

standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule establishes a temporary safety zone to protect the public from bridge construction operations. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

## PART 165—SAFETY ZONES

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–0985 to read as follows:

### § 165.T05–0985 Safety Zone; Atlantic Intracoastal Waterway, Sunset Beach, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: This zone includes the waters of the Atlantic Intracoastal Waterway extending 250 yards in all directions from the main construction site at the new high-level fixed highway bridge at Sunset Beach, North Carolina.

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part apply to the area described in paragraph (b) of this section.

(2) Persons or vessels requiring entry into or passage through any portion of the safety zone must first request authorization from the Captain of the Port, or a designated representative, unless the Captain of the Port previously announced via Marine Safety Radio Broadcast on VHF Marine Band Radio channel 22 (157.1 MHz) that this regulation will not be enforced in that portion of the safety zone. The Captain of the Port can be contacted at telephone number (252) 247–4570 or by radio on VHF Marine Band Radio, channels 13 and 16.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced daily from 6 a.m. until 6 p.m. throughout the effective period from 6 a.m. on December 1, 2009 through 6 p.m. on January 31, 2010 unless cancelled earlier by the Captain of the Port. The exact daily times will be announced in Broadcast Notice to Mariners.

Dated: November 16, 2009.

**J.E. Ryan,**

*Captain, U.S. Coast Guard, Captain of the Port North Carolina.*

[FR Doc. E9–28491 Filed 11–27–09; 8:45 am]

**BILLING CODE 9110–04–P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[Docket Nos. MC2010–3 and CP2010–3; Order No. 325]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adding Priority Mail Contract 21 to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations. Replication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

**DATES:** Effective November 30, 2009 and is applicable beginning October 28, 2009.

### FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 54599 (October 22, 2009).

I. Introduction  
II. Background  
III. Comments  
IV. Commission Analysis  
V. Ordering Paragraphs

### I. Introduction

The Postal Service seeks to add a new product identified as Priority Mail Contract 21 to the Competitive Product List. For the reasons discussed below, the Commission approves the Request.

### II. Background

On October 14, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Priority Mail Contract 21 to the Competitive Product List.<sup>1</sup> The Postal Service asserts that the Priority Mail Contract 21 product is a competitive product “not of general applicability” within the meaning of 39 U.S.C. 3632(b)(3). This Request has been assigned Docket No. MC2010–3.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010–3.

In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors’ Decision, originally filed in Docket No. MC2009–25, authorizing the Priority Mail Contract Group;<sup>2</sup> (2) a redacted version of the contract;<sup>3</sup> (3) a requested change in the Mail Classification Schedule product list;<sup>4</sup> (4) a Statement of Supporting Justification as required by 39 CFR 3020.32;<sup>5</sup> (5) a certification of compliance with 39 U.S.C. 3633(a);<sup>6</sup> and (6) an application for non-public treatment of the materials filed under seal.<sup>7</sup> The redacted version of the contract provides that the contract is terminable on 30 days’ notice by either

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Contract 21 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, October 14, 2009 (Request).

<sup>2</sup> Attachment A to the Request, reflecting Governors’ Decision No. 09–6, April 27, 2009.

<sup>3</sup> Attachment B to the Request.

<sup>4</sup> Attachment C to the Request.

<sup>5</sup> Attachment D to the Request.

<sup>6</sup> Attachment E to the Request.

<sup>7</sup> Attachment F to the Request.

party, but could continue for three years from the effective date subject to annual price adjustments. Request, Attachment B.

In the Statement of Supporting Justification, Mary Prince Anderson, Acting Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to coverage of institutional costs, and will increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. Request, Attachment D, at 1. W. Ashley Lyons, Manager, Regulatory Reporting and Cost Analysis, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). *Id.*, Attachment E.

The Postal Service filed much of the supporting materials, including the supporting data and the unredacted contract, under seal. The Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, certain terms and conditions, and financial projections, should remain confidential. *Id.*, Attachment F, at 2–3.<sup>8</sup>

In Order No. 316, the Commission gave notice of the two dockets, appointed a public representative, and provided the public with an opportunity to comment.<sup>9</sup>

### III. Comments

Comments were filed by the Public Representative.<sup>10</sup> No comments were submitted by other interested parties. The Public Representative states that the Postal Service's filing meets the pertinent provisions of title 39 and the relevant Commission rules. *Id.* at 1, 3. He further states that the agreement employs pricing terms favorable to the customer, the Postal Service, and thereby, the public. *Id.* at 3–4. The Public Representative also believes that the Postal Service has provided

appropriate justification for maintaining confidentiality in this case. *Id.* at 3.

