

file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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 63

Administrative practice and procedure, Air pollution control, National Emission Standards for Hazardous Air Pollutants, Hazardous air pollutants.

Dated: November 16, 2009.

**J. Scott Gordon,**

*Acting Regional Administrator, Region 4.*

■ Title 40, chapter I, part 63 of the *Code of Federal Regulations* is amended as follows:

#### PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

#### Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 2. Section 63.99 is amended by adding a new paragraph (a)(34)(iii) to read as follows:

##### § 63.99 Delegated Federal authorities.

(a) \* \* \*

(34) \* \* \*

(iii) North Carolina Department of Environment and Natural Resources (NC DENR) may implement and enforce alternative requirements in the form of title V permit terms and conditions for New South Lumber Company, Inc. Graham Plant, Alamance County, North Carolina; HDM Furniture Industries, Inc., Henredon Furniture Plant 1 & 2, Burke County, North Carolina; Kohler Co., DBA Baker Furniture, Burke County, North Carolina; Bernhardt

Furniture Company Plants 3 & 7, Caldwell County, North Carolina; Thomasville Furniture Industries, Inc., Lenoir Plant, Caldwell County, North Carolina; Kincaid Furniture Company, Inc., Plant No. 1, Caldwell County, North Carolina; Hickory Chair Company, Catawba County, North Carolina; Uniboard USA LLC, Chatham County, North Carolina; Georgia Pacific Whiteville Plant, Columbus County, North Carolina; West Fraser, Inc., Armour Lumber Mill, Columbus County, North Carolina; Weyerhaeuser NR Company, New Bern Lumber Facility, Craven County, North Carolina; Linwood Furniture, Inc., Davidson County, North Carolina; Warvel Products, Inc., Davidson County, North Carolina; Thomasville Furniture Industries, Inc., Plant C/M/W/SB, Davidson County, North Carolina; Lexington Furniture Inc., Plant 5, Davidson County, North Carolina; Stanley Furniture Company, Inc., Graham County, North Carolina; Georgia Pacific, Creedmoor Chip-N-Saw Plant, Granville County, North Carolina; JELD-WEN, Inc., McDowell County, North Carolina; Weyerhaeuser NR Company, Martin County, North Carolina; Jordan Lumber & Supply Co., Montgomery County, North Carolina; Troy Lumber Co., Montgomery County, North Carolina; Unilin Flooring N.V., Montgomery County, North Carolina; West Fraser, Seaboard Lumber Mill, Northampton County, North Carolina; Georgia Pacific Roxboro, Person County, North Carolina; Louisiana Pacific Corp., Roxboro, Person County, North Carolina; Weyerhaeuser Company, Grifton, Pitt County, North Carolina; Vaughan Bassett Furniture Co., Elkin Furniture, Surry County, North Carolina; Weyerhaeuser NR Company, Elkin Facility, Surry County, North Carolina; Georgia Pacific Plywood/OSB/CNS, Dudley, Wayne County, North Carolina; Louisiana Pacific Corp.,

Roaring River, Wilkes County, North Carolina; and American Drew, Inc., Plant 13, Wilkes County, North Carolina, for subpart DDDD of this Part-National Emissions Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products. This action is contingent upon NC DENR including, in title V permits, terms and conditions that are no less stringent than the Federal standard. In addition, the requirements applicable to the sources remain the Federal section 112 requirements until EPA has approved the alternative permit terms and conditions and the final title V permit is issued.

\* \* \* \* \*

[FR Doc. E9-28969 Filed 12-3-09; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[EPA-HQ-SFUND-2008-0575, EPA-HQ-SFUND-2008-0576, EPA-HQ-SFUND-2008-0577, EPA-HQ-SFUND-2008-0585, EPA-HQ-SFUND-2008-0580, EPA-HQ-SFUND-2008-0581, EPA-HQ-SFUND-2008-0582, EPA-HQ-SFUND-2008-0583, EPA-HQ-SFUND-2008-0083, FRL-8790-1]

**RIN 2050-AD75**

#### National Priorities List, Final Rule No. 46

##### Correction

In rule document E9-7825 beginning on page 16126 in the issue of Thursday, April 9, 2009 make the following correction:

