

LIST OF EFFECTIVE PAGES

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\* The revision number is indicated only in the Record of Revisions section of Chapter 05.

(The List of Effective Pages (LOEP) for Chapter 05 of the Airbus A300 Aircraft Maintenance Manual contains the following errors: Transmittal Letter page, page 4 of the LOEP and Table of Contents sections, page 2 of Subsection 05-00-01, page 1 of Subsection 05-11-11, and Subsection 05-10-00, are not listed in the LOEP; and the LOEP also does not specify a date for the Record of Revisions page. In addition, the LOEP identifies three pages for Subsection 05-11-00, Configuration 5; however, only one page exists. The LOEP identifies three pages for Subsection 05-11-00, Configuration 9; however, those pages do not exist.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail: [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). 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).

Issued in Renton, Washington, on August 24, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9-21033 Filed 9-21-09; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9452]

RIN 1545-BB28

**Application of Separate Limitations to Dividends From Noncontrolled Section 902 Corporations; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to final regulations (TD 9452) that were published in the **Federal Register** on Thursday, June 11, 2009, regarding the application of separate foreign tax credit limitations to dividends received from noncontrolled section 902 corporations.

**DATES:** This correction is effective on September 22, 2009 and is applicable in taxable years ending on or after April 20, 2009.

**FOR FURTHER INFORMATION CONTACT:** Richard Chewning, (202) 622-3850 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of this document are under section 964 of the Internal Revenue Code.

**Need for Correction**

As published on Thursday, June 11, 2009 (74 FR 27886), the final regulations (TD 9452) contain errors that may prove to be misleading and are in need of clarification.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.964-1 is amended by revising the last sentence of paragraph (c)(2) and paragraph (c)(4)(i)(D) to read as follows:

**§ 1.964-1 Determination of the earnings and profits of a foreign corporation.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \* See also §§ 1.985-5, 1.985-6, and 1.985-7 relating to adjustments to earnings and profits of a QBU required when the QBU changes its functional currency or begins to use the dollar approximate separate transactions method of accounting.

(4) \* \* \*

(i) \* \* \*

(D) Whether the domestic shareholder received the written notice required by paragraph (c)(3)(iii) of this section.

\* \* \* \* \*

**LaNita VanDyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. E9-22694 Filed 9-21-09; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**33 CFR Part 334**

**United States Navy Restricted Area, SUPSHIP Bath Detachment Mobile, Mobile, AL**

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) is adding regulations to establish a restricted area around the AUSTAL, USA shipbuilding facility located in Mobile, Alabama, because of

the sensitive nature of the on-going and potential future activities at that facility. The Supervisor of Shipbuilding, Conversion and Repair (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in Mobile, Alabama. The restricted area will be used for on-going construction when vessels are placed in the water. The restricted area is essential to protect persons and property from the dangers associated with the operation and safeguard the area from accidents, sabotage and other subversive acts.

**DATES:** *Effective date:* October 22, 2009.

**ADDRESSES:** U.S. Army Corps of Engineers, Attn: CECW-CO (David B. Olson), 441 G Street NW., Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922 or Mr. Damon M. Young, U.S. Army Corps of Engineers, Mobile District, Regulatory Division, at 251-694-3781.

**SUPPLEMENTARY INFORMATION:** The Supervisor of Shipbuilding, Conversion and Repair (SUPERVISOR), located in Bath, Maine is responsible for United States Navy shipbuilding activities at AUSTAL, USA located in Mobile, Alabama. In accordance with Department of Defense and Department of the Navy guidance, the SUPERVISOR is responsible for the antiterrorism efforts and force protection of Department of the Navy assets under his charge. The SUPERVISOR established SUPSHIP Bath Detachment Mobile, Alabama to assist to that end by managing a portion of the activities at the AUSTAL, USA shipbuilding facility in Mobile, Alabama. As of April 2008, the first ship has been launched and placed pier side of the facility. The proponent will be required to place marker buoys outlining safe navigation around the restricted area in accordance with USCG regulations.

The proposed rule was published in the June 12, 2008 edition of the **Federal Register** (73 FR 33344) and the docket number was COE-2008-0014. In response to the proposal several comments were received.

Three commenters stated that they have no objection to the establishment of the restricted area. Several commenters expressed concern that the buoys marking the restricted area would interfere with navigation, especially for adjoining property owners, and one commenter requested that a floating petroleum barrier be installed along the east-west leg to the south end of the restricted area.

To resolve these concerns, one of the marking buoys will not be installed. Instead, a petroleum barrier that can be more easily removed will be used in place of a marking buoy, which will allow for access by the adjoining property owners when warranted. We have also added paragraph (b)(3) to this rule to provide a process whereby entities can request access to the restricted area by contacting the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, or his/her authorized representative on Marine Communication Channel 16.

In response to a request by the United States Navy, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps is amending 33 CFR Part 334 to establish a new restricted area in the Mobile River.

#### Procedural Requirements

a. *Review Under Executive Order 12866.* This rule is issued with respect to a military function of the Department of Defense and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* The rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that the economic impact of the new restricted area would have practically minimal to no impact on the public, and will not result in any anticipated navigational hazard or interference with existing waterway traffic. This rule will have no significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* This regulation will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared. It may be reviewed at the district office listed at the end of **FOR FURTHER INFORMATION CONTACT** above.

d. *Unfunded Mandates Act.* This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104-4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We

have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

#### List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

■ For the reasons set out in the preamble, the Corps amends 33 CFR Part 334 as follows:

#### PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.782 to read as follows:

#### § 334.782 SUPSHIP Bath Maine Detachment Mobile at AUSTAL, USA, Mobile, AL; restricted area.

(a) *The area.* The restricted area would encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as AUSTAL, USA and the mean high water level within a rectangular shaped area on the east side of the Mobile River beginning at latitude 30°41'36.46", longitude—88°2'2.70"; thence westerly to latitude 30°41'35.85", longitude—88°2'; 5.12"; thence southerly to latitude 30°41'26.67", longitude—88°2'3.62"; thence easterly to latitude 30°41'26.98", longitude—88°2'1.81"; thence northerly along the easterly shoreline to the point of origin.