### IV. Commission Analysis

The Commission has reviewed the Request, the contract, the financial analysis provided under seal that accompanies it, and the comments filed by the Public Representative.

**Statutory requirements.** The Commission's statutory responsibilities in this instance entail assigning Priority Mail Contract 21 to either the Market Dominant Product List or to the Competitive Product List. 39 U.S.C. 3642. As part of this responsibility, the Commission also reviews the proposal for compliance with the Postal Accountability and Enhancement Act (PAEA) requirements. This includes, for proposed competitive products, a review of the provisions applicable to rates for competitive products. 39 U.S.C. 3633.

**Product list assignment.** In determining whether to assign Priority Mail Contract 21 as a product to the Market Dominant Product List or the Competitive Product List, the Commission must consider whether

The Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products.

39 U.S.C. 3642(b)(1). If so, the product will be categorized as market dominant. The competitive category of products consists of all other products.

The Commission is further required to consider the availability and nature of enterprises in the private sector engaged in the delivery of the product, the views of those who use the product, and the likely impact on small business concerns. 39 U.S.C. 3642(b)(3).

The Postal Service asserts that its bargaining position is constrained by the existence of other shippers who can provide similar services, thus precluding it from taking unilateral action to increase prices without the risk of losing volume to private companies. Request, Attachment D, para. (d). The Postal Service also contends that it may not decrease quality or output without risking the loss of business to competitors that offer similar expedited delivery services. *Id.* It further states that the contract partner supports the addition of the contract to the Competitive Product List to effectuate the negotiated contractual terms. *Id.*, para. (g). Finally, the Postal Service states that the market for expedited delivery services is highly competitive and requires a substantial

infrastructure to support a national network. It indicates that large carriers serve this market. Accordingly, the Postal Service states that it is unaware of any small business concerns that could offer comparable service for this customer. *Id.*, para. (h).

No commenter opposes the proposed classification of Priority Mail Contract 21 as competitive. Having considered the statutory requirements and the support offered by the Postal Service, the Commission finds that Priority Mail Contract 21 is appropriately classified as a competitive product and should be added to the Competitive Product List.

**Cost considerations.** The Postal Service presents a financial analysis showing that Priority Mail Contract 21 results in cost savings while ensuring that the contract covers its attributable costs, does not result in subsidization of competitive products by market dominant products, and increases contribution from competitive products.

Based on the data submitted, the Commission finds that Priority Mail Contract 21 should cover its attributable costs (39 U.S.C. 3633(a)(2)), should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and should have a positive effect on competitive products' contribution to institutional costs (39 U.S.C. 3633(a)(3)). Thus, an initial review of proposed Priority Mail Contract 21 indicates that it comports with the provisions applicable to rates for competitive products.

**Other considerations.** The Postal Service shall notify the Commission if termination occurs prior to the scheduled termination date. Following the scheduled termination date of the agreement, the Commission will remove the product from the Competitive Product List.

In conclusion, the Commission approves Priority Mail Contract 21 as a new product. The revision to the Competitive Product List is shown below the signature of this Order and is effective upon issuance of this Order.

### V. Ordering Paragraphs

*It is ordered:*

1. Priority Mail Contract 21 (MC2010–3 and CP2010–3) is added to the Competitive Product List as a new product under Negotiated Service Agreements, Domestic.

2. The Postal Service shall notify the Commission if termination occurs prior to the scheduled termination date.

3. The Secretary shall arrange for the publication of this order in the **Federal Register**.

<sup>8</sup>In its application for non-public treatment, the Postal Service requests an indefinite extension of non-public treatment of customer-identifying information. *Id.* at 7. For the reasons discussed in PRC Order No. 323, that request is denied. See Docket No. MC2010–1 and CP2010–1, Order Concerning Priority Mail Contract 19 Negotiated Service Agreement, October 26, 2009.

<sup>9</sup>PRC Order No. 316, Notice and Order Concerning Priority Mail Contract 21 Negotiated Service Agreement, October 16, 2009 (Order No. 316).

