

US EPA ARCHIVE DOCUMENT

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional Explanation
Documents Incorporated by Reference (9 VAC 5–20–21, Paragraphs E.4.a. (21) and (22))..	Fredericksburg VOC Emissions Control Area Designated in 9 VAC 5–20–206.	05/14/07	12/05/07 [Insert page number where the document begins].	State effective date is 10/04/06.
*	*	*	*	*

[FR Doc. E7–23386 Filed 12–4–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–R05–OAR–2007–0390; FRL–8501–1]

Approval of Implementation Plans; Ohio; Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the EPA is withdrawing the October 16, 2007 (72 FR 58546), direct final rule approving the State of Ohio's September 26, 2007, request to revise the Ohio State Implementation Plan (SIP) by incorporating provisions related to the implementation of EPA's Clean Air Interstate Rule (CAIR). In the direct final rule, EPA stated that if adverse comments were submitted by November 15, 2007, the rule would be withdrawn and not take effect. On November 9, 2007, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed action also published on October 16, 2007 (72 FR 58571). EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 72 FR 58546 on October 16, 2007, is withdrawn as of December 5, 2007.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18)), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6084, paskevicz.john@epa.gov.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Electric utilities,

Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 97

Environmental protection, Administrative practice and procedure, Air pollution control, Electric utilities, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

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

Dated: November 23, 2007.

Gary Gulezian,

Acting Regional Administrator, Region 5.

■ Accordingly, the amendments to 40 CFR 52.1870 and part 97 which were published in the **Federal Register** on October 16, 2007 (72 FR 58546) on pages 58552–58553 are withdrawn as of December 5, 2007.

[FR Doc. E7–23504 Filed 12–4–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R03–OAR–2006–0353; EPA–R03–OAR–2007–0476; EPA–R03–OAR–2005–VA–0007; EPA–R03–OAR–2005–VA–0013; EPA–R03–OAR–2005–0548; EPA–R03–OAR–2006–0485; EPA–R03–OAR–2006–0682; EPA–R03–OAR–2006–0692; EPA–R03–OAR–2006–0817; FRL–8500–8]

Approval and Promulgation of Air Quality Implementation Plans; Maryland, Pennsylvania, Virginia, West Virginia; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the part 81 tables of a series of final rules pertaining to EPA's approval of ozone redesignation requests for Kent and Queen Anne, Erie, Fredericksburg, Shenandoah, Charleston, Parkersburg-Marietta, Steubenville-Weirton, Wheeling, and Huntington-Ashland 8-hour ozone nonattainment areas. The requests to redesignate the areas from nonattainment to attainment were submitted by Maryland, Pennsylvania, Virginia, and West Virginia.

EFFECTIVE DATE: December 5, 2007.

FOR FURTHER INFORMATION CONTACT:

Irene Shandruk, (215) 814–2166 or by e-mail at shandruk.irene@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we” or “our” are used we mean EPA. The following table is a summary of the dates on which we published final rulemaking documents announcing our approval of three simultaneous actions for nine areas: (1) Redesignation from nonattainment to attainment of 8-hour ozone national ambient air quality standard (NAAQS); (2) approval of the areas' maintenance plans, and (3) approval of the emissions 2002 base-year inventories and mobile budgets. The effective dates for the three actions were announced in the **DATES** section as being 30 days from the date of publication.

State	Nonattainment area	Date of publication	FRN	Effective date
Maryland	Kent & Queen Anne's	December 22, 2006	71 FR 76920	January 22, 2007.
Pennsylvania	Erie	October 9, 2007	72 FR 57207	November 8, 2007.
Virginia	Fredericksburg	December 23, 2005	70 FR 76165	January 23, 2006.
	Shenandoah	January 3, 2006	71 FR 24	February 2, 2006.
West Virginia	Charleston	July 11, 2006	71 FR 39001	August 10, 2006.
	Huntington-Ashland	September 15, 2006	71 FR 54421	October 16, 2006.
	Parkersburg-Marietta	May 8, 2007	72 FR 25967	June 7, 2007.
	Steubenville-Weirton	May 14, 2007	72 FR 27060	June 13, 2007.
	Wheeling	May 15, 2007	72 FR 27247	June 14, 2007.

The corresponding effective dates in the 40 CFR part 81 tables for each nonattainment area should have also been 30 days from date of publication, but were inadvertently established as the dates of publication. This action corrects the erroneous effective date in part 81 for each of the above listed areas.

In the rule documents published in the **Federal Register** on the effective dates given in the above table, the part 81 tables for the nonattainment areas listed in the above table are corrected by revising the entry for the effective designation date for these areas from the date of publications given in the above table to the effective dates given in the above table (for example, for Kent & Queen Anne, corrected from December 23, 2006 to January 22, 2007).

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because this rule is not substantive and imposes no regulatory requirements, but merely corrects a citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore 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 Procedures 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 and 204 of UMRA. This rule also does 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), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

This technical correction action 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). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the

"Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

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. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of December 5, 2007. 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**. These corrections to the tables in 40 CFR 81.321, 81.339, 81.347 and 81.349 for Maryland, Pennsylvania, Virginia and West Virginia are not "major rules" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 20, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for Part 81 continues to read as follows:

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

■ 2. In § 81.321, the table entitled “Maryland—Ozone (8-Hour Standard)” is amended by revising the entry for

Kent and Queen Anne’s Area to read as follows:

§ 81.321 Maryland.

