

that this closure will not have a significant effect on these vessels.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 20, 2009.

David M. Frank,

Bridge Administrator.

[FR Doc. E9-5090 Filed 3-10-09; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2005-AL-0002;
FRL-8776-9]

Approval and Promulgation of Air Quality Implementation Plans; Alabama Visible Emissions Rule; Informational Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: The purpose of this notice is to inform the public of the availability of documents that were not made available electronically to the public through <http://www.regulations.gov> when EPA's final rulemaking was published in the **Federal Register**. These documents were a part of the docket for EPA's final rulemaking approving Alabama's state implementation plan (SIP) revision for the Alabama Visible Emissions Rule. The complete docket was available in hard copy at Region 4. EPA's final rulemaking for this SIP revision was published on October 15, 2008.

ADDRESSES: The hard copy docket is available at the U.S. Environmental Protection Agency, Air, Pesticides and Toxics Management Division, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303. The electronic docket is available at <http://www.regulations.gov>. Refer to EPA docket # "EPA-R04-OAR-2005-AL-0002".

FOR FURTHER INFORMATION CONTACT: Mr. Joel Huey, U.S. Environmental Protection Agency, Air, Pesticides and Toxics Management Division, Air Planning Branch; 61 Forsyth Street, SW.; Atlanta, Georgia 30303. Mr. Huey can be reached via e-mail at Huey.joel@epa.gov or phone at (404) 562-9104.

SUPPLEMENTARY INFORMATION: EPA uses <http://www.regulations.gov> to provide

the public with access to pertinent documents related to EPA actions for SIP revisions. In general, each action has a hard copy paper docket and an electronic docket which includes information such as: the state's submission and supporting documentation; EPA's rulemaking and correspondences related to the SIP revision; public comments provided for the SIP revision during the open public comment period; and other pertinent documentation related to the rulemaking action. The process for generating the electronic docket includes uploading pertinent documents into the Federal Docket Management System (FDMS), and then taking action to make these documents available electronically to the public on <http://www.regulations.gov> upon publication of EPA's rulemaking action in the **Federal Register**. The general public cannot view documents until they are promoted following publication of the associated **Federal Register** document.

On April 12, 2007, EPA published a proposed rule approving Alabama's Visible Emissions Rule. At that time, EPA opened a 60 day public comment period, and subsequently extended the comment period an additional 30 days. The comment period for the proposed rule ended on July 11, 2007. All pertinent documents related to EPA's proposal, comments received during the public comment period and the rulemaking actions were included in FDMS and promoted to <http://www.regulations.gov> for public access. Subsequent to the proposal phase, EPA received and generated other pertinent documents related to EPA's final rulemaking action which was published in the **Federal Register** on October 15, 2008. The other pertinent documents are as follows:

- EPA-R04-OAR-2005-AL-0002-0022: Alabama Visible Emissions Final Rule;
- EPA-R04-OAR-2005-AL-0002-0023: Alabama Governor's letter to the Administrator;
- EPA-R04-OAR-2005-AL-0002-0024: September 11, 2003, ADEM cover letter;
- EPA-R04-OAR-2005-AL-0002-0025: Governor's letter to the Administrator;
- EPA-R04-OAR-2005-AL-0002-0026: EPA response to November 6, 2007, Governor's letter;
- EPA-R04-OAR-2005-AL-0002-0027: EPA response to June 17, 2008, Governor's letter;
- EPA-R04-OAR-2005-AL-0002-0028: Meeting Notes;