<sup>10</sup>Public Representative Comments in Response to United States Postal Service Request to Add Priority Mail Contract 21 Negotiated Service Agreement to the Competitive Products List, October 26, 2009 (Public Representative Comments).

**List of Subjects in 39 CFR Part 3020**

Administrative practice and procedure; Postal Service.

By the Commission.

**Judith M. Grady,**

*Acting Secretary.*

■ For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

**PART 3020—PRODUCT LISTS**

■ 1. The authority citation for part 3020 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3020—Mail Classification Schedule to read as follows:

**Appendix A to Subpart A of Part 3020—Mail Classification Schedule**

## Part A—Market Dominant Products

## 1000 Market Dominant Product List

## First-Class Mail

Single-Piece Letters/Postcards

Bulk Letters/Postcards

Flats

Parcels

Outbound Single-Piece First-Class Mail

International

Inbound Single-Piece First-Class Mail

International

## Standard Mail (Regular and Nonprofit)

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters

Flats

Not Flat-Machinables (NFM)/Parcels

## Periodicals

Within County Periodicals

Outside County Periodicals

## Package Services

Single-Piece Parcel Post

Inbound Surface Parcel Post (at UPU rates)

Bound Printed Matter Flats

Bound Printed Matter Parcels

Media Mail/Library Mail

## Special Services

Ancillary Services

International Ancillary Services

Address List Services

Caller Service

Change-of-Address Credit Card

Authentication

Confirm

International Reply Coupon Service

International Business Reply Mail Service

Money Orders

Post Office Box Service

## Negotiated Service Agreements

HSBC North America Holdings Inc.

Negotiated Service Agreement

Bookspan Negotiated Service Agreement

Bank of America Corporation Negotiated

Service Agreement

The Bradford Group Negotiated Service Agreement

Inbound International

Canada Post—United States Postal Service

Contractual Bilateral Agreement for

Inbound Market Dominant Services

## Market Dominant Product Descriptions

## First-Class Mail

[Reserved for Class Description]

Single-Piece Letters/Postcards

[Reserved for Product Description]

Bulk Letters/Postcards

[Reserved for Product Description]

Flats

[Reserved for Product Description]

Parcels

[Reserved for Product Description]

Outbound Single-Piece First-Class Mail

International

[Reserved for Product Description]

Inbound Single-Piece First-Class Mail

International

[Reserved for Product Description]

## Standard Mail (Regular and Nonprofit)

[Reserved for Class Description]

High Density and Saturation Letters

[Reserved for Product Description]

High Density and Saturation Flats/Parcels

[Reserved for Product Description]

Carrier Route

[Reserved for Product Description]

Letters

[Reserved for Product Description]

Flats

[Reserved for Product Description]

Not Flat-Machinables (NFM)/Parcels

[Reserved for Product Description]

## Periodicals

[Reserved for Class Description]

Within County Periodicals

[Reserved for Product Description]

Outside County Periodicals

[Reserved for Product Description]

## Package Services

[Reserved for Class Description]

Single-Piece Parcel Post

[Reserved for Product Description]

Inbound Surface Parcel Post (at UPU rates)

[Reserved for Product Description]

Bound Printed Matter Flats

[Reserved for Product Description]

Bound Printed Matter Parcels

[Reserved for Product Description]

Media Mail/Library Mail

[Reserved for Product Description]

## Special Services

[Reserved for Class Description]

Ancillary Services

[Reserved for Product Description]

Address Correction Service

[Reserved for Product Description]

Applications and Mailing Permits

[Reserved for Product Description]

Business Reply Mail

[Reserved for Product Description]

Bulk Parcel Return Service

[Reserved for Product Description]

Certified Mail

[Reserved for Product Description]

Certificate of Mailing

[Reserved for Product Description]

Collect on Delivery

[Reserved for Product Description]

Delivery Confirmation

[Reserved for Product Description]

Insurance

[Reserved for Product Description]

Merchandise Return Service

[Reserved for Product Description]

Parcel Airlift (PAL)

[Reserved for Product Description]

Registered Mail

[Reserved for Product Description]

Return Receipt

[Reserved for Product Description]

Return Receipt for Merchandise

[Reserved for Product Description]

Restricted Delivery

[Reserved for Product Description]

Shipper-Paid Forwarding

[Reserved for Product Description]

