

opportunities to dispute the debt, enter into a repayment agreement or otherwise avoid offset. This requirement applies even in a case where notice was sent prior to the debt becoming ten years delinquent. This requirement applies only with respect to debts that were previously ineligible for collection by offset because of the time limitation. This requirement does not apply to debts, such as Department of Education student loan debts, that could be collected by offset without regard to any time limitation prior to this statutory change.

II. Procedural Analyses

Administrative Procedures Act

This rule is being issued without prior public notice and comment because the changes to the rule are being made to conform to statutory requirements. Under 5 U.S.C. 553(b) and (d)(3), good cause exists to determine that notice and comment rulemaking is unnecessary and contrary to the public interest. The amendments made by this rule merely mirror amendments already enacted into law. Further delay in making these amendments would create an inconsistency between the law and the regulations and would cause confusion.

Request for Comment on Plain Language

Executive Order 12866 requires each agency in the Executive branch to write regulations that are simple and easy to understand. We invite comment on how to make the proposed rule clearer. For example, you may wish to discuss: (1) Whether we have organized the material to suit your needs; (2) whether the requirements of the rules are clear; or (3) whether there is something else we could do to make these rules easier to understand.

Regulatory Planning and Review

The final rule does not meet the criteria for a "significant regulatory action" as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

Regulatory Flexibility Act Analysis

Because no notice of rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. et seq.) do not apply.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Child support, Child welfare, Claims, Credits, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Loan programs,

Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income (SSI), Taxes, Veteran's benefits, Wages.

For the reasons set forth in the preamble, we are amending 31 CFR part 285 as follows:

PART 285—DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

1. The authority citation for part 285 continues to read as follows:

Authority: 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D; 42 U.S.C. 664; E.O. 13019, 61 FR 51763, 3 CFR, 1996 Comp., p. 216.

- 2. In § 285.5:
a. Remove paragraph (d)(3)(i)(C);
b. Redesignate paragraphs (d)(3)(i)(D) and (d)(3)(i)(E) as paragraphs (d)(3)(i)(C) and (d)(3)(i)(D) respectively.
c. Redesignate paragraphs (d)(6)(iii), (d)(6)(iv) and (d)(6)(v) as paragraphs (d)(6)(iv), (d)(6)(v) and (d)(6)(vi) respectively.
d. Add paragraphs (d)(3)(v) and (d)(6)(iii) as follows:

§ 285.5 Centralized offset of Federal payments to collect nontax debt owed to the United States.

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(v) Creditor agencies may submit nontax debts to FMS for collection by centralized offset irrespective of the amount of time the debt has been outstanding. Accordingly, all nontax debts, including debts that were outstanding for ten years or longer prior to June 11, 2009 may be collected by centralized offset.

\* \* \* \* \*

(6) \* \* \*

(iii) For debts outstanding more than ten years on or before June 11, 2009, the notice of intent to offset described in paragraph (d)(6)(ii)(A) of this section was sent to the debtor after the debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs (d)(6)(ii)(B) through (E). This requirement will apply even in a case where notice was also sent prior to the debt being outstanding for ten years but does not apply to any debt that could be collected by offset without regard to any time limitation prior to June 11, 2009.

- 3. In § 285.7:
a. Remove paragraph (d)(3)(ii);

- b. Redesignate paragraphs (d)(3)(iii) through (d)(3)(iv) as paragraphs (d)(3)(ii) through (d)(3)(iii) respectively.
c. In paragraph (d)(4), revise all references to "paragraph (d)(3)(iv)" to read "paragraph (d)(3)(iii)".
d. Add paragraphs (d)(6) and (d)(7) as follows:

§ 285.7 Salary offset.

\* \* \* \* \*

(d) \* \* \*

(6) Creditor agencies may submit nontax debts to FMS for collection by centralized salary offset irrespective of the amount of time the debt has been outstanding. Accordingly, all nontax debts, including debts that were outstanding for ten years or longer prior to June 11, 2009, may be collected by centralized salary offset.

