

Dated: November 14, 2008.

**Molly A. O'Neill,**

*Assistant Administrator and Chief  
Information Officer.*

### **PART 3—[AMENDED]**

Accordingly, the amendments to the rule published on October 17, 2008 (73 FR 61737) are withdrawn as of November 21, 2008.

[FR Doc. E8-27752 Filed 11-20-08; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Parts 50 and 51**

[EPA-HQ-OAR-2005-0159; FRL-8743-2]

**RIN 2060-AP28**

#### **The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for Monitoring Data Used in Designations for the 2008 Ozone NAAQS**

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

**ACTION:** Correcting Amendments.

**SUMMARY:** The EPA issued a direct final rule on October 6, 2008, entitled, "The Treatment of Data Influenced by Exceptional Events (Exceptional Events Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for Monitoring Data Used in Designations for the 2008 Ozone NAAQS." This document makes a minor correction to the Exceptional Events Rule to correct typographical errors in the technical notation of the ozone standard contained in the preamble and regulatory text for the rule.

**DATES:** *Effective Date:* This document is effective on December 22, 2008.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding these corrections, contact Thomas E. Link, Air Quality Planning Division, Office of Air Quality Planning and Standards, Mail Code C539-04, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; *telephone number:* 919-541-5456; *fax number:* 919-541-0824; *e-mail address:* link.tom@epa.gov.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The EPA issued "The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for Monitoring Data Used in Designations for the 2008 Ozone NAAQS" as a direct final rule on October 6, 2008, 73 FR 58042. The direct final rule revises the schedule for the flagging and submission of documentation of data impacted by exceptional events that may be used for designations under the 2008 ozone national ambient air quality standards (NAAQS). For a detailed description of the ozone NAAQS and the Exceptional Events Rule, please see the rulemaking actions which are available at EPA's Web Sites at <http://www.epa.gov/groundlevelozone/actions.html> and <http://www.epa.gov/EPA-AIR/2008/October/Day-06/a23520.htm> and also in the **Federal Register** at 73 FR 16436 and 73 FR 58042.

#### **Need for Correction**

As published, the final preamble and regulation contains minor errors which may prove to be misleading and are in need of clarification. EPA finds that there is good cause to make these corrections without providing for notice and comments because neither notice nor comment is necessary and would not be in the public interest due to the nature of the corrections which are minor, technical and do not change the obligations already existing in the rule. EPA finds that the corrections are merely correcting identifying information that references the previously promulgated Ozone NAAQS.

#### **Corrections of Publication**

In the preamble to the direct final rule for "The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule To Support Initial Area Designations for the 2008 Ozone NAAQS," October 6, 2008, 73 FR 58042, EPA is correcting the preamble text at 73 FR 58044, column 2, which refers to the ozone NAAQS in terms of "pounds per billion (ppb)" to "parts per

million (ppm)" to accurately reflect the ozone NAAQS.

Similarly, correction is also being made at 73 FR 58045 in "TABLE 1—SCHEDULE FOR EXCEPTIONAL EVENT FLAGGING AND DOCUMENTATION SUBMISSION FOR DATA TO BE USED IN DESIGNATIONS DECISIONS FOR NEW OR REVISED NAAQS" to change the term "(ppb)" to "(ppm)" to accurately reflect the ozone NAAQS.

*In the regulatory text,* EPA is also correcting the inadvertent minor error in § 50.14 by revising paragraph (c)(2)(v) to correct the text in "Table 1" by changing the term "(ppb)" to "(ppm)."

Dated: November 17, 2008.

**Stephen L. Johnson,**  
*Administrator.*

■ For the reasons set forth in the preamble, part 50 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

### **PART 50—[AMENDED]**

■ 1. The authority citation for part 50 continues to read as follows:

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

■ 2. Section 50.14 is amended by revising paragraph (c)(2)(v) to read as follows:

#### **Subpart A—General Provisions**

##### **§ 50.14 Treatment of air quality monitoring data influenced by exceptional events.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(v) When EPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, it may revise or set a new schedule for flagging exceptional event data, providing initial data descriptions and providing detailed data documentation in AQS for the initial designations of areas for those NAAQS: Table 1 provides the schedule for submission of flags with initial descriptions in AQS and detailed documentation and the schedule shall apply for those data which will or may influence the initial designation of areas for those NAAQS. EPA anticipates revising Table 1 as necessary to accommodate revised data submission schedules for new or revised NAAQS.

TABLE 1—SCHEDULE FOR EXCEPTIONAL EVENT FLAGGING AND DOCUMENTATION SUBMISSION FOR DATA TO BE USED IN DESIGNATIONS DECISIONS FOR NEW OR REVISED NAAQS

NAAQS pollutant/standard/(level)/promulgation date	Air quality data collected for calendar year	Event flagging & initial description deadline	Detailed documentation submission deadline
PM <sub>2.5</sub> /24-Hr Standard (35 µg/m <sup>3</sup> ) Promulgated October 17, 2006.	2004–2006	October 1, 2007 <sup>a</sup> .....	April 15, 2008 <sup>a</sup> .
Ozone/8-Hr Standard (0.075 ppm) Promulgated March 12, 2008.	2005–2007	December 31, 2008 <sup>b</sup> .....	March 12, 2009 <sup>b</sup> .
	2008	March 12, 2009 <sup>b</sup> .....	March 12, 2009 <sup>b</sup> .
	2009	January 8, 2010 <sup>b</sup> .....	January 8, 2010 <sup>b</sup> .

<sup>a</sup> These dates are unchanged from those published in the original rulemaking, and are shown in this table for informational purposes.

<sup>b</sup> Indicates change from general schedule in 40 CFR 50.14.

**Note:** EPA notes that the table of revised deadlines only applies to data EPA will use to establish the final initial designations for new or revised NAAQS. The general schedule applies for all other purposes, most notably, for data used by EPA for redesignations to attainment.

\* \* \* \* \*  
 [FR Doc. E8–27741 Filed 11–20–08; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 260 and 261**

[EPA–HQ–RCRA–2002–0002; FRL–8743–5]

RIN 2050–AE78

**Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System To Produce Synthesis Gas; Notice of Action Denying Petition for Reconsideration**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of action denying petition for reconsideration.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is providing notice that it has responded to a petition for reconsideration of the final rule, “Regulation of Oil-Bearing Hazardous Secondary Materials from the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas”, published at 73 FR 57 (January 2, 2008). The EPA considered the petition along with information contained in the rulemaking docket in reaching a decision on the petition. EPA Assistant Administrator Susan Parker Bodine denied the petition for reconsideration in a letter to the petitioners issued in November 2008. The letter explains EPA’s reasons for the denial. Section 7006(a) of the Resource Conservation and Recovery Act (RCRA) states, in pertinent part, that judicial review of

the denial of any petition for the amendment or repeal of any regulation under the Act may be filed only in the United States Court of Appeals for the District of Columbia Circuit within 90 days of the denial.

**FOR FURTHER INFORMATION CONTACT:** Alan Carpien, U.S. Environmental Protection Agency, Office of General Counsel, Mail Code 2366A, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (202) 564–5507; or [carpien.alan@epa.gov](mailto:carpien.alan@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

This **Federal Register** notice, the petition for reconsideration and the letter denying the petition for reconsideration are available in a docket EPA has established for this action under Docket ID No. EPA–HQ–RCRA–2008–0808. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, because for example, it may be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Certain 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 RCRA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Docket Facility 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)

566–1744, and the telephone number for the RCRA Docket is (202) 566–0270. A reasonable fee may be charged for copying docket materials.

Dated: November 14, 2008.

**Susan Parker Bodine,**  
*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. E8–27759 Filed 11–20–08; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Parts 423**

[CMS–4138–IFC3]

RIN–0938–AP52

**Medicare Program; Revisions to the Medicare Advantage and Prescription Drug Benefit Programs; Correcting Amendment**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Interim final rule with comment period; correcting amendment.

**SUMMARY:** In the September 18, 2008 issue of the **Federal Register** (73 FR 54226), we published an interim final rule with comment period that revises the regulations governing the Medicare Advantage (MA) program (Part C), prescription drug benefit program (Part D) and section 1876 cost plans. The interim final rule makes conforming changes to the MA regulations to reflect new statutory requirements regarding special needs plans (SNP), private-fee-for-service plans (PFFS), regional preferred provider organizations (RPPO) plans, Medicare medical savings