

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 December 14, 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. 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 26, 2009.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(354)(i)(E)(3) and (4), (363)(i)(A)(2) and (364) to read as follows:

§ 52.220 Identification of plan.

* * * * *

- (c) * * *
- (354) * * *
- (i) * * *
- (E) * * *

(3) Rule 4624, "Transfer of Organic Liquid," adopted on December 20, 2007.
(4) Rule 4653, "Adhesives," adopted on September 20, 2007.

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(363) * * *

(i) * * *

(A) * * *

(2) Rule 4607, "Graphic Arts and Paper, Film, Foil, and Fabric Coatings," adopted on December 18, 2008.

■ (364) New and amended regulations were submitted on December 23, 2008 by the Governor's designee.

(i) Incorporation by Reference.

(A) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4606, "Wood Products and Flat Wood Paneling Product Coating Operations," adopted on October 16, 2008.

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[FR Doc. E9-24687 Filed 10-14-09; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 204, 205, 209, 225, 241, and 244

Defense Federal Acquisition Regulation Supplement (DFARS); Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to specify the debarring and suspending official for the Defense Intelligence Agency and update other references within the DFARS text.

DATES: *Effective Date:* October 15, 2009

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0328; facsimile 703-602-7887.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS text as follows:

204.7107. Adds a pointer to the procedures on agency accounting identifiers in the DFARS companion resource, Procedures, Guidance, and Information.

205.301. Corrects the cross-reference to the exception for acquisitions of chemical warfare protective clothing from the restrictions on food, clothing, fabrics, and hand or measuring tools at 225.7002 and revises the cross-reference

to the definition of "qualifying country."

209.403. Specifies the debarring and suspending official for the Defense Intelligence Agency.

225.7002-2. Revises the cross-reference to the definition of "qualifying country."

241.103. Correct the statutory reference to 10 U.S.C. 2688(d)(2).

244.403. Correct the reference to the current specialty metals clause, 252.225.7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals.

List of Subjects in 48 CFR Parts 204, 205, 209, 225, 241, and 244

Government procurement.

Amy G. Williams,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 204, 205, 209, 225, 241, and 244 are amended as follows:

■ 1. The authority citation for 48 CFR parts 204, 205, 209, 225, 241, and 244 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 204—ADMINISTRATIVE MATTERS

■ 2. Section 204.7107 is revised to read as follows:

204.7107 Contract accounting classification reference number (ACRN) and agency accounting identifier (AAI).

Traceability of funds from accounting systems to contract actions is accomplished using ACRNs and AAIs. Follow the procedures at PGI 204.7107 for use of ACRNs and AAIs.

PART 205—PUBLICIZING CONTRACT ACTIONS

■ 3. In section 205.301, paragraph (a)(iii)(b) is revised to read as follows:

205.301 General.

- (a) * * *
- (iii) * * *

(B) "The exception at DFARS 225.7002-2(n) applies to this acquisition, because the contracting officer has determined that this acquisition of chemical warfare protective clothing furthers an agreement with a qualifying country identified in DFARS 225.003(10)."

PART 209—CONTRACTOR QUALIFICATIONS

■ 4. Section 209.403 is amended by revising paragraph (1) of the definition

for “debaring and suspending official to read as follows:

209.403 Definitions.

“Debaring and suspending official.”

(1) For DoD, the designees are—

Army—Commander, U.S. Army Legal Services Agency

Navy—The General Counsel of the Department of the Navy

Air Force—Deputy General Counsel (Contractor Responsibility)

Defense Advanced Research Projects Agency—The Director

Defense Information Systems Agency—The General Counsel

Defense Intelligence Agency—The Senior Procurement Executive

Defense Logistics Agency—The Special Assistant for Contracting Integrity

National Geospatial—Intelligence Agency—The General Counsel

Defense Threat Reduction Agency—The Director

National Security Agency—The Senior Acquisition Executive

Missile Defense Agency—The General Counsel

Overseas installations—as designated by the agency head

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PART 225—FOREIGN ACQUISITION

225.7002–2 [Amended]

■ 5. Section 225.7002–2 is amended by removing the reference to “225.872” in paragraph (n) and adding in its place a reference to “225.003(10)”.

PART 241—ACQUISITION OF UTILITY SERVICES

241.103 [Amended]

■ 6. Section 241.103 is amended by removing from paragraph (1) the statutory reference “10 U.S.C. 2688(c)(3)” and adding in its place the statutory reference “10 U.S.C. 2688(d)(2)”.

PART 244—SUBCONTRACTING POLICIES AND PROCEDURES

■ 7. Section 244.403(1) is revised to read as follows:

244.403 Contract clause.

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(1) 252.225–7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals.

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[FR Doc. E9–24843 Filed 10–14–09; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 172

[Docket No. PHMSA–2009–0238 (HM–224G)]

RIN 2137–AE49

Hazardous Materials: Chemical Oxygen Generators

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA).

ACTION: Direct final rule.

SUMMARY: This direct final rule amends the Hazardous Materials Regulations to revise the quantity limitation from 25 kg “gross” to 25 kg “net” for packages of chemical oxygen generators transported aboard cargo aircraft only. The intended effect of this rule is to provide regulatory relief by raising the quantity threshold for shipments of chemical oxygen generators transported aboard cargo aircraft only. This action is necessary to address difficulties concerning implementation and compliance with the requirements for the transportation of chemical oxygen generators in outer packagings meeting certain flame penetration resistance standards and thermal protection capabilities, as evidenced by comments received from the hazardous materials industry and other interested parties. The amendment contained in this rule is a minor substantive change, in the public interest, and unlikely to result in adverse comment.

DATES: This direct final rule is effective November 16, 2009, unless an adverse comment or notice of intent to file an adverse comment is received by November 16, 2009. PHMSA will publish in the **Federal Register** a timely document confirming the effective date of this final rule.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2009–0238 by any of the following methods:

Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery: To Docket Operations; Room W12–140 on the ground floor of the West Building, 1200 New Jersey

Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rule. Note that all comments received will be posted without change, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: T. Glenn Foster, (202) 366–8553, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Standards, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

List of Topics

- I. Background
- II. Appeals to the January 31, 2007 Final Rule
- III. Petitions to the January 31, 2007 Final Rule
- IV. Summary of the Direct Final Rule
- V. Regulatory Analyses and Notices
 - A. Statutory/Legal Authority for Rulemaking
 - B. Executive Order 12866 and DOT Regulatory Policies and Procedures
 - C. Executive Order 13132
 - D. Executive Order 13175
 - E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies
 - F. Unfunded Mandates Reform Act of 1995
 - G. Paperwork Reduction Act
 - H. Regulation Identifier Number (RIN)
 - I. Environmental Assessment
 - J. Privacy Act

I. Background

The National Transportation Safety Board found that one of the probable causes of the May 11, 1996 crash of ValuJet Airlines flight No. 596 was a fire in the airplane’s cargo compartment that was initiated and enhanced by the actuation of one or more chemical oxygen generators that were being improperly carried as cargo. Following that tragedy, in which 110 lives were lost, the Department of Transportation:

- Prohibited the transportation of chemical oxygen generators (including personal-use chemical oxygen generators) on board passenger-carrying aircraft and the transportation of spent chemical oxygen generators on both passenger-carrying and cargo-only aircraft, 61 FR 26418 (May 24, 1996), 61 FR 68952 (Dec. 30, 1996), 64 FR 45388 (Aug. 19, 1999);
- Issued standards governing the transportation of chemical oxygen generators on cargo-only aircraft (and by motor vehicle, rail car and vessel), including the requirement for an approval issued by the Research and Special Programs Administration