(b) *The regulations.* (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine or his/her authorized representative.

(2) The restricted area is in effect twenty four hours per day and seven days a week (24/7).

(3) Should warranted access into the restricted navigation area be needed, all entities are to contact the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, or his/her authorized representative on Marine Communication Channel 16.

(c) *Enforcement.* The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, and/or such agencies or persons as he/she may designate.

Dated: September 17, 2009.

**Michael G. Ensich,**

*Chief, Operations, Directorate of Civil Works.*

[FR Doc. E9-22825 Filed 9-21-09; 8:45 am]

BILLING CODE 3710-92-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-HQ-OAR-2003-0062; FRL-8961-1]

#### Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>); Final Rule To Stay the Grandfathering Provision for PM<sub>2.5</sub>

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

**ACTION:** Final rule

**SUMMARY:** In this final action, EPA is issuing a stay, for nine months, on the “grandfathering” provision for particulate matter less than 2.5 micrometers (PM<sub>2.5</sub>) requirements in the Federal Prevention of Significant Deterioration (PSD) program. The grandfathering provision was added to the Federal PSD regulations on May 16, 2008, as part of the final rule titled, “Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>).” This stay follows an administrative stay, which was in effect from June 1, 2009, until September 1, 2009, on the same provision. We believe this additional stay will provide sufficient time for EPA to propose, take public comment on, and issue a final action concerning the repeal of the grandfathering provision for PM<sub>2.5</sub> in the Federal PSD program.

**DATES:** Effective September 22, 2009, 40 CFR 52.21(i)(1)(xi) is stayed for a period of nine months, until June 22, 2010.

**ADDRESSES:** *Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., 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 through <http://www.regulations.gov> or in hard copy at the EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m.,

Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1742, and the telephone number for the Air Docket is (202) 566-1744.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dan deRoeck, Air Quality Policy Division, (C504-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number (919) 541-5593; fax number (919) 541-5509; or e-mail address: [deroeck.dan@epa.gov](mailto:deroeck.dan@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

Entities affected by this final action are the owners and operators of proposed new sources and modifications who submitted a complete application for a PSD permit before the July 15, 2008 effective date of the PM<sub>2.5</sub> NSR Implementation Rule, but have not yet received their permit to construct. EPA has estimated that fewer than 20 proposed sources are covered by the grandfathering provision that is being stayed.

Additional entities affected by this final rule include State and local reviewing authorities responsible for issuing the PSD permits to the new and modified major stationary sources affected by this rule.

###### B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final rule is also available on the World Wide Web in the regulations and standards section of our NSR home page located at <http://www.epa.gov/nsr>.

###### C. How is this preamble organized?

##### I. General Information

- A. Does this action apply to me?
- B. Where can I get a copy of this document and other related information?
- C. How is this preamble organized?

##### II. This Action

- A. Background
- B. Final Rule
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##### III. Statutory and Executive Order Review

- A. Executive Order 12866: Regulatory Planning and Review
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

I. National Technology Transfer and Advancement Act

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

K. Determination Under Section 307(d)

L. The Congressional Review Act

M. Basis for Making This Rule Effective on the Date of Publication

IV. Statutory Authority

## II. This Action

### A. Background

On May 16, 2008, the EPA (“we”) issued a final rule amending our PSD and nonattainment NSR regulations to add requirements for the preconstruction review of PM<sub>2.5</sub>. 73 FR 28321. The amendments addressed the major source threshold, significant emissions rate and offset ratios for PM<sub>2.5</sub>; interpollutant trading for offsets; and applicability of NSR to PM<sub>2.5</sub> precursors. The rule also provided for the transition of the new requirements for PM<sub>2.5</sub> in the NSR permitting process.

On February 10, 2009, Earthjustice, on behalf of the Natural Resources Defense Council (NRDC) and Sierra Club, submitted a petition for reconsideration of four specific provisions of the May 2008 final rule as provided for in Clean Air Act (CAA) 307(d)(7)(B).<sup>1</sup> The specific provisions challenged by the petitioners include: (1) A transition period for PSD programs in States with approved PSD rules in their approved State Implementation Plans (SIPs) to revise and submit their new PM<sub>2.5</sub> regulations to EPA within three years of the publication of the final rule. During the transition period, the rule allows States to continue using EPA’s 1997 surrogate policy by which an analysis based on PM<sub>10</sub> can be used to meet the requirements for the otherwise required PM<sub>2.5</sub>; (2) “grandfathering” under the Federal PSD program for permit applications submitted before the July 15, 2008, effective date of the new rule, which allows the PM<sub>10</sub> surrogate policy to continue to be used as the basis for approving such permits for PM<sub>2.5</sub>; (3) a transition period, during which time EPA is re-evaluating its test methods for condensable particulate matter (CPM) emissions, whereby States are not required to account for CPM in the permitting process; and (4) use of recommended interpollutant trading ratios to facilitate the trading of PM<sub>2.5</sub> precursors emissions reductions for new

<sup>1</sup> Paul Cort, Earthjustice, on behalf of the NRDC and Sierra Club, EPA-HQ-OAR-2003-0062-0281.