

Rule 391-3-1-.03(6)(b)11, "Stationary Engines"

The revision corrects an inadvertent error in subparagraphs (iii) and (iv) to read "hours-per-year," rather than "hours-per-hour."

### III. Proposed Action

EPA is proposing to approve the aforementioned revisions, specifically, Chapters 391-3-1-.03(6)(b), 391-3-1-.02(2)(jji), 391-3-1-.02(6)(a)4, 391-3-1-.01(III), 391-3-1-.02, and 391-3-1-.03(6)(b)11, into the Georgia SIP. These revisions were submitted by GA EPD on October 31, 2006, March 5, 2007, and August 22, 2007.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporated by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 11, 2009.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 84

[Docket Number NIOSH-005]

RIN 0920-AA10

#### Approval Tests and Standards for Closed-Circuit Escape Respirators

**AGENCY:** Centers for Disease Control and Prevention, HHS.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** The Department of Health and Human Services (DHHS) is reopening the comment period until June 19, 2009 concerning the proposed rule for Approval Tests and Standards for Closed-Circuit Escape Respirators that was published in the **Federal Register** on Wednesday, December 10, 2008 (73 FR 75027). The previous comment period closed on April 10, 2009.

**DATES:** All written comments on the proposed rule must be received on or before June 5, 2009.

**ADDRESSES:** You may submit comments, identified by RIN: 0920-AA10, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [niocindocket@cdc.gov](mailto:niocindocket@cdc.gov). Include "RIN: 0920-AA10" and "42 CFR pt. 84" in the subject line of the message.

- *Mail:* NIOSH Docket Office, Docket #005, Robert A. Taft Laboratories, MS-C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

**Instructions:** All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking, RIN: 0920-AA10. All comments received will be posted without change to <http://www.cdc.gov/niosh/docket>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.cdc.gov/niosh/docket>.

#### FOR FURTHER INFORMATION CONTACT:

Jonathan V. Szalajda, NIOSH, National Personal Protective Technology Laboratory (NPPTL), Post Office Box 18070, 626 Cochran Mill Road, Pittsburgh, Pennsylvania 15236, telephone (412) 386-5200, facsimile (412) 386-4089, e-mail [zfx1@cdc.gov](mailto:zfx1@cdc.gov).

#### SUPPLEMENTARY INFORMATION:

The Department of Health and Human Services published a proposed rule on the Approval Tests and Standards for Closed-Circuit Escape Respirators on December 10, 2008 and asked for comments on or before February 9, 2009 (73 FR 75027). On March 4, 2009 the Department published a document announcing two public meetings and reopening the comment period for this proposed rule until April 10, 2009 (74 FR 9380). The Department held the two public meetings on March 16, 2009 and March 23, 2009. Commenters at the meeting requested additional time to review data and provide additional comment regarding the proposal. After reviewing the record, the Department has concluded that reopening the comment period until June 12, 2009 is reasonable.

Dated: May 15, 2009.

**Ashley Files Flory,**

*Acting Executive Secretary to the Department.*

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