

administrative review procedures that the responsible official may use in some cases when approving plans, plan amendments, or plan revisions during the transition period for the rule. A final rule was published in volume 73 of the **Federal Register**, page 21468, April 21, 2008. This document makes corrections to the April 21 rule.

**DATES:** *Effective Date:* These corrections are effective December 31, 2008.

**ADDRESSES:** Written inquiries about this correction notice may be sent to the Director, Ecosystem Management Coordination Staff, USDA Forest Service, 1400 Independence Ave., SW., Mailstop Code 1104, Washington, DC 20250-1104.

**FOR FURTHER INFORMATION CONTACT:** Ecosystem Management Coordination Staff's Planning Specialist Regis Terney at (202) 205-1552.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In volume 73 of the **Federal Register**, page 21468, April 21, 2008 (73 FR 21468) the United States Department of Agriculture (Department) published a final rule setting forth directions for developing, amending, revising, and monitoring land management plans (the planning rule). On May 27, 2008, the Office of the Federal Register informed the Department that citing "36 CFR 217" in the Code of Federal Regulations (CFR) was not appropriate because "36 CFR 217" no longer exists. Currently, part 219 refers several times to the administrative review procedures "at 36 CFR part 217 in effect prior to November 9, 2000 (see 36 CFR parts 200 to 299, revised as of July 1, 2000)."

##### **Need for Correction**

These Code of Federal Regulations references must be removed because (1) they refer to an outdated edition of the CFR, (2) part 217 has not been codified in the CFR since 2000, and (3) the reference is confusing to people who will not find part 217 in the CFR. Therefore the Department is issuing a technical correction to section 219.14(b)(2) and section 219.14(b)(3)(iii) of the planning rule.

The planning rule's transition provisions, at 36 CFR 219.14(b), allow a responsible official to provide either objection procedures, as provided by section 219.13 of the planning rule, or the administrative appeal procedures formerly codified under 36 CFR part 217 for administrative review of land management plans or plan amendments in some situations. In the place of "36 CFR part 217" in the corrected rule, the Department cites the **Federal Register**

notices for the procedures formerly codified at 36 CFR part 217.

The Department identifies these procedures as the "optional appeal procedures available during the planning rule transition period." This format eliminates references to the previous coding of the administrative appeal and review procedures in the CFR to avoid confusion as to the proper status of those procedures. The "optional appeal procedures available during the planning rule transition period," are 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993). The "optional appeal procedures available during the planning rule transition period," are available at <http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>.

##### **List of Subjects in 36 CFR Part 219**

Administrative practice and procedure, Environmental impact statements, Indians, Intergovernmental relations, National forests, Reporting and recordkeeping requirements, Science and technology.

■ Accordingly, 36 CFR part 219 is corrected by making the following correcting amendments:

##### **PART 219—PLANNING**

■ 1. The authority citation for subpart A continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

##### **Subpart A—National Forest System Land Management Planning**

■ 2. In § 219.14 revise paragraphs (b)(2) and (b)(3)(iii) to read as follows:

##### **§ 219.14 Effective dates and transition.**

\* \* \* \* \*

(b) \* \* \*

(2) *Plan Amendments.* With respect to plans approved or revised pursuant to the planning regulation in effect before November 9, 2000, (see 36 CFR parts 200 to 299, Revised as of July 1, 2000), a 3-year transition period for plan amendments begins on April 21, 2008. During the transition period, plan amendments may continue using the provisions of the planning regulation in effect before November 9, 2000, or may conform to the requirements of this subpart. If the responsible official uses the provisions of the prior planning regulations, the responsible official may elect to use either the objection procedures of this subpart or the

optional appeal procedures available during the planning rule transition period. The optional appeal procedures available during the planning rule transition period are published at 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993). Plan amendments initiated after the transition period must conform to the requirements of this subpart.

(3) \* \* \*

(iii) Except when a plan amendment is approved contemporaneously with a project or activity and applies only to that project or activity (in a way that 36 CFR part 215 or part 218, subpart A apply), the responsible official may elect to use either the objection procedures of this subpart or the optional appeal procedures available during the planning rule transition period. The optional appeal procedures available during the planning rule transition period are published at 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993).

\* \* \* \* \*

Dated: December 24, 2008.

**Hank Kashdan,**

*Deputy Chief, Business Operations.*

[FR Doc. E8-31165 Filed 12-30-08; 8:45 am]

**BILLING CODE 3410-11-P**

##### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[FRL-8759-5]

##### **Clean Air Act Prevention of Significant Deterioration (PSD) Construction Permit Program; Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program**

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

**ACTION:** Notice of issuance of the Administrator's interpretation.

**SUMMARY:** On December 18, 2008, the Administrator issued an interpretive memorandum entitled "EPA's Interpretation of Regulations That Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program." This memorandum clarifies the scope of

the EPA regulation that determines the pollutants subject to the Federal PSD program under the Clean Air Act (Act). Under Title I, Part C of the Act, the PSD program preconstruction permit requirement applies to any new major stationary source or modified existing major stationary source of regulated air pollutants located in an area that is either attaining the National Ambient Air Quality Standards (NAAQS) or unclassifiable. Under the Federal PSD permitting regulations, only new or modified major sources that emit one or more "regulated NSR pollutants," as that term is defined in the regulations, are subject to the requirements of the PSD program, including the requirement to install the best available control technology (BACT) for those regulated NSR pollutants that the facility has the potential to emit in significant amounts. This memorandum contains EPA's definitive interpretation of "regulated NSR pollutant" and is intended to resolve any ambiguity in the definition, which includes "any pollutant that otherwise is subject to regulation under the Act." As of the date of the memorandum, EPA interprets this definition of "regulated NSR pollutant" to exclude pollutants for which EPA regulations only require monitoring or reporting but include all pollutants subject to a provision in the Act or regulation adopted by EPA under the Act that requires actual control of emissions of that pollutant.

**FOR FURTHER INFORMATION CONTACT:** Mike Sewell, Office of Air Quality Planning and Standards, Air Quality Policy Division (C 504-03), Environmental Protection Agency, 109 TW Alexander Drive, Research Triangle Park, NC 27709; telephone number: (919) 541-0873; fax number: (919) 541-5509; e-mail address: [sewell.mike@epa.gov](mailto:sewell.mike@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### *A. How Can I Get Copies of This Document and Other Related Information?*

1. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>. You may access the memorandum at <http://www.epa.gov/nsr>.

###### Statutory and Executive Orders

This action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for

rules and regulations under Executive Order 12866.

In addition, this is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. section (601)(2). Therefore, EPA has not prepared a regulatory flexibility analysis addressing the impact of this action on small business activities.

##### Judicial Review

Because we have designated this interpretation as nationally significant under section 307(b) of the Act, challenges must be brought to the United States Court of Appeals for the District of Columbia Circuit by March 2, 2009.

Dated: December 23, 2008.

**Robert J. Meyers,**

*Principal Deputy Assistant Administrator.*

[FR Doc. E8-31114 Filed 12-30-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2007-0674; FRL-8393-9]

#### 2, 4-D, Bensulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Phorate, Sethoxydim, Terbufos, Tetrachlorvinphos, and Triallate; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of September 17, 2008, concerning the modification of certain tolerances for a number of pesticides including the herbicides DCPA and sethoxydim as a follow-up to the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and tolerance reassessment program under the Federal Food, Drug, and Cosmetic Act (FFDCA). This document corrects clerical errors made in the final rule.

**DATES:** This final rule is effective December 31, 2008.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0674. All documents in the docket are listed in the docket index available in <http://www.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:** Jane Smith, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0048; e-mail address: [smith.jane-scott@epa.gov](mailto:smith.jane-scott@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### *A. Does this Action Apply to Me?*

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### *B. How Can I Access Electronic Copies of this Document and Other Related Information?*

In addition to accessing electronically available documents at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr>.

##### II. What Does this Amendment Do?

FR Doc. E8-21589 published in the **Federal Register** of September 17, 2008 (73 FR 53732) (FRL-8375-2), is corrected as follows:

1. On page 53737, under § 180.185(a), in the table, the tolerance for "vegetable, brassica, leafy, group 5" is corrected to read 5.0 ppm. (EPA proposed a 5.0 ppm tolerance on February 6, 2008 (73 FR 6867) (FRL-8345-2), and received no comments on that proposed tolerance, but through typographical error the tolerance was listed at 0.05 ppm in the final rule. This technical amendment corrects that error.)

2. On page 53742, under § 180.412(a), the table is corrected to include the following tolerances which were