* * * * *

MARYLAND—OZONE (8-HOUR STANDARD)

Designated Area	Designation ^a		Category/Classification	
	Date ¹	Type	Date ¹	Type
* * *	* * *	* * *	* * *	* * *
Kent and Queen Anne’s Area				
Kent County	January 22, 2007	Attainment		
Queen Anne’s County	January 22, 2007	Attainment		
* * *	* * *	* * *	* * *	* * *

^a Includes Indian County located in each county or area, except otherwise noted.

¹ This date is June 15, 2004, unless otherwise noted.

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■ 3. In § 81.339, the table entitled “Pennsylvania—Ozone (8-Hour

Standard)” is amended by revising the entry for Erie, PA: Erie County to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE (8-HOUR STANDARD)

Designated Area	Designation ^a		Category/Classification	
	Date ¹	Type	Date ¹	Type
* * *	* * *	* * *	* * *	* * *
Erie, PA: Erie County	11/8/2007	Attainment		
* * *	* * *	* * *	* * *	* * *

^a Includes Indian County located in each county or area, except otherwise noted.

¹ This date is June 15, 2004, unless otherwise noted.

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■ 4. In § 81.347, the table entitled “Virginia—Ozone (8-Hour Standard)” is amended by revising the entries for

Fredericksburg, VA and Madison and Page Cos. (Shenandoah NP), VA Area to read as follows:

§ 81.347 Virginia.

* * * * *

VIRGINIA—OZONE (8-HOUR STANDARD)

Designated Area	Designation ^a		Category/Classification	
	Date ¹	Type	Date ¹	Type
* * *	* * *	* * *	* * *	* * *
Fredericksburg, VA:				
City of Fredericksburg	January 23, 2006	Attainment		
Spotsylvania County	January 23, 2006	Attainment		
Stafford County	January 23, 2006	Attainment		
Madison and Page Cos. (Shenandoah NP), VA area:				
Madison County (part)	February 2, 2006	Attainment		
Page County (part)	February 2, 2006	Attainment		
* * *	* * *	* * *	* * *	* * *

^a Includes Indian County located in each county or area, except otherwise noted.

¹ This date is June 15, 2004, unless otherwise noted.

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■ 5. In § 81.349, the table entitled “West Virginia—Ozone (8-Hour Standard)” is amended by revising the entries for

Charleston, WV; Huntington-Ashland, WV-KY; Parkersburg-Marietta WV-OH Area; Wheeling, WV-OH Area; and

Steubenville-Weirton, OH-WV Area to read as follows:

§ 81.349 West Virginia.

* * * * *

WEST VIRGINIA—OZONE (8-HOUR STANDARD)

Designated Area	Designation ^a		Category/Classification	
	Date ¹	Type	Date ¹	Type
* * * * *				
Charleston, WV:				
Kanawha County	August 10, 2006	Attainment		
Putnam County	August 10, 2006	Attainment		
Huntington-Ashland, WV-KY				
Cabell County	October 16, 2006	Attainment		
Wayne County	October 16, 2006	Attainment		
Parksburg-Marietta, WV-OH Area:				
Wood County	June 7, 2007	Attainment		
Wheeling, WV-OH area:				
Marshall County	June 14, 2007	Attainment		
Ohio County	June 14, 2007	Attainment		
Steubenville-Weirton, OH-WV area:				
Brooke County	June 13, 2007	Attainment		
Hancock County	June 13, 2007	Attainment		
* * * * *				

^a Includes Indian County located in each county or area, except otherwise noted.

¹ This date is June 15, 2004, unless otherwise noted.

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[FR Doc. E7-23498 Filed 12-4-07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 94

[EPA-HQ-OAR-2007-0120; FRL-8502-6]

RIN 2060-A026

Change in Deadline for Rulemaking to Address the Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: A February 2003 final rule established the first U.S. emission standards for new compression-ignition Category 3 marine engines, those with a per-cylinder displacement at or above 30 liters. It also established a deadline of April 27, 2007 for EPA to promulgate a second set of emission standards for these engines. This rulemaking schedule was intended to allow time to consider the state of technology for deeper emission reductions and the status of international action for more stringent standards. Since 2003 we have continued to gain a greater understanding of technical issues and assess the continuing efforts of manufacturers to apply advanced

emission control technologies to these engines. In addition, we have continued to work with and through the International Maritime Organization toward more stringent emission standards that would apply to all new marine diesel engines on ships engaged in international transportation. Much of the information necessary to develop more stringent Category 3 marine diesel engines standards has become available only recently and we expect more information to come to light in the course of the current negotiations underway as part of the international process. EPA is therefore adopting a new deadline for the rulemaking to consider the next tier of Category 3 marine diesel engine standards. Under this new schedule, EPA would adopt a final rule by December 17, 2009. EPA has started this rulemaking process by publishing an Advance Notice of Proposed Rulemaking elsewhere in today's **Federal Register**.

DATES: This rule is effective on January 4, 2008.

ADDRESSES: All documents in the docket are listed in the www.regulations.gov index under Docket ID No. EPA-HQ-OAR-2007-0120. Some information listed in the index is not publicly available, such as confidential business information or other information for which 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 www.regulations.gov or in hard copy at the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, 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 Air Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT:

Michael Samulski, Assessment and Standards Division, Office of Transportation and Air Quality, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4532; fax number: (734) 214-4050; e-mail address: samulski.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply to Me?

This action will affect companies that manufacture, sell, or import into the United States new marine compression-ignition engines for use on vessels flagged or registered in the United States; companies and persons that make vessels that will be flagged or registered in the United States and that use such engines; and the owners or operators of such U.S. vessels. This action may also affect companies and persons that rebuild or maintain these engines. Affected categories and entities include the following:

Category	NAICS Code ^a	Examples of potentially affected entities
Industry	333618	Manufacturers of new marine diesel engines.