Signature Confirmation

[Reserved for Product Description]

Special Handling

[Reserved for Product Description]

Stamped Envelopes

[Reserved for Product Description]

Stamped Cards

[Reserved for Product Description]

Premium Stamped Stationery

[Reserved for Product Description]

Premium Stamped Cards

[Reserved for Product Description]

International Ancillary Services

[Reserved for Product Description]

International Certificate of Mailing

[Reserved for Product Description]

International Registered Mail

[Reserved for Product Description]

International Return Receipt

[Reserved for Product Description]

International Restricted Delivery

[Reserved for Product Description]

Address List Services

[Reserved for Product Description]

Caller Service

[Reserved for Product Description]

Change-of-Address Credit Card

Authentication

[Reserved for Product Description]

Confirm

[Reserved for Product Description]

International Reply Coupon Service

[Reserved for Product Description]

International Business Reply Mail Service

[Reserved for Product Description]

Money Orders

[Reserved for Product Description]

Post Office Box Service

[Reserved for Product Description]

Negotiated Service Agreements

[Reserved for Class Description]

HSBC North America Holdings Inc.

Negotiated Service Agreement

[Reserved for Product Description]

Bookspan Negotiated Service Agreement

[Reserved for Product Description]

Bank of America Corporation Negotiated

Service Agreement

The Bradford Group Negotiated Service

Agreement

## Part B—Competitive Products

## 2000 Competitive Product List

## Express Mail

Express Mail

Outbound International Expedited Services

Inbound International Expedited Services

Inbound International Expedited Services 1

(CP2008–7)

Inbound International Expedited Services 2

(MC2009–10 and CP2009–12)

## Priority Mail

Priority Mail

Outbound Priority Mail International  
Inbound Air Parcel Post  
Royal Mail Group Inbound Air Parcel Post Agreement  
Parcel Select  
Parcel Return Service  
International  
International Priority Airlift (IPA)  
International Surface Airlift (ISAL)  
International Direct Sacks—M-Bags  
Global Customized Shipping Services  
Inbound Surface Parcel Post (at non-UPU rates)  
Canada Post—United States Postal service Contractual Bilateral  
Agreement for Inbound Competitive Services (MC2009–8 and CP2009–9)  
International Money Transfer Service  
International Ancillary Services  
Special Services  
Premium Forwarding Service  
Negotiated Service Agreements  
Domestic  
Express Mail Contract 1 (MC2008–5)  
Express Mail Contract 2 (MC2009–3 and CP2009–4)  
Express Mail Contract 3 (MC2009–15 and CP2009–21)  
Express Mail Contract 4 (MC2009–34 and CP2009–45)  
Express Mail & Priority Mail Contract 1 (MC2009–6 and CP2009–7)  
Express Mail & Priority Mail Contract 2 (MC2009–12 and CP2009–14)  
Express Mail & Priority Mail Contract 3 (MC2009–13 and CP2009–17)  
Express Mail & Priority Mail Contract 4 (MC2009–17 and CP2009–24)  
Express Mail & Priority Mail Contract 5 (MC2009–18 and CP2009–25)  
Express Mail & Priority Mail Contract 6 (MC2009–31 and CP2009–42)  
Express Mail & Priority Mail Contract 7 (MC2009–32 and CP2009–43)  
Express Mail & Priority Mail Contract 8 (MC2009–33 and CP2009–44)  
Parcel Select & Parcel Return Service Contract 1 (MC2009–11 and CP2009–13)  
Parcel Select & Parcel Return Service Contract 2 (MC2009–40 and CP2009–61)  
Parcel Return Service Contract 1 (MC2009–1 and CP2009–2)  
Priority Mail Contract 1 (MC2008–8 and CP2008–26)  
Priority Mail Contract 2 (MC2009–2 and CP2009–3)  
Priority Mail Contract 3 (MC2009–4 and CP2009–5)  
Priority Mail Contract 4 (MC2009–5 and CP2009–6)  
Priority Mail Contract 5 (MC2009–21 and CP2009–26)  
Priority Mail Contract 6 (MC2009–25 and CP2009–30)  
Priority Mail Contract 7 (MC2009–25 and CP2009–31)  
Priority Mail Contract 8 (MC2009–25 and CP2009–32)  
Priority Mail Contract 9 (MC2009–25 and CP2009–33)  
Priority Mail Contract 10 (MC2009–25 and CP2009–34)  
Priority Mail Contract 11 (MC2009–27 and CP2009–37)  
Priority Mail Contract 12 (MC2009–28 and CP2009–38)