##### Appendix B to Part 300 [Corrected]

On page 16134, in Appendix B to Part 300, the table entitled **TABLE 1—GENERAL SUPERFUND SECTION** has been corrected to read as follows:

**TABLE 1—GENERAL SUPERFUND SECTION**

State	Site name	City/county	Notes <sup>a</sup>
FL	Arkla Terra Property	Thonotosassa.	*
FL	Raleigh Street Dump	Tampa.	*
IN	U.S. Smelter and Lead Refinery, Inc	East Chicago.	*
OH	Behr Dayton Thermal System VOC Plume	Dayton.	*
OH	New Carlisle Landfill	New Carlisle.	*

TABLE 1—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/county	Notes <sup>a</sup>
PA .....	BoRit Asbestos .....	Ambler.	*
SC .....	Barite Hill/Nevada Goldfields .....	McCormick.	*
TX .....	Attebury Grain Storage Facility .....	Happy.	*

[FR Doc. Z9-7825 Filed 12-3-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Parts 2, 24, 30, 70, 90, 114, 175, and 188

[USCG-2008-1107]

RIN 1625-ZA21

### Shipping; Vessel Inspections; Technical and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** This rule makes a non-substantive change to the definition of “ferry” in 46 CFR. The purpose of this rule is to incorporate into Coast Guard regulations the statutory definition of “ferry” found at 46 U.S.C. 2101(10)(b), as amended by the Coast Guard and Maritime Transportation Act of 2006. This rule will have no substantive effect on ferry vessel owners or operators or other members of the public.

**DATES:** This final rule is effective December 4, 2009.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2008-1107 and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://regulations.gov>, inserting USCG-2008-1107 in the “Keyword” box, and then clicking “Search.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LCDR Reed Kohberger, Coast Guard Headquarters, Washington, DC, telephone 202-372-1471, [Reed.H.Kohberger@uscg.mil](mailto:Reed.H.Kohberger@uscg.mil). If you have questions on viewing the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

#### SUPPLEMENTARY INFORMATION:

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#### I. Abbreviations

CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of Proposed Rulemaking  
 U.S.C. United States Code

#### II. Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing an NPRM for the revision in the rule because it is a non-substantive change. These changes will have no substantive effect on the public beyond what is already required by statute; therefore, it is unnecessary to publish an NPRM because these regulatory revisions are already mandated by law. Notice and public procedures are unnecessary because public comment on this rulemaking will

have no effect on the statute that these rules incorporate. This rule does not create any substantive requirements, but merely incorporates a technical change to a statutory definition into the CFR. *See, Gray Panthers Advocacy Committee v. Sullivan*, 936 F.2d 1284, 1291 (D.C. Cir. 1991) (when regulations merely restate the statute they implement, notice-and-comment procedures are unnecessary); *Komjathy v. National Transportation Safety Bd.*, 832 F.2d 1294, 1297 (D.C. Cir. 1987), *cert. denied*, 486 U.S. 1057, 108 S.Ct. 2825, 100 L.Ed.2d 926 (1988) (“The fact that the regulation merely reiterates the statutory language precludes any serious argument that the regulation affects the agency or holders of airman certificates in such a way as to require notice-and-comment procedures pursuant to 5 U.S.C. 553.”) Under 5 U.S.C. 553(b)(3)(A), the Coast Guard also finds that this rule is exempt from notice and comment rulemaking requirements because these provisions involve agency organization, procedures, and practices. This final rule merely restates the revised statutory definition for the inspection and certification of ferry vessels. The Coast Guard already ensures that these vessels comply with the vessel inspection laws and regulations. It is necessary for Coast Guard inspection personnel to be aware of this new statutory mandate and for Coast Guard procedures used by local Coast Guard inspection offices to be modified where necessary to reflect this change in the law. These amendments place this new statutory mandate into Coast Guard regulations that are used by inspection personnel. This rule consists only of corrections and editorial, organizational, and conforming amendments.

The rule is effective immediately notwithstanding 5 U.S.C. 553(d) because it is not a substantive rule.