(7) For debts that were outstanding more than ten years on or before June 11, 2009, creditor agencies must certify to FMS that the notice described in paragraph (d)(3)(ii) of this section was sent to the debtor after the debt was outstanding for ten years. This requirement will apply even in a case where notice was also sent prior to the debt being outstanding for ten years but does not apply to any debt that could be collected by offset without regard to any time limitation prior to June 11, 2009.

\* \* \* \* \*

Dated: May 29, 2009.

Gary Grippo,

Acting Fiscal Assistant Secretary.

[FR Doc. E9-13617 Filed 6-10-09; 8:45 am]

BILLING CODE 4810-35-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2009-0323; FRL-8915-8]

Approval and Promulgation of Implementation Plans; Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: Under the Clean Air Act, EPA is completing the process begun in 2005 to revise the format of the "identification of plan" section for the Hawaii State Implementation Plan (SIP). Specifically, EPA is adding the non-regulatory provisions and quasi-regulatory measures to the revised "identification of plan" section. The non-regulatory provisions and quasi-regulatory measures affected by this format revision have been previously

submitted by the State of Hawaii and approved by EPA.

**DATES:** *Effective Date:* This rule is effective on June 11, 2009.

**ADDRESSES:** Non-regulatory and quasi-regulatory SIP materials are available for inspection at Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901 and online at EPA Region IX's Web site.

**FOR FURTHER INFORMATION CONTACT:** Ginger Vagenas, Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, (415) 942-3964, [vagendas@epa.gov](mailto:vagendas@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, "we," "us" and "our" refer to EPA.

**Table of Contents**

- I. Background
- II. Public Comments
- III. Statutory and Executive Order Reviews

**I. Background**

Under the Clean Air Act (CAA or "Act"), each state is required to have a state implementation plan (SIP) which contains the control measures and strategies which will be used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each state after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

The SIP is a living document that can be revised by the state as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions which may contain new and/or revised regulations as being part of the SIP. On May 31, 1972 (37 FR 10842), EPA approved, with certain exceptions, the initial SIPs for 50 states, four territories and the District of Columbia. Since 1972, each state and territory has submitted numerous SIP revisions, either on their own initiative, or because they were required to as a result of various amendments to the CAA. EPA codifies its approvals and disapprovals of SIPs and SIP revisions in 40 CFR part 52 ("Approval and promulgation of implementation plans").

Within 40 CFR part 52, there are 58 subparts (subparts A through FFF). Subpart A contains general requirements applicable to all states and territories, while subparts B through

DDD and FFF contain requirements that are specific to a given state or territory. Subpart EEE contains historical information pertaining to EPA action on SIP material originally submitted by states to the National Air Pollution Control Administration, Department of Health Education and Welfare in 1970.

Until 1997, the first or second section of each subpart within 40 CFR part 52 (other than subparts A and EEE) was called "identification of plan." On May 22, 1997 (62 FR 27968), EPA established a new format for the "identification of plan" sections assigned to each subpart in 40 CFR part 52 (except A and EEE). With the new format, revised "identification of plan" sections contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory provisions and quasi-regulatory measures. "Nonregulatory provisions and quasi-regulatory measures" refers to such items as transportation control measures, certain statutory provisions, control strategies, and monitoring networks. In our May 1997 rule, we indicated that EPA would begin to phase-in the new format on a state-by-state basis. Please see our May 1997 rule for more information concerning the revised format for SIPs.

The Hawaii SIP is identified in subpart M ("Hawaii") of part 52. As with other State SIPs, EPA has taken a number of actions since 1972 with respect to the Hawaii SIP. In 2005, we revised the format of the "identification of plan" section in subpart M in accordance with the revised format described above. See 70 FR 44852 (August 4, 2005). In our 2005 final rule, we did not complete the process of revising the format for the "identification of plan" section in that we did not list the nonregulatory provisions and quasi-regulatory measures portion of the Hawaii SIP, but we are doing so in today's action.

**II. Public Comments**

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) that, upon finding "good cause," authorizes agencies to dispense with public participation; and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply revises the codification of provisions that are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by clearly identifying the current nonregulatory provisions and quasi-regulatory measures of the Hawaii SIP.

**III. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 or 204 of UMRA.

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045, "Protection of Children From Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not an economically

significant regulatory action based on health or safety risks.

This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying measures is discussed in previous actions taken on the State's measures.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable,

unnecessary or contrary to the public interest. Today's action simply reformats the codification of provisions that are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of *June 11, 2009*. 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 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).

EPA has also determined that the provision of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Hawaii SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need to reopen the 60-day period for filing such petitions for judicial review for this

reformatting of portions of the "Identification of plan" section of 40 CFR 52.620 for Hawaii.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 28, 2009.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

■ 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 M—Hawaii**

■ 2. Section 52.620 is amended by adding paragraph (e) to read as follows:

**§ 52.620 Identification of plan.**

\* \* \* \* \*

(e) EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures.

**EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
<b>State of Hawaii Air Pollution Control Strategy Plan</b>				
Section I—Introduction .....	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section III—Legal Authority: Section III—Legal Authority ....	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding Air Pollution Control Law, Hawaii Revised Statutes, Chapter 322, Part V, Sections 322–64(5) and 322–66 [see 39 FR 34533 (September 26, 1974)] and Section 322–68 [see 74 FR 11037 (March 16, 2009)].
Letter from the Governor concerning legal authority and enclosure (Act 100, Relating to Ecology Environment and Recreation, approved by the Governor on May 22, 1972).	State-wide .....	06/15/72	11/08/73, 38 FR 30876.	Excluding Section 7—Variances of Act 100. See 74 FR 11037 (March 16, 2009).
Sections V and VI: Section V—Air Quality Data Summary.	State-wide .....	08/15/73	06/25/74, 39 FR 22946.	
Section VI—Emission Inventory Summary.	State-wide .....	08/15/73	06/25/74, 39 FR 22946.	
Section VII—Control Strategy Development: Subsection 1. Particulate Matter.	State-wide .....	04/25/74	03/02/76, 41 FR 8956.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
PM <sub>10</sub> Control Measures/NSR Procedures.	State-wide .....	09/14/88	07/09/04, 69 FR 41431.	

## EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
Subsection 2. Sulfur Oxides ...	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Subsection 3. Carbon Monoxide.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Subsection 4. Nitrogen Dioxide.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Subsection 5. Photochemical Oxidants.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "Control Strategy to Meet State Standards." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Sections VIII through XI: Section VIII—Prevention of Emergency Episodes.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	Excluding subsection entitled, "State Plan." See State submittals dated May 8, 1972 and May 22, 1972, approved at 37 FR 15080 (July 27, 1972), and 40 CFR 52.623.
Section IX—Compliance Schedule.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section X—Source Surveillance System.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section XI—Permit and Registration System.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section XII—Air Quality Surveillance Network:				
Section XII—Air Quality Surveillance Network.	State-wide .....	08/21/80	08/10/81, 46 FR 40512.	
Air Quality Surveillance Network, SIP Amendment—PM <sub>10</sub> .	State-wide .....	09/14/88	07/09/04, 69 FR 41431.	
Sections XIII and XIV: Section XIII—Intergovernmental Cooperation.	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	
Section XIV—Resources .....	State-wide .....	01/28/72	05/31/72, 37 FR 10842.	

## State of Hawaii Air Pollution Control Implementation Plan for Lead

State of Hawaii Air Pollution Control Implementation Plan for Lead.	State-wide .....	10/29/82	08/18/83, 48 FR 37402.	Excluding section II ("Notice of Public Hearing"); Hawaii Statute on Environmental Quality, Chapter 342, Hawaii Revised Statutes, section 342-7 [see 74 FR 11037 (March 16, 2009)]; and section IV ("Control Regulations").
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[FR Doc. E9-13590 Filed 6-10-09; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA-R04-OAR-2008-0831-200825(a); FRL-8915-7]****Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve the State Implementation Plan (SIP) revision submitted by the Georgia Department of Natural Resources (DNR), through the Georgia Environmental Protection Division (EPD), on June 25, 2008. The revisions include modifications to Georgia's Air Quality Rules found at Chapters 391-3-1-.01, and 391-3-1-.02, pertaining to "Definitions," and "Emission Limitations and Standards," respectively. This action is being taken