- EPA-R04-OAR-2005-AL-0002-0029: ADEM Letter to EPA R4;
- EPA-R04-OAR-2005-AL-0002-0030: ADEM Letter to Governor;
- EPA-R04-OAR-2005-AL-0002-0031: EPA 2008 prehearing comment letter;
- EPA-R04-OAR-2005-AL-0002-0032: EPA response to Alabama congressional representatives;
- EPA-R04-OAR-2005-AL-0002-0033: Letter from Alabama congressional representatives;
- EPA-R04-OAR-2005-AL-0002-0034: References;
- EPA-R04-OAR-2005-AL-0002-0035: State Implementation Plan Consistency Process Record;
- EPA-R04-OAR-2005-AL-0002-0036: Administrator Memorandum;
- EPA-R04-OAR-2005-AL-0002-0037: Alabama Opacity Region 4 Meeting Notes;
- EPA-R04-OAR-2005-AL-0002-0038: Recording Dust Emission Measurements in the Cement Industry with the FM4 Smoke Density Meter Made by Messrs. Sick and Staub;
- EPA-R04-OAR-2005-AL-0002-0039: "Emissions from Electrostatic Precipitators," In Electrostatic Precipitator Manual, 332-350;
- EPA-R04-OAR-2005-AL-0002-0040: Communications with ADEM; and
- EPA-R04-OAR-2005-AL-0002-0041: Region 4 Meeting Notes Continued.

In December 2008, EPA received notification of litigation related to EPA's final rule approving the revisions to Alabama's Visible Emissions Rule. As EPA prepared the documents needed for the administrative record, EPA compared documents listed in FDMS versus <http://www.regulations.gov> and noted some discrepancies. After some investigation, it was determined that, while EPA prepared the documents for inclusion in the public electronic docket by uploading the pertinent documents into FDMS, the necessary action to make these documents available to the public through the <http://www.regulations.gov> Web site was not taken upon publication of EPA's final rule on October 15, 2008.

The documents that were inadvertently not made available electronically in the docket included all documents provided subsequent to the proposal phase for EPA's action (see list above). The electronic docket did include documents related to EPA's proposed rulemaking, which were promoted and made available to the public earlier.

EPA's error related to the promotion of pertinent documents to the final rulemaking action became apparent to

EPA on January 8, 2009, and was corrected on January 9, 2009. The electronic docket for this rulemaking action can be accessed at [regulations.gov](http://www.regulations.gov) with reference to docket number "EPA-R04-OAR-2005-AL-0002." Since identification of this error, the Region 4 office has refined its protocol to clearly identify necessary steps that must be taken to ensure the completeness and availability of the electronic docket to the public. EPA did generate and maintains a hard copy paper docket for this action in addition to the electronic docket. This hard copy paper docket contained all the pertinent documents for EPA's final rulemaking and continues to be available for inspection by the public at the EPA Region 4 office. In EPA's final rulemaking published on October 15, 2008, EPA informed the public that the docket materials were available both electronically and in hard copy. Additionally, EPA provided contact information in that rulemaking for the public to request access to material. EPA did not receive any requests for this material through the October 15, 2008, rulemaking action.

Dated: February 9, 2009.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

[FR Doc. E9-5220 Filed 3-10-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2007-1170; FRL-8402-1]

Benfluralin, Carbaryl, Diazinon, Dicrotophos, Fluometruon, Formetanate Hydrochloride, Glyphosate, Metolachlor, Napropamide, Norflurazon, Pyrazon, and Tau-Fluvalinate; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA issued a final rule in the **Federal Register** of September 10, 2008, revoking, revising, and establishing certain tolerances. This document is being issued to correct the amendatory language for § 180.169.

DATES: This final rule is effective March 11, 2009.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-1170. All documents in the

docket are listed in the docket index available in <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: Jane Smith, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0048; e-mail address: smith.jane-scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have 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 and Other Related Information?

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>.

II. What Does this Amendment Do?

EPA issued a final rule in the **Federal Register** of September 10, 2008 (73 FR 52607) (FRL-8379-3), revoking, revising, and establishing certain tolerances for residues of benfluralin, carbaryl, diazinon, dicrotophos, fluometruon, formetanate hydrochloride, glyphosate, metolachlor, napropamide, norflurazon, pyrazon, and tau-fluvalinate. On page 52611, third column, the amendatory language for § 180.169 inadvertently omitted the

phrasing to delete paragraphs (a)(3) and (a)(4). This document corrects that error.

III. Why is this Amendment Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical amendment final without prior proposal and opportunity for comment, because the use of notice and comment procedures is unnecessary to effectuate this amendment. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

EPA included the required statutory discussion in the September 10, 2008 final rule (72 FR 52607).

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 to 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 17, 2009.

Debra Edwards,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR part Chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.