Priority Mail Contract 13 (MC2009–29 and CP2009–39)  
Priority Mail Contract 14 (MC2009–30 and CP2009–40)  
Priority Mail Contract 15 (MC2009–35 and CP2009–54)  
Priority Mail Contract 16 (MC2009–36 and CP2009–55)  
Priority Mail Contract 17 (MC2009–37 and CP2009–56)  
Priority Mail Contract 18 (MC2009–42 and CP2009–63)  
Priority Mail Contract 19 (MC2010–1 and CP2010–1)  
Priority Mail Contract 20 (MC2010–2 and CP2010–2)  
Priority Mail Contract 21 (MC2010–3 and CP2010–3)  
Outbound International  
Direct Entry Parcels Contracts Direct Entry Parcels 1 (MC2009–26 and CP2009–36)  
Global Direct Contracts (MC2009–9, CP2009–10, and CP2009–11)  
Global Expedited Package Services (GEPS) Contracts  
GEPS 1 (CP2008–5, CP2008–11, CP2008–12, and CP2008–13, CP2008–18, CP2008–19, CP2008–20, CP2008–21, CP2008–22, CP2008–23, and CP2008–24)  
Global Expedited Package Services 2 (CP2009–50)  
Global Plus Contracts  
Global Plus 1 (CP2008–8, CP2008–46 and CP2009–47)  
Global Plus 2 (MC2008–7, CP2008–48 and CP2008–49)  
Inbound International  
Inbound Direct Entry Contracts with Foreign Postal Administrations  
Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and MC2008–15)  
Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (MC2008–6 and CP2009–62)  
International Business Reply Service Competitive Contract 1 (MC2009–14 and CP2009–20)  
Competitive Product Descriptions  
Express Mail  
[Reserved for Group Description]  
Express Mail  
[Reserved for Product Description]  
Outbound International Expedited Services  
[Reserved for Product Description]  
Inbound International Expedited Services  
[Reserved for Product Description]  
Priority  
[Reserved for Product Description]  
Priority Mail  
[Reserved for Product Description]  
Outbound Priority Mail International  
[Reserved for Product Description]  
Inbound Air Parcel Post  
[Reserved for Product Description]  
Parcel Select  
[Reserved for Group Description]  
Parcel Return Service  
[Reserved for Group Description]  
International  
[Reserved for Group Description]  
International Priority Airlift (IPA)  
[Reserved for Product Description]  
International Surface Airlift (ISAL)  
[Reserved for Product Description]

International Direct Sacks—M-Bags  
[Reserved for Product Description]  
Global Customized Shipping Services  
[Reserved for Product Description]  
International Money Transfer Service  
[Reserved for Product Description]  
Inbound Surface Parcel Post (at non-UPU rates)  
[Reserved for Product Description]  
International Ancillary Services  
[Reserved for Product Description]  
International Certificate of Mailing  
[Reserved for Product Description]  
International Registered Mail  
[Reserved for Product Description]  
International Return Receipt  
[Reserved for Product Description]  
International Restricted Delivery  
[Reserved for Product Description]  
International Insurance  
[Reserved for Product Description]  
Negotiated Service Agreements  
[Reserved for Group Description]  
Domestic  
[Reserved for Product Description]  
Outbound International  
[Reserved for Group Description]

Part C—Glossary of Terms and Conditions  
[Reserved]

Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. E9–28506 Filed 11–27–09; 8:45 am]

BILLING CODE 7710-FW-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2009–0454; FRL–9086–2]

### Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Clean Air Interstate Rule

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve revisions to the North Carolina State Implementation Plan (SIP) submitted by the State of North Carolina through the North Carolina Department of Environment and Natural Resources on June 20, 2008. This revision addresses the requirements of EPA's Clean Air Interstate Rule (CAIR). Although the DC Circuit Court found CAIR to be flawed, the rule was remanded without vacatur and thus remains in place. EPA is continuing to approve CAIR provisions into SIPs as appropriate. CAIR, as promulgated, requires States to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) that significantly contribute to, or interfere with maintenance of, the national ambient air quality standards (NAAQS) for fine particulates and/or