

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)					
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
*	*		*	*	*	*		*	
177	07-1-08	08-1-08	3.50	4.00	4.00	4.00	7	8	

■ 3. In appendix C to part 4022, Rate Set 177, as set forth below, is added to the table.

**Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)					
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
*	*		*	*	*	*		*	
177	07-1-08	08-1-08	3.50	4.00	4.00	4.00	7	8	

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 4. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for July 2008, as set forth below, is added to the table.

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the month—			The values of $i_t$ are:					
	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$		
*	*	*	*	*	*	*	*	*
July 2008	.0595	1-20	.0502	≤20	N/A	N/A		

Issued in Washington, DC, on this 9th day of June 2008.

**Vincent K. Snowbarger,**

*Deputy Director for Operations, Pension Benefit Guaranty Corporation.*

[FR Doc. E8-13229 Filed 6-12-08; 8:45 am]

BILLING CODE 7709-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R04-OAR-2007-0532-200810(c); FRL-8579-6]

**Approval and Promulgation of Implementation Plans; Alabama; Prevention of Significant Deterioration and Nonattainment New Source Review; Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correction.

**SUMMARY:** On May 1, 2008, EPA published a document approving revisions to the Alabama State

Implementation Plan (SIP) concerning Alabama's Prevention of Significant Deterioration (PSD) program. That document included one paragraph containing an inadvertent error in its characterization of a portion of EPA's New Source Review (NSR) rules. This document corrects that inadvertent error.

**DATES:** This action is effective June 13, 2008.

**FOR FURTHER INFORMATION CONTACT:** For information regarding the Alabama State Implementation Plan, contact Ms. Stacy Harder, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9042. Ms. Harder can also be reached via electronic mail at [harder.stacy@epa.gov](mailto:harder.stacy@epa.gov). For information regarding New Source Review, contact Ms. Gracy R. Danois, Air Permits Section, at the same address above. The telephone number is (404) 562-9119. Ms. Danois can also be

reached via electronic mail at [danois.gracy@epa.gov](mailto:danois.gracy@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA is making a correction to the document published on May 1, 2008 (73 FR 23957), approving revisions to Alabama's SIP incorporating rule changes to Alabama's PSD program. As part of the background information provided in the May 1, 2008, document, EPA made an inadvertent misstatement on page 23958, column 1, first full paragraph. This paragraph begins with the phrase, "The 'reasonable possibility' standard identifies, for sources and reviewing authorities \* \* \*" and ends with the phrase, "the reasonable possibility standard did not result in any actual changes to the corresponding federal rule." 73 FR 23958. This last quoted statement does not correctly describe EPA's recent revisions to its NSR rules regarding the meaning of the term "reasonable possibility" in those rules. EPA's final action regarding "reasonable possibility" did result in changes to federal rules found at 40 CFR

parts 51 and 52. See, 72 FR 72607, December 21, 2007.

EPA is now correcting the entirety of that first full paragraph at 73 FR 23958 by replacing it with the following paragraph:

“The ‘reasonable possibility’ standard identifies, for sources and reviewing authorities, the circumstances under which a major stationary source undergoing a modification that does not trigger major NSR must keep records. EPA’s December 2007 action clarified the meaning of the term ‘reasonable possibility’ through changes to the federal rule language in 40 CFR parts 51 and 52. In the present case, although Alabama’s rules include the term ‘reasonable possibility,’ Alabama’s rules require recordkeeping for facilities for which there is a reasonable possibility as well as those for which there is not. Therefore, Alabama’s SIP revisions are approvable.”

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

Dated: June 4, 2008.

**Russell L. Wright, Jr.,**

*Acting Regional Administrator, Region 4.*

[FR Doc. E8–13348 Filed 6–12–08; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 122

[EPA–HQ–OW–2006–0141; FRL–8579–3]

RIN 2040–AE86

### National Pollutant Discharge Elimination System (NPDES) Water Transfers Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is issuing a regulation to clarify that water transfers are not subject to regulation under the National

Pollutant Discharge Elimination System (NPDES) permitting program. This rule defines water transfers as an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use. This rule focuses exclusively on water transfers and does not affect any other activity that may be subject to NPDES permitting requirements.

This rule is consistent with EPA’s June 7, 2006, proposed rule, which was based on an August 5, 2005, interpretive memorandum entitled “Agency Interpretation on Applicability of Section 402 of the Clean Water Act to Water Transfers.”

**DATES:** This final rule is effective on August 12, 2008. For judicial review purposes, this action is considered issued as of 1 p.m. eastern daylight time (e.d.t.) on June 27, 2008, as provided in 40 CFR 23.2. Under section 509(b)(1) of the Clean Water Act, judicial review of the Administrator’s action can only be had by filing a petition for review in the United States Court of Appeals within 120 days after the decision is considered issued for purposes of judicial review.

**ADDRESSES:** The administrative record is available for inspection and copying at the Water Docket, located at the EPA Docket Center (EPA/DC), EPA West 1301 Constitution Ave., Room 3334, NW., Washington DC 20460. The administrative record is also available via EPA Dockets (Edocket) at <http://www.regulations.gov> under docket number EPA–HQ–OW–2006–0141. The rule and key supporting documents are also electronically available on the Internet at <http://www.epa.gov/npdes/agriculture>.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Virginia Garelick, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington,

DC 20460; telephone number: 202–564–2316; fax: 202–564–6384; e-mail address: [garelick.virginia@epa.gov](mailto:garelick.virginia@epa.gov).

#### SUPPLEMENTARY INFORMATION:

- I. General Information
  - A. Does This Action Apply to Me?
  - B. How Can I Get Copies of This Document and Other Related Information?
  - C. Under What Legal Authority Is This Final Rule Issued?
  - D. What is the Comment Response Document?
- II. Background and Definition of Water Transfers
- III. Rationale for the Final Rule
  - A. Legal Framework
  - B. Statutory Language and Structure
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- IV. Public Comment
- V. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review
  - B. Paperwork Reduction Act
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  - D. Unfunded Mandates Reform Act
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  - G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
  - H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
  - I. National Technology Transfer and Advancement Act
  - J. Executive Order 12898: Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
  - K. Congressional Review Act

#### I. General Information

##### A. Does This Action Apply to Me?

This action applies to those involved in the transfer of waters of the United States. The following table provides a list of standard industrial codes for operations potentially covered under this rule.

TABLE 1.—ENTITIES POTENTIALLY REGULATED BY THIS RULE

Category	NAICS	Examples of potentially affected entities
Resource management parties (includes state departments of fish and wildlife, state departments of pesticide regulation, state environmental agencies, and universities).	924110 Administration of Air and Water Resource and Solid Waste Management Programs.	Government establishments primarily engaged in the administration, regulation, and enforcement of water resource programs; the administration and regulation of water pollution control and prevention programs; the administration and regulation of flood control programs; the administration and regulation of drainage development and water resource consumption programs; and coordination of these activities at intergovernmental levels.