

number "2600" and add, in its place, the number "2673".

■ 2. On page 50877, in the second column, in lines 7, 19, 48, and 49, remove "Super Ferry" and add, in its place, "Superferry"; in line 61, remove "Madsen" and add, in its place, "Matson".

■ 3. On page 50877, in the third column, in lines 14, 26, 40, 49, 63, 65, and 66, remove "Super Ferry" and add, in its place, "Superferry".

■ 4. On page 50878, in the second column, in line 14, remove the name "Laura Springer" and add, in its place, the name "Jasmin Parker"; and in line 16, remove the number "2600" and add, in its place, "2673".

#### § 165.T14-160 [Corrected]

■ 5. On page 50879, in the second column, in § 165.T14-160, in paragraph (b), in the fourth, sixth and seventh lines, and in paragraph (c)(3), in the eleventh line, remove "Super Ferry" and add, in its place, "Superferry".

Dated: September 7, 2007.

**Stefan G. Vencus,**

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E7-18024 Filed 9-12-07; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2006-0650-200705(a); FRL-8464-2]

### Approval and Promulgation of Implementation Plans, Kentucky Volatile Organic Compound Definition Updates

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the Kentucky State Implementation Plan (SIP) submitted by the Kentucky Environmental and Public Protection Cabinet (Cabinet) on December 14, 2006. The revisions include changes to the definitions section of Kentucky's Air Quality Regulations. The definition of volatile organic compounds (VOCs) was updated to be consistent with the federal definition.

**DATES:** This direct final rule is effective November 13, 2007 without further notice, unless EPA receives adverse comment by October 15, 2007. If EPA receives such comments, it will publish

a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2006-0650 by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *E-mail*: [lesane.heidi@epa.gov](mailto:lesane.heidi@epa.gov).

3. *Fax*: 404-562-9019.

4. *Mail*: "EPA-R04-OAR-2006-0650" 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.

5. *Hand Delivery or Courier*: Heidi LeSane 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

*Instructions:* Direct your comments to Docket ID No. "EPA-R04-OAR-2006-0650." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 through *www.regulations.gov* or e-mail information that you consider to be CBI or otherwise protected. The *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 *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 electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Heidi LeSane 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) 562-9074. Ms. LeSane can also be reached via electronic mail at [lesane.heidi@epa.gov](mailto:lesane.heidi@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Today's Action

On December 14, 2006, the Commonwealth of Kentucky, through the Cabinet, submitted seven amended air quality regulations for review and approval into the Kentucky SIP. All of the changes are related to the definition of VOCs, which was updated to be consistent with the federal definition found at 40 Code of Federal Regulations (CFR) 51.100(s). The following Air Quality Regulation citations address the definition of VOCs: 401 KAR 50:010, "Definitions for 401 KAR Chapter 50;" 401 KAR 51:001, "Definitions for 401 KAR Chapter 51;" 401 KAR 52:001, "Definitions for 401 KAR Chapter 52;" 401 KAR 59:001, "Definitions for 401 KAR Chapter 59;" 401 KAR 61:001, "Definitions for 401 KAR Chapter 61;"

401 KAR 63.001, "Definitions for 401 KAR Chapter 63;" and 401 KAR 65:001, "Definitions for 401 KAR Chapter 65." Changes to each of these regulations are included as part of the December 2006 SIP revision now being approved into the Kentucky SIP.

## II. Background

Tropospheric ozone, commonly known as smog, occurs when VOCs and nitrogen oxides (NO<sub>x</sub>) react in the atmosphere. Because of the harmful health effects of ozone, EPA limits the amount of VOCs and NO<sub>x</sub> that can be released into the atmosphere. VOCs are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate) which form ozone through atmospheric photochemical reactions. Compounds of carbon (or organic compounds) have different levels of reactivity; they do not react at the same speed, or do not form ozone to the same extent.

Consistent with EPA policy, compounds of carbon with a negligible level of reactivity need not be regulated to reduce ozone (see, 42 FR 35314, July 8, 1977). EPA determines whether a given carbon compound has "negligible" reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA lists these negligibly reactive compounds in its regulations at 40 CFR 51.100(s), and excludes them from the definition of VOCs. The chemicals on this list are often called "negligibly reactive." EPA may periodically revise the list of negligibly reactive compounds to add to or delete compounds from the list.

On December 14, 2006, Kentucky submitted a SIP revision including changes to its regulations in response to changes made by EPA to the list of negligibly reactive compounds. Kentucky's SIP revision, including the changes to its definition of VOCs, is consistent with federal regulations and is approvable pursuant to section 110 of the Clean Air Act.

## III. Final Action

EPA is approving revisions to the Kentucky SIP submitted by Kentucky on December 14, 2006, to include changes made to Kentucky's regulations regarding the definition of VOCs, which are part of the Commonwealth's strategy to attain and maintain the National Ambient Air Quality Standards. These changes are consistent with the Clean Air Act.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse

comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 13, 2007 without further notice unless the Agency receives adverse comments by October 15, 2007.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 13, 2007 and no further action will be taken on the proposed rule.

*Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.*

## IV. 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). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

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 action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. 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 economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the Commonwealth to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. 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. 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.*).

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. 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See, section 307(b)(2).)

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

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 27, 2007.

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

*Acting Regional Administrator, Region 4.*

■ 40 CFR part 52 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 S—Kentucky**

■ 2. Section 52.920(c) Table 1 is amended by revising entries for “401 KAR 50:010”, “401 KAR 51:001”, “401 KAR 52:001”, “401 KAR 59:001”, “401 KAR 61:001”, “401 KAR 63:001” and “401 KAR 65:001” to read as follows:

**§ 52.920 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED KENTUCKY REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Chapter 50 Division for Air Quality: General Administrative Procedures</b>				
* 401 KAR 50:010	* Definitions and abbreviations of terms used in Title 401 Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65.	* 11/8/06	* 9/13/07, [Insert citation of publication].	* *
<b>Chapter 51 Attainment and Maintenance of the National Ambient Air Quality Standards</b>				
* 401 KAR 51:001	* Definitions for 401 KAR Chapter 51	* 11/8/06	* 9/13/07, [Insert citation of publication].	* *
<b>Chapter 52 Permits, Registrations, and Prohibitory Rules</b>				
* 401 KAR 52:001	* Definitions for 401 KAR Chapter 52	* 11/18/06	* 9/13/07, [Insert citation of publication].	* *
<b>Chapter 59 New Source Standards</b>				
* 401 KAR 59:001	* Definitions for abbreviations of terms used in the Title 401, Chapter 59.	* 11/18/06	* 9/13/07, [Insert citation of publication].	* *
<b>Chapter 61 Existing Source Standards</b>				
* 401 KAR 61:001	* Definitions and abbreviations of terms used in the Title 401, Chapter 61.	* 11/18/06		* *
<b>Chapter 63 General Standards of Performance</b>				
* 401 KAR 63:001	* Definitions and abbreviations of terms used in 401 KAR Chapter 63.	* 11/18/06	* 9/13/07, [Insert citation of publication].	* *
<b>Chapter 65 Mobile Source-Related Emissions</b>				
* 401 KAR 65:001	* Definitions and abbreviations of terms used in 401 KAR Chapter 65.	* 11/18/06	* 9/13/07, [Insert citation of publication].	

## EPA-APPROVED KENTUCKY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation	
*	*	*	*	*	*
[FR Doc. E7-17628 Filed 9-12-07; 8:45 am] BILLING CODE 6560-50-P	<b>SUPPLEMENTARY INFORMATION:</b>				
<b>ENVIRONMENTAL PROTECTION AGENCY</b>	<b>I. Background</b>			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 action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. 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 approves a state rule implementing a Federal standard.	
<b>40 CFR Part 52</b>	On July 3, 2007 (72 FR 36402), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval of Delaware's regulation for crude oil lightening operations (Regulation No. 1124, Section 46). The formal SIP revision was submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on May 2, 2007. Requirements of Delaware's regulation and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.				
<b>[EPA-R03-OAR-2007-0451; FRL-8465-9]</b>	<b>II. Final Action</b>				
<b>Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of VOC Emissions From Crude Oil Lightening Operations</b>	EPA is approving Regulation No. 1124, Section 46—Crude Oil Lightening Operations, as a revision to the Delaware SIP. This SIP revision was submitted on May 2, 2007.				
<b>AGENCY:</b> Environmental Protection Agency (EPA).	<b>III. Statutory and Executive Order Reviews</b>				
<b>ACTION:</b> Final rule.	<b>A. General Requirements</b>				
<b>SUMMARY:</b> EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. This SIP revision pertains to the control of volatile organic compound (VOC) emissions from crude oil lightening operations. EPA is approving this SIP revision in accordance with the Clean Air Act.	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). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 <i>et seq.</i> ). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have tribal implications because it will				
<b>DATES:</b> <i>Effective Date:</i> This final rule is effective on October 15, 2007.					
<b>ADDRESSES:</b> EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2007-0451. All documents in the docket are listed in the <a href="http://www.regulations.gov">www.regulations.gov</a> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <a href="http://www.regulations.gov">www.regulations.gov</a> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.					
<b>FOR FURTHER INFORMATION CONTACT:</b> Rose Quinto, (215) 814-2182, or by e-mail at <a href="mailto:quinto.rose@epa.gov">quinto.rose@epa.gov</a> .					
	In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 <i>et seq.</i> ).				
	<b>B. Submission to Congress and the Comptroller General</b>				
	The Congressional Review Act, 5 U.S.C. 801 <i>et seq.</i> , as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the				