

(g) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

**§ 131.203 [Removed]**

3. Remove § 131.203.

**§ 131.206 [Removed]**

4. Remove § 131.206.

Dated: January 9, 2009.

**Leslye M. Fraser,**

*Director, Office of Regulations and Policy,  
Center for Food Safety and Applied Nutrition.*

[FR Doc. E9-736 Filed 1-12-09; 4:15 pm]

BILLING CODE 4160-01-S

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Parts 51 and 52**

[EPA-HQ-OAR-2003-0064, FRL-8763-1]

RIN 2060-AL75

**Prevention of Significant Deterioration  
(PSD) and Nonattainment New Source  
Review (NSR): Debottlenecking**

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The EPA is withdrawing the proposed rule for “debottlenecking” published in the **Federal Register** on September 14, 2006. Debottlenecking is a concept used in the EPA’s New Source Review (NSR) program and refers to how emissions from units upstream and downstream from the unit(s) undergoing a physical or operational change are included in the calculation of an emissions increase for the project. The intent of the September 14, 2006 proposal was to clarify how to consider emissions increases and decreases when determining major NSR applicability for sources that undergo a modification(s). Two other NSR elements included in that proposal—aggregation and project netting—are discussed in a separate document published in the “Rules” section of this **Federal Register**.

The decision to withdraw the rule proposal for debottlenecking is due to a variety of concerns raised by commenters on the viability of each of the proposed options. Regarding our preferred option, legal causation, we proposed to apply a “but for” legal cause test to account for debottlenecked emissions. However, limiting its application to only Prevention of Significant Deterioration and NSR permits, as several commenters suggested, would have severely

narrowed its utility and required devising another regulatory strategy for nonqualifying permits. With respect to the other two proposed options, we had difficulty in finding workable solutions to some of the implementation issues raised by commenters. In light of the complexities we encountered with the proposed options, we have decided to withdraw the proposed rule for debottlenecking.

**DATES:** On January 15, 2009, the EPA hereby withdraws the proposed rule for NSR Debottlenecking published at 71 FR 54235.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Svendsgaard, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-03), Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541-2380; fax number: (919) 541-5509, e-mail address: [svendsgaard.dave@epa.gov](mailto:svendsgaard.dave@epa.gov).

Dated: January 12, 2009.

**Stephen L. Johnson,**

*Administrator.*

[FR Doc. E9-816 Filed 1-14-09; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2006-0357; FRL-8761-5]

**Approval and Promulgation of Air  
Quality Implementation Plans; Texas;  
Approval of the Section 110(a)(1)  
Maintenance Plan for the 1997 8-Hour  
Ozone Standard for El Paso County**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the Texas State Implementation Plan (SIP). The revision consists of a maintenance plan for El Paso County developed to ensure continued attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS) for 10 years after the effective designation date of June 15, 2004. The Maintenance Plan meets the requirements of Section 110(a)(1) of the Federal Clean Air Act (CAA), EPA’s rules, and is consistent with EPA’s guidance.

**DATES:** Written comments should be received on or before February 17, 2009.

**ADDRESSES:** Please see the related direct final rule, which is located in the “Rules and Regulations” section of this **Federal Register**, for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Riley, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-8542; fax number 214-665-7263; e-mail address [riley.jeffrey@epa.gov](mailto:riley.jeffrey@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Why Is EPA Issuing This Proposed Rule?**

This document proposes to take action on SIP revisions pertaining to the El Paso area. We have published a direct final rule approving the State’s SIP revisions in the “Rules and Regulations” section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based upon this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Dated: December 31, 2008.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

[FR Doc. E9-707 Filed 1-14-09; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2007-1153; FRL-8762-3]

**Approval and Promulgation of Air  
Quality Implementation Plans;  
Arkansas; Emissions Inventory for the  
Crittenden County Ozone  
Nonattainment Area; Emissions  
Statements**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the Arkansas State Implementation Plan (SIP) to meet the Emissions Inventory and Emissions Statements requirements of the Clean

Air Act (CAA) for the Crittenden County ozone nonattainment area. EPA is proposing to approve the SIP revision because it satisfies the Emissions Inventory and Emissions Statements requirements for 8-hour ozone nonattainment areas. EPA is proposing to approve the revision pursuant to section 110 of the CAA.

**DATES:** Written comments should be received on or before February 17, 2009.

**ADDRESSES:** Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Comments may also be submitted electronically or through hand deliver/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Dylan Van Dyne, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-7113; fax number 214-665-7263; e-mail address [vandyne.dylan@epa.gov](mailto:vandyne.dylan@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as non-controversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information see the direct final rule, which is located in the rules section of this **Federal Register**.

Dated: December 24, 2008.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

[FR Doc. E9-620 Filed 1-14-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 112

[EPA-HQ-OPA-2008-0821; FRL-8762-6]

RIN 2050-AG650

### Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule Requirements—Amendments

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is proposing to amend the Spill Prevention, Control, and Countermeasure (SPCC) rule to tailor and streamline the requirements for the dairy industry. Specifically, EPA proposes to exempt milk containers and associated piping and appurtenances from the SPCC requirements provided they are constructed according to the current applicable 3-A Sanitary Standards, and are subject to the current applicable Grade "A" Pasteurized Milk Ordinance (PMO) or a State dairy regulatory requirement equivalent to the current applicable PMO. This proposal addresses concerns raised specifically by the dairy sector on the applicability of the SPCC requirements to milk containers.

**DATES:** Comments must be received on or before February 17, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OPA-2008-0821, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *Mail:* EPA Docket, Environmental Protection Agency, Mail code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OPA-2008-0821. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information

whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the EPA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket is (202) 566-0276.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the Superfund, TRI, EPCRA, RMP, and Oil Information Center at 800-424-9346 or TDD at 800-553-7672 (hearing impaired). In the Washington, DC metropolitan area, contact the Superfund, TRI, EPCRA, RMP, and Oil Information Center at 703-412-9810 or TDD 703-412-3323. For more detailed information on specific aspects of this proposed rule, contact either Vanessa E.