

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

The FHWA has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. The FHWA certifies that this action would not cause any environmental risk to health or safety that might disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

The FHWA has analyzed this rule under Executive Order 12630, Governmental Actions and Interface with Constitutionally Protected Property Rights. The FHWA does not anticipate that this action would affect a taking of private property or otherwise have taking implications under Executive Order 12630.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 634

Design standards, Highways and roads, Incorporation by reference, Workers, Traffic regulations.

Issued on: November 14, 2008.

Thomas J. Madison, Jr.

Administrator, Federal Highway Administration.

■ In consideration of the foregoing, the FHWA amends chapter I of title 23, Code of Federal Regulations, as set forth below:

PART 634—WORKER VISIBILITY

■ 1. The authority citation for part 634 continues to read as follows:

Authority: 23 U.S.C. 101(a), 109(d), 114(a), 315, and 402(a); Sec. 1402 of Pub. L. 109–59; 23 CFR 1.32; and 49 CFR 1.48(b).

■ 2. Amend § 634.2 to revise the definition of “Workers” as follows:

§ 634.2 Definitions.

* * * * *

Workers means people on foot whose duties place them within the right-of-way of a Federal-aid highway, such as highway construction and maintenance forces; survey crews; utility crews; responders to incidents within the highway right-of-way; firefighters and other emergency responders when they are not directly exposed to flame, fire, heat, and/or hazardous materials; and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a Federal-aid highway.

■ 3. Revise § 634.3 to read as follows:

§ 634.3 Rule.

All workers within the right-of-way of a Federal-aid highway who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high-visibility safety apparel. Firefighters or other emergency responders working within the right-of-way of a Federal-aid highway and engaged in emergency operations that directly expose them to flame, fire, heat, and/or hazardous materials may wear retroreflective turn-out gear that is specified and regulated by other organizations, such as the National Fire Protection Association. Firefighters or other emergency responders working within the right-of-way of a Federal-aid highway and engaged in any other types of operations shall wear high-visibility safety apparel.

[FR Doc. E8–27671 Filed 11–20–08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 3**

[EPA–HQ–OEI–2003–0001; FRL–8743–3]

RIN 2025–AA23

Extension of Cross-Media Electronic Reporting Rule Deadline for Authorized Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received comment, we are withdrawing the direct final rule for extension of the Cross-Media Electronic Reporting Rule (CROMERR) deadline for authorized programs (states, tribes, or local governments) with existing electronic document receiving systems to submit applications for EPA approval under CROMERR, published on October 17, 2008.

DATES: Effective November 21, 2008, EPA withdraws the direct final rule published at 73 FR 61737, on October 17, 2008.

FOR FURTHER INFORMATION CONTACT: Evi Huffer, Office of Environmental Information (2823T), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; (202) 566–1697; huffer.evi@epa.gov, or David Schwarz, Office of Environmental Information (2823T), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; (202) 566–1704; schwarz.david@epa.gov.

SUPPLEMENTARY INFORMATION: Because EPA received comment, we are withdrawing the direct final rule for extension of the Cross-Media Electronic Reporting Rule (CROMERR) deadline for authorized programs (states, tribes, or local governments) with existing electronic document receiving systems to submit applications for EPA approval under CROMERR, published on October 17, 2008. We stated in that direct final rule that if we received comment by November 3, 2008, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received comment on that direct final rule. We will address those comments in any subsequent final action, which will be based on the parallel proposed rule also published on October 17, 2008 (73 FR 61737). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 3

Environmental protection, Conflict of interests, Electronic records, Electronic reporting requirements, Electronic reports, Intergovernmental relations.

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]

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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.