division 3: Compliance and Control Plan Requirements				
Section 115.930	Compliance Dates	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.932	Control Plan Procedure	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.934	Control Plan Deviation	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.936	Reporting Procedure	11/10/93	05/22/97, 62 <i>FR</i> 27964.	
Section 115.940	Equivalency Determination	04/26/02	02/27/08 [Insert <i>FR</i> page number where document begins].	
Section 115.950	Use of Emissions Credits for Compliance.	12/06/00	09/06/06, 71 <i>FR</i> 52698.	
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[FR Doc. E8-3380 Filed 2-26-08; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180****[EPA-HQ-OPP-2006-0857; FRL-8350-3]****Cyfluthrin; Pesticide Tolerance****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyfluthrin in or on grass, forage, fodder and hay group 17, forage at 12 ppm; grass, forage, fodder and hay, group 17, hay at 50 ppm; beet, sugar, roots at 0.10 ppm; and beet, sugar, dried pulp at 1.0 ppm. Interregional Research Project Number 4 (IR-4), and Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 27, 2008. Objections and requests for hearings must be received on or before April 28, 2008, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2006-0857. To access the

electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Shaja R. Brothers, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: brothers.shaja@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult