

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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 11, 2009.

**Walter W. Kovalick Jr.**,

*Acting Regional Administrator, Region 5.*

■ 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 O—Illinois

■ 2. Section 52.720 is amended by adding paragraph (c)(184) to read as follows:

##### § 52.720 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(184) On October 23, 2007, the Illinois Environmental Protection Agency submitted revisions to its State implementation plan for the Oxides of Nitrogen (NO<sub>x</sub>) SIP Call Phase II. The State has submitted revisions to 35 Illinois Administrative Code (Ill. Adm. Code) Parts 211 and 217. The rules pertain to definitions and general provisions, and control of Nitrogen Oxides (NO<sub>x</sub>), respectively. The rules satisfy the requirements of EPA's NO<sub>x</sub> SIP Call Phase II Rule (the Phase II Rule).

(i) *Incorporation by reference.* (A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for

Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Sections: 211.740 Brakehorsepower; 211.1740 Diesel Engine; 211.1920 Emergency or Standby Unit; 211.3300 Lean-burn Engine; and 211.5640 Rich-burn Engine; effective September 25, 2007. (B) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 217: Nitrogen Dioxide Emissions, Subpart A: General Provisions, Sections: 217.101 Measurement Methods; 217.102 Abbreviation and Units; Subpart Q: Stationary Reciprocating Internal Combustion Engines and Turbines, Sections 217.386 Applicability; 217.388 Control and Maintenance Requirements; 217.390 Emissions Averaging Plan; 217.392 Compliance; 217.394 Testing and Monitoring; 217.396 Recordkeeping and Reporting; and 217 Appendix G: Existing Reciprocating Internal Combustion Engines Affected by the NO<sub>x</sub> SIP Call; *effective September 25, 2007.*

(ii) *Additional material.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 217: Nitrogen Dioxide Emissions, Subpart A: General Provisions, Section 217.104 Incorporation by Reference; effective September 25, 2007.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 58

#### Ambient Air Quality Surveillance

##### CFR Correction

In Title 40 of the Code of Federal Regulations, Parts 53 to 59, revised as of July 1, 2008, on page 271, in appendix G to part 58, Table 2 is corrected to read as follows:

#### Appendix G to Part 58—Uniform Air Quality Index (AQI) and Daily Reporting

\* \* \* \* \*

TABLE 2—BREAKPOINTS FOR THE AQI

These breakpoints							Equal these AQI's	
O <sub>3</sub> (ppm) 8-hour	O <sub>3</sub> (ppm) 1-hour <sup>1</sup>	PM <sub>2.5</sub> (µg/m <sup>3</sup> )	PM <sub>10</sub> (µg/m <sup>3</sup> )	CO (ppm)	SO <sub>2</sub> (ppm)	NO <sub>2</sub> (ppm)	AQI	Category
0.000–0.059 .....	.....	0.0–15.4	0–54	0.0–4.4	0.000–0.034	( <sup>3</sup> )	0–50	Good.
0.060–0.075 .....	.....	15.5–40.4	55–154	4.5–9.4	0.035–0.144	( <sup>3</sup> )	51–100	Moderate.
0.076–0.095 .....	0.125–0.164	40.5–65.4	155–254	9.5–12.4	0.145–0.224	( <sup>3</sup> )	101–150	Unhealthy for Sen- sitive Groups.
0.096–0.115 .....	0.165–0.204	<sup>4</sup> 65.5–150.4	255–354	12.5–15.4	0.225–0.304	( <sup>3</sup> )	151–200	Unhealthy.
0.116–0.374 .....	0.205–0.404	<sup>4</sup> 150.5–250.4	355–424	15.5–30.4	0.305–0.604	0.65–1.24	201–300	Very Unhealthy.
( <sup>2</sup> ) .....	0.405–0.504	<sup>4</sup> 250.5–350.4	425–504	30.5–40.4	0.605–0.804	1.25–1.64	301–400	
( <sup>2</sup> ) .....	0.505–0.604	<sup>4</sup> 350.5–500.4	505–604	40.5–50.4	0.805–1.004	1.65–2.04	401–500	Hazardous.

<sup>1</sup> Areas are generally required to report the AQI based on 8-hour ozone values. However, there are a small number of areas where an AQI based on 1-hour ozone values would be more precautionary. In these cases, in addition to calculating the 8-hour ozone index value, the 1-hour ozone index value may be calculated, and the maximum of the two values reported.

<sup>2</sup> 8-hour O<sub>3</sub> values do not define higher AQI values (≥ 301). AQI values of 301 or greater are calculated with 1-hour O<sub>3</sub> concentrations.

<sup>3</sup> NO<sub>2</sub> has no short-term NAAQS, and can generate an AQI only above the value of 200.

<sup>4</sup> If a different SHL for PM<sub>2.5</sub> is promulgated, these numbers will change accordingly.

\* \* \* \* \*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA–HQ–OPP–2008–0770; FRL–8413–6]

**Chlorantraniliprole; Pesticide Tolerances**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of chlorantraniliprole in or on almonds; nut, tree, crop group 14, and pistachios. E.I. Du Pont de Nemours and Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA). This regulation also establishes time-limited rotational crop tolerances for residues of chlorantraniliprole in or on cowpeas, forage and hay; field peas, vines and hay; forage, fodder and straw of cereal grains, crop group 16; grass forage, fodder and hay, crop group 17; leaves of root and tuber vegetables, crop group 2, leeks, nongrass animal feeds (forage, fodder, straw and hay), crop group 18; okra; onions, green; onions, Welsh; peanuts, hay; shallots; soybeans, forage and hay; strawberries and sugarcane, sugar. The time-limited tolerances expire on April 25, 2010.

**DATES:** This regulation is effective June 26, 2009. Objections and requests for hearings must be received on or before August 25, 2009, 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–2008–0770. All documents in the docket are listed in the docket index available at <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:** Kable Bo Davis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 306–0415; e-mail address: [davis.kable@epa.gov](mailto:davis.kable@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).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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 the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Access Electronic Copies of this Document?*

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>. You may also access a frequently updated electronic version of EPA’s tolerance regulations at 40 CFR part 180 through the Government Printing Office’s e-CFR cite at <http://www.gpoaccess.gov/ecfr>.

*C. Can I File an Objection or Hearing Request?*

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation