

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 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 24, 2009.

Jane Diamond,

Acting Regional Administrator, Region IX.

■ Title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 55—[AMENDED]

■ 1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

■ 2. Section 55.14 is amended by revising paragraph (e)(3)(ii)(F) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of states seaward boundaries, by state.

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- (e) * * *
- (3) * * *
- (ii) * * *

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources*, June, 2009.

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■ 3. Appendix A to CFR Part 55 is amended by revising paragraph (b)(6) under the heading “California” to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

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California
(b) * * *

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(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources*:

- Rule 102 Definitions (Adopted 01/15/09)
- Rule 103 Severability (Adopted 10/23/78)
- Rule 106 Notice to Comply for Minor Violations (Repealed 01/01/2001)

- Rule 107 Emergencies (Adopted 04/19/01)
- Rule 201 Permits Required (Adopted 06/19/08)
- Rule 202 Exemptions to Rule 201 (Adopted 06/19/08)
- Rule 203 Transfer (Adopted 04/17/97)
- Rule 204 Applications (Adopted 04/17/97)
- Rule 205 Standards for Granting Permits (Adopted 04/17/97)
- Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91)
- Rule 207 Denial of Application (Adopted 10/23/78)
- Rule 210 Fees (Adopted 03/17/05)
- Rule 212 Emission Statements (Adopted 10/20/92)
- Rule 301 Circumvention (Adopted 10/23/78)
- Rule 302 Visible Emissions (Adopted 10/23/78)
- Rule 304 Particulate Matter—Northern Zone (Adopted 10/23/78)
- Rule 305 Particulate Matter Concentration—Southern Zone (Adopted 10/23/78)
- Rule 306 Dust and Fumes—Northern Zone (Adopted 10/23/78)
- Rule 307 Particulate Matter Emission Weight Rate—Southern Zone (Adopted 10/23/78)
- Rule 308 Incinerator Burning (Adopted 10/23/78)
- Rule 309 Specific Contaminants (Adopted 10/23/78)
- Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)
- Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)
- Rule 312 Open Fires (Adopted 10/02/90)
- Rule 316 Storage and Transfer of Gasoline (Adopted 01/15/09)
- Rule 317 Organic Solvents (Adopted 10/23/78)
- Rule 318 Vacuum Producing Devices or Systems—Southern Zone (Adopted 10/23/78)
- Rule 321 Solvent Cleaning Operations (Adopted 09/18/97)
- Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)
- Rule 323 Architectural Coatings (Adopted 11/15/01)
- Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)
- Rule 325 Crude Oil Production and Separation (Adopted 07/19/01)
- Rule 326 Storage of Reactive Organic Compound Liquids (Adopted 01/18/01)
- Rule 327 Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85)
- Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)
- Rule 330 Surface Coating of Metal Parts and Products (Adopted 01/20/00)
- Rule 331 Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91)
- Rule 332 Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 06/11/79)
- Rule 333 Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 06/19/08)
- Rule 342 Control of Oxides of Nitrogen (NOx) from Boilers, Steam Generators and Process Heaters (Adopted 04/17/97)

- Rule 343 Petroleum Storage Tank Degassing (Adopted 12/14/93)
- Rule 344 Petroleum Sumps, Pits, and Well Cellars (Adopted 11/10/94)
- Rule 346 Loading of Organic Liquid Cargo Vessels (Adopted 01/18/01)
- Rule 352 Natural Gas-Fired Fan-Type Central Furnaces and Residential Water Heaters (Adopted 09/16/99)
- Rule 353 Adhesives and Sealants (Adopted 08/19/99)
- Rule 359 Flares and Thermal Oxidizers (Adopted 06/28/94)
- Rule 360 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (Adopted 10/17/02)
- Rule 361 Small Boilers, Steam Generators, and Process Heaters (Adopted 01/17/08)
- Rule 370 Potential to Emit—Limitations for Part 70 Sources (Adopted 06/15/95)
- Rule 505 Breakdown Conditions Sections A., B.1., and D. only (Adopted 10/23/78)
- Rule 603 Emergency Episode Plans (Adopted 06/15/81)
- Rule 702 General Conformity (Adopted 10/20/94)
- Rule 801 New Source Review (Adopted 04/17/97)
- Rule 802 Nonattainment Review (Adopted 04/17/97)
- Rule 803 Prevention of Significant Deterioration (Adopted 04/17/97)
- Rule 804 Emission Offsets (Adopted 04/17/97)
- Rule 805 Air Quality Impact Analysis and Modeling (Adopted 04/17/97)
- Rule 808 New Source Review for Major Sources of Hazardous Air Pollutants (Adopted 05/20/99)
- Rule 1301 Part 70 Operating Permits—General Information (Adopted 06/19/03)
- Rule 1302 Part 70 Operating Permits—Permit Application (Adopted 11/09/93)
- Rule 1303 Part 70 Operating Permits—Permits (Adopted 11/09/93)
- Rule 1304 Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Adopted 11/09/93)
- Rule 1305 Part 70 Operating Permits—Enforcement (Adopted 11/09/93)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2008–0252; FRL–8433–9]

RIN 2070–AB27

Certain Chemical Substances; Withdrawal of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rules.

SUMMARY: EPA is withdrawing two significant new use rules (SNURs) promulgated under section 5(a)(2) of the

Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs), i.e., multi-walled carbon nanotubes (PMN P-08-177) and single-walled carbon nanotubes (PMN P-08-328). These chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. EPA published the SNURs using direct final rulemaking procedures. EPA received a notice of intent to submit adverse comments on these rules. Therefore, the Agency is withdrawing these SNURs, as required under the expedited SNUR rulemaking process. EPA also intends to publish in the **Federal Register**, under separate notice and comment rulemaking procedures, proposed SNURs for these two chemical substances.

DATES: This final rule is effective August 21, 2009.

FOR FURTHER INFORMATION CONTACT: For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Karen Chu, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8773; e-mail address: chu.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

A list of potentially affected entities is provided in the **Federal Register** of June 24, 2009 (74 FR 29982) (FRL-8417-6). If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. What Rules are Being Withdrawn?

In the **Federal Register** of June 24, 2009 (74 FR 29982), EPA issued several direct final SNURs, including SNURs for the two chemical substances that are the subject of this withdrawal. These direct final rules were issued pursuant to the procedures in 40 CFR part 721, subpart D. In accordance with 40 CFR 721.160(c)(3)(ii), EPA is withdrawing the rules issued for multi-walled carbon nanotubes (PMN P-08-177) and single-walled carbon nanotubes (PMN P-08-328) because the Agency received a notice of intent to submit adverse comments. EPA intends to propose

SNURs for these two chemical substances via notice and comment rulemaking in a future **Federal Register** document.

For further information regarding EPA's expedited process for issuing SNURs, interested parties are directed to 40 CFR part 721, subpart D, and the **Federal Register** of July 27, 1989 (54 FR 31314). The record for the direct final SNURs for these chemical substances which are being withdrawn was established at EPA-HQ-OPPT-2008-0252. That record includes information considered by the Agency in developing these rules and the notice of intent to submit adverse comments.

III. How Do I Access the Docket?

To access the electronic docket, please go to <http://www.regulations.gov> and follow the online instructions to access docket ID no. EPA-HQ-OPPT-2008-0252. Additional information about the Docket Facility is provided under **ADDRESSES** in the **Federal Register** document of June 4, 2009 (74 FR 29982). If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

IV. What Statutory and Executive Order Reviews Apply to this Action?

This final rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Agency has determined that this withdrawal will not have any adverse impacts, economic or otherwise. The statutory and executive order review requirements applicable to the direct final rule were discussed in the **Federal Register** document of June 24, 2009 (74 FR 29982). Those review requirements do not apply to this action because it is a withdrawal and does not contain any new or amended requirements.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and 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).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: August 17, 2009.

Wendy C. Hamnett,

Acting Director, Office of Pollution Prevention and Toxics.

■ Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.10155 [Removed]

■ 2. By removing § 721.10155.

§ 721.10156 [Removed]

■ 3. By removing § 721.10156.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0809031176-91213-03]

RIN 0648-AX25

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 90) and Gulf of Alaska Groundfish (Amendment 78); Limited Access Privilege Programs

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations implementing Amendment 90 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 78 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. This regulation amends the Bering Sea and Aleutian Islands Amendment 80 Program and the Central Gulf of Alaska Rockfish Program to allow post-delivery transfers of cooperative quota to cover overages. This action is necessary to mitigate potential overages, reduce enforcement costs, and provide for more precise total allowable catch management. This action is intended